



# Virginia Register of Regulations

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# THE VIRGINIA REGISTER INFORMATION PAGE

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**THE VIRGINIA REGISTER OF REGULATIONS** is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

## **ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS**

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission of Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date

specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

## **FAST-TRACK RULEMAKING PROCESS**

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

## **EMERGENCY REGULATIONS**

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

## **STATEMENT**

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

## **CITATION TO THE VIRGINIA REGISTER**

The *Virginia Register* is cited by volume, issue, page number, and date. **18:23 VA.R. 2997-3011 July 29, 2002**, refers to Volume 18, Issue 23, pages 2997 through 3011 of the *Virginia Register* issued on July 29, 2002.

*The Virginia Register of Regulations* is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **R. Steven Landes**, Chairman; **John S. Edwards**, Vice Chairman; **Ryan T. McDougle**; **Robert Hurt**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **James F. Almand**; **S. Bernard Goodwyn**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **June T. Chandler**, Assistant Registrar.

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# PUBLICATION SCHEDULE AND DEADLINES

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This schedule is available on the *Register's* Internet home page (<http://register.state.va.us>).

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## October 2006 through August 2007

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
<b>FINAL INDEX - Volume 22</b>		<b>October 2006</b>
23:3	September 27, 2006	October 16, 2006
23:4	October 11, 2006	October 30, 2006
23:5	October 25, 2006	November 13, 2006
23:6	November 8, 2006	November 27, 2006
23:7	November 21, 2006 ( <b>Tuesday</b> )	December 11, 2006
<b>INDEX 1 Volume 23</b>		<b>January 2007</b>
23:8	December 6, 2006	December 25, 2006
23:9	December 19, 2006 ( <b>Tuesday</b> )	January 8, 2007
23:10	January 3, 2007	January 22, 2007
23:11	January 17, 2007	February 5, 2007
23:12	January 31, 2007	February 19, 2007
23:13	February 14, 2007	March 5, 2007
23:14	February 28, 2007	March 19, 2007
<b>INDEX 2 Volume 23</b>		<b>April 2007</b>
23:15	March 14, 2007	April 2, 2007
23:16	March 28, 2007	April 16, 2007
23:17	April 11, 2007	April 30, 2007
23:18	April 25, 2007	May 14, 2007
23:19	May 9, 2007	May 28, 2007
23:20	May 23, 2007	June 11, 2007
<b>INDEX 3 Volume 23</b>		<b>July 2007</b>
23:21	June 6, 2007	June 25, 2007
23:22	June 20, 2007	July 9, 2007
23:23	July 3, 2007 ( <b>Tuesday</b> )	July 23, 2007
23:24	July 18, 2007	August 6, 2007

\*Filing deadlines are Wednesdays unless otherwise specified.

# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2006 VAC Supplement includes final regulations published through *Virginia Register* Volume 22, Issue 6, dated January 9, 2006). Emergency regulations, if any, are listed, followed by the designation “emer,” and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 1. Administration</b>			
1 VAC 50-10-10 through 1 VAC 50-10-50	Repealed	22:26 VA.R. 4083	10/4/06
1 VAC 50-10-60 through 1 VAC 50-10-150	Added	22:26 VA.R. 4084-4085	10/4/06
1 VAC 50-20-1	Added	22:26 VA.R. 4085	10/4/06
1 VAC 50-20-5	Added	22:26 VA.R. 4085	10/4/06
1 VAC 50-20-10	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-20	Repealed	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-30	Repealed	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-40	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-50	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-60 through 1 VAC 50-20-90	Repealed	22:26 VA.R. 4086-4087	10/4/06
1 VAC 50-20-100	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-110	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-120	Repealed	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-130	Repealed	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-140	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-142	Added	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-150 through 1 VAC 50-20-180	Amended	22:26 VA.R. 4088	10/4/06
1 VAC 50-20-190 through 1 VAC 50-20-220	Repealed	22:26 VA.R. 4088	10/4/06
1 VAC 50-20-230	Amended	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-240	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-250	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-260	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-270	Amended	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-280	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-290	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-300	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-310	Amended	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-320	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-330	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-340	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-350	Amended	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-360	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-370	Repealed	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-380	Repealed	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-382	Added	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-384	Added	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-390	Amended	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-400 through 1 VAC 50-20-530	Repealed	22:26 VA.R. 4091-4093	10/4/06

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
1 VAC 50-20-540 through 1 VAC 50-20-600	Amended	22:26 VA.R. 4093-4098	10/4/06
1 VAC 50-20-601	Added	22:26 VA.R. 4098	10/4/06
1 VAC 50-20-605	Added	22:26 VA.R. 4099	10/4/06
1 VAC 50-20-610	Amended	22:26 VA.R. 4100	10/4/06
1 VAC 50-20-612	Added	22:26 VA.R. 4101	10/4/06
1 VAC 50-20-614	Added	22:26 VA.R. 4101	10/4/06
1 VAC 50-20-616	Added	22:26 VA.R. 4102	10/4/06
1 VAC 50-20-620 through 1 VAC 50-20-670	Amended	22:26 VA.R. 4102-4105	10/4/06
1 VAC 50-20-680	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 50-20-690	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 50-20-700	Repealed	22:26 VA.R. 4105	10/4/06
<b>Title 2. Agriculture</b>			
2 VAC 5-20-10 through 2 VAC 5-20-40	Amended	22:11 VA.R. 1761-1764	3/10/06
2 VAC 5-20-30	Erratum	22:13 VA.R. 2153	--
2 VAC 5-195-10 through 2 VAC 5-195-180	Added	22:25 VA.R. 3872-3876	8/21/06
2 VAC 5-210-10	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-20	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-30	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-41	Added	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-40	Repealed	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-50	Repealed	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-60	Amended	22:24 VA.R. 3581	7/19/06
2 VAC 5-330-30	Amended	22:24 VA.R. 3587	9/7/06
2 VAC 5-390-180	Amended	22:14 VA.R. 2201	2/27/06
2 VAC 20-40-10	Amended	22:26 VA.R. 4105	10/5/06
2 VAC 20-40-20	Amended	22:26 VA.R. 4106	10/5/06
2 VAC 20-40-40	Amended	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-60	Amended	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-65	Added	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-70 through 2 VAC 20-40-110	Amended	22:26 VA.R. 4107-4109	10/5/06
2 VAC 20-40-120	Repealed	22:26 VA.R. 4109	10/5/06
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 5-36-50	Erratum	22:14 VA.R. 2216	--
4 VAC 5-40-10 through 4 VAC 5-40-350	Repealed	22:21 VA.R. 2801-2804	7/26/06
4 VAC 5-60-10 through 4 VAC 5-60-170	Repealed	22:21 VA.R. 2805-2807	7/26/06
4 VAC 10-30-10 through 4 VAC 10-30-350	Added	22:21 VA.R. 2801-2804	7/26/06
4 VAC 10-40-10 through 4 VAC 10-40-170	Added	22:21 VA.R. 2805-2807	7/26/06
4 VAC 15-20-65	Added	22:22 VA.R. 3089	7/1/06
4 VAC 15-20-130	Amended	22:19 VA.R. 2599	7/1/06
4 VAC 15-20-160	Amended	22:19 VA.R. 2600	7/1/06
4 VAC 15-40-30	Amended	22:19 VA.R. 2601	7/1/06
4 VAC 15-40-200	Amended	22:19 VA.R. 2601	7/1/06
4 VAC 15-40-285	Added	22:19 VA.R. 2601	7/1/06
4 VAC 15-50-71	Amended	22:19 VA.R. 2601	7/1/06
4 VAC 15-50-110	Amended	22:19 VA.R. 2602	7/1/06
4 VAC 15-50-120	Amended	22:19 VA.R. 2602	7/1/06
4 VAC 15-70-10	Amended	22:19 VA.R. 2602	7/1/06
4 VAC 15-70-60	Added	22:19 VA.R. 2602	7/1/06
4 VAC 15-90-22	Added	22:19 VA.R. 2603	7/1/06
4 VAC 15-90-70	Amended	22:19 VA.R. 2603	7/1/06

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 15-90-80	Amended	22:19 VA.R. 2604	7/1/06
4 VAC 15-90-80	Amended	22:22 VA.R. 3091	7/1/06
4 VAC 15-90-90	Amended	22:19 VA.R. 2605	7/1/06
4 VAC 15-90-91	Added	22:19 VA.R. 2605	7/1/06
4 VAC 15-90-100 through 4 VAC 15-90-121	Repealed	22:19 VA.R. 2608-2609	7/1/06
4 VAC 15-90-141	Repealed	22:19 VA.R. 2609	7/1/06
4 VAC 15-90-160	Repealed	22:19 VA.R. 2609	7/1/06
4 VAC 15-90-170	Repealed	22:19 VA.R. 2609	7/1/06
4 VAC 15-90-190 through 4 VAC 15-90-220	Repealed	22:19 VA.R. 2609-2610	7/1/06
4 VAC 15-90-291	Added	22:19 VA.R. 2610	7/1/06
4 VAC 15-90-292	Added	22:19 VA.R. 2610	7/1/06
4 VAC 15-110-20	Amended	22:19 VA.R. 2613	7/1/06
4 VAC 15-120-10	Amended	22:19 VA.R. 2614	7/1/06
4 VAC 15-170-21	Added	22:19 VA.R. 2614	7/1/06
4 VAC 15-190-10	Amended	22:19 VA.R. 2614	7/1/06
4 VAC 15-200-10	Amended	22:19 VA.R. 2614	7/1/06
4 VAC 15-210-10 and 4 VAC 15-210-20	Amended	22:19 VA.R. 2615	7/1/06
4 VAC 15-230-21	Added	22:19 VA.R. 2615	7/1/06
4 VAC 15-230-40	Repealed	22:19 VA.R. 2615	7/1/06
4 VAC 15-230-61	Added	22:19 VA.R. 2616	7/1/06
4 VAC 15-240-10	Amended	22:19 VA.R. 2616	7/1/06
4 VAC 15-240-20	Amended	22:19 VA.R. 2616	7/1/06
4 VAC 15-240-31	Amended	22:19 VA.R. 2616	7/1/06
4 VAC 15-320-25	Amended	22:19 VA.R. 2617	7/1/06
4 VAC 15-320-100	Amended	22:16 VA.R. 2370	5/17/06
4 VAC 15-330-50	Amended	22:19 VA.R. 2623	7/1/06
4 VAC 15-330-140	Amended	22:19 VA.R. 2623	7/1/06
4 VAC 15-330-160	Amended	22:19 VA.R. 2623	7/1/06
4 VAC 15-340-10	Amended	22:19 VA.R. 2624	7/1/06
4 VAC 15-340-30	Amended	22:19 VA.R. 2624	7/1/06
4 VAC 15-340-40	Amended	22:19 VA.R. 2624	7/1/06
4 VAC 15-360-10	Amended	22:19 VA.R. 2625	7/1/06
4 VAC 15-360-30	Amended	22:19 VA.R. 2626	7/1/06
4 VAC 15-360-70	Added	22:19 VA.R. 2626	7/1/06
4 VAC 20-20-20	Amended	22:10 VA.R. 1551	12/22/05
4 VAC 20-20-50	Amended	22:10 VA.R. 1551	12/22/05
4 VAC 20-20-50 emer	Amended	22:10 VA.R. 1682	12/28/05-1/27/06
4 VAC 20-20-50	Amended	22:12 VA.R. 2033	1/27/06
4 VAC 20-150-10 emer	Amended	22:20 VA.R. 2716	5/29/06-6/28/06
4 VAC 20-150-70 emer	Amended	22:20 VA.R. 2716	5/29/06-6/28/06
4 VAC 20-150-70	Amended	22:23 VA.R. 3277	6/28/06
4 VAC 20-252-30	Amended	22:23 VA.R. 3277	7/1/06
4 VAC 20-252-50	Amended	22:23 VA.R. 3278	7/1/06
4 VAC 20-252-55	Amended	22:15 VA.R. 2280	3/2/06
4 VAC 20-252-115	Added	22:23 VA.R. 3278	7/1/06
4 VAC 20-252-150	Amended	22:15 VA.R. 2280	3/2/06
4 VAC 20-450-30	Amended	22:20 VA.R. 2704	5/26/06
4 VAC 20-530-10	Amended	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-20	Amended	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-20 emer	Amended	22:14 VA.R. 2208	3/2/06-3/31/06
4 VAC 20-530-20	Amended	22:16 VA.R. 2371	3/31/06

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-530-23	Repealed	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-26	Repealed	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-29	Repealed	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-30	Amended	22:12 VA.R. 2034	1/27/06
4 VAC 20-530-30 emer	Amended	22:14 VA.R. 2208	3/2/06-3/31/06
4 VAC 20-530-30	Amended	22:16 VA.R. 2371	3/31/06
4 VAC 20-530-31	Added	22:12 VA.R. 2035	1/27/06
4 VAC 20-530-31 emer	Amended	22:14 VA.R. 2208	3/2/06-3/31/06
4 VAC 20-530-31	Amended	22:16 VA.R. 2371	3/31/06
4 VAC 20-530-32 emer	Added	22:14 VA.R. 2209	3/2/06-3/31/06
4 VAC 20-530-32	Added	22:16 VA.R. 2371	3/31/06
4 VAC 20-530-35	Repealed	22:12 VA.R. 2035	1/27/06
4 VAC 20-560-20 emer	Amended	22:16 VA.R. 2387	3/30/06-4/28/06
4 VAC 20-560-20	Amended	22:19 VA.R. 2626	4/28/06
4 VAC 20-560-40 emer	Amended	22:16 VA.R. 2388	3/30/06-4/28/06
4 VAC 20-560-40	Amended	22:19 VA.R. 2627	4/28/06
4 VAC 20-560-50 emer	Amended	22:16 VA.R. 2388	3/30/06-4/28/06
4 VAC 20-560-50	Amended	22:19 VA.R. 2628	4/28/06
4 VAC 20-566-30	Amended	22:25 VA.R. 3877	8/1/06
4 VAC 20-720-40	Amended	22:10 VA.R. 1552	1/1/06
4 VAC 20-720-40 emer	Amended	22:12 VA.R. 2043	2/1/06-2/28/06
4 VAC 20-720-50	Amended	22:10 VA.R. 1552	1/1/06
4 VAC 20-720-50 emer	Amended	22:12 VA.R. 2043	2/1/06-2/28/06
4 VAC 20-720-70	Amended	22:10 VA.R. 1553	1/1/06
4 VAC 20-720-75	Amended	22:10 VA.R. 1553	1/1/06
4 VAC 20-900-10 through 4 VAC 20-900-30	Amended	22:23 VA.R. 3279-3280	7/1/06
4 VAC 20-900-25	Amended	22:10 VA.R. 1553	12/22/05
4 VAC 20-900-30	Amended	22:10 VA.R. 1554	12/22/05
4 VAC 20-910-45	Amended	22:10 VA.R. 1555	12/30/05
4 VAC 20-950-47 emer	Amended	22:10 VA.R. 1682	1/1/06-1/30/06
4 VAC 20-950-47	Amended	22:12 VA.R. 2035	2/1/06
4 VAC 20-950-48 emer	Amended	22:10 VA.R. 1683	1/1/06-1/30/06
4 VAC 20-950-48	Amended	22:12 VA.R. 2035	2/1/06
4 VAC 20-1040-20	Amended	22:10 VA.R. 1555	1/1/06
4 VAC 20-1100-10 through 4 VAC 20-1100-30	Added	22:19 VA.R. 2628	7/1/06
4 VAC 25-31 (Forms)	Amended	22:16 VA.R. 2389	--
4 VAC 25-35 (Forms)	Amended	22:16 VA.R. 2389	--
4 VAC 25-40 (Forms)	Amended	22:16 VA.R. 2389	--
4 VAC 25-130 (Forms)	Amended	22:16 VA.R. 2390	--
4 VAC 25-130-816.11	Amended	22:24 VA.R. 3587	9/6/06
4 VAC 25-130-816.64	Amended	22:24 VA.R. 3588	9/6/06
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 20-120-80	Amended	22:20 VA.R. 2704	7/12/06
6 VAC 20-190-10 through 6 VAC 20-190-200	Repealed	22:10 VA.R. 1556-1559	2/22/06
6 VAC 20-210-10 through 6 VAC 20-210-110	Repealed	22:10 VA.R. 1561-1562	2/22/06
6 VAC 20-220-20 through 6 VAC 20-220-80	Repealed	22:10 VA.R. 1559-1560	2/22/06
6 VAC 20-240-10 through 6 VAC 20-240-120	Added	22:11 VA.R. 1764-1768	3/8/06
6 VAC 20-260-10 through 6 VAC 20-260-360 emer	Added	22:12 VA.R. 2044-2053	2/20/06-2/19/07
6 VAC 35-10-10 through 6 VAC 35-10-50	Amended	23:1 VA.R. 25-26	10/18/06
6 VAC 35-10-60	Repealed	23:1 VA.R. 26	10/18/06

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 35-10-70 through 100	Amended	23:1 VA.R. 26-27	10/18/06
6 VAC 35-10-105	Added	23:1 VA.R. 27	10/18/06
6 VAC 35-10-110	Amended	23:1 VA.R. 28	10/18/06
6 VAC 35-10-120 through 6 VAC 35-10-150	Added	23:1 VA.R. 28	10/18/06
6 VAC 35-10-120	Amended	23:1 VA.R. 28	10/18/06
6 VAC 40-10-10 through 6 VAC 40-10-90	Added	22:24 VA.R. 3746-3747	10/25/06
6 VAC 40-20-10 through 6 VAC 40-20-200	Added	22:10 VA.R. 1556-1559	2/22/06
6 VAC 40-20 (Forms)	Added	22:16 VA.R. 2392	--
6 VAC 40-30-10 through 6 VAC 40-30-80	Added	22:10 VA.R. 1559-1560	2/22/06
6 VAC 40-30-10	Amended	22:21 VA.R. 2807	7/26/06
6 VAC 40-30-20	Amended	22:21 VA.R. 2807	7/26/06
6 VAC 40-30-50	Amended	22:21 VA.R. 2807	7/26/06
6 VAC 40-40-10 through 6 VAC 40-40-110	Added	22:10 VA.R. 1561-1562	2/22/06
6 VAC 40-50-10 through 6 VAC 40-50-80 emer	Added	22:23 VA.R. 3406-3407	7/1/06-6/30/07
<b>Title 8. Education</b>			
8 VAC 20-131-5	Added	22:24 VA.R. 3589	9/7/06
8 VAC 20-131-10	Amended	22:24 VA.R. 3590	9/7/06
8 VAC 20-131-20	Amended	22:24 VA.R. 3591	9/7/06
8 VAC 20-131-30	Amended	22:24 VA.R. 3591	9/7/06
8 VAC 20-131-40	Repealed	22:24 VA.R. 3592	9/7/06
8 VAC 20-131-50 through 8 VAC 20-131-110	Amended	22:24 VA.R. 3592-3598	9/7/06
8 VAC 20-131-140	Amended	22:24 VA.R. 3598	9/7/06
8 VAC 20-131-150	Amended	22:24 VA.R. 3598	9/7/06
8 VAC 20-131-160	Repealed	22:24 VA.R. 3599	9/7/06
8 VAC 20-131-170 through 8 VAC 20-131-210	Amended	22:24 VA.R. 3599-3600	9/7/06
8 VAC 20-131-240	Amended	22:24 VA.R. 3600	9/7/06
8 VAC 20-131-260 through 8 VAC 20-131-310	Amended	22:24 VA.R. 3601-3607	9/7/06
8 VAC 20-131-315	Added	22:24 VA.R. 3607	9/7/06
8 VAC 20-131-320	Repealed	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-325	Amended	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-330	Repealed	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-340	Amended	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-350	Added	22:24 VA.R. 3609	9/7/06
8 VAC 20-131-360	Added	22:24 VA.R. 3609	9/7/06
8 VAC 20-131, Appendix I	Repealed	22:24 VA.R. 3609	9/7/06
8 VAC 20-520-10	Repealed	22:21 VA.R. 2922	9/15/06
8 VAC 20-521-10 through 8 VAC 20-521-60	Added	22:21 VA.R. 2922-2924	9/15/06
8 VAC 20-521-30	Amended	22:26 VA.R. 4110	10/4/06
8 VAC 20-660-10 through 8 VAC 20-660-40	Added	22:22 VA.R. 3092-3094	8/23/06
8 VAC 40-30	Repealed	22:23 VA.R. 3281	8/24/06
8 VAC 40-31-10 through 8 VAC 40-31-320	Added	22:23 VA.R. 3281-3298	8/24/06
<b>Title 9. Environment</b>			
9 VAC 5-20-21	Amended	22:26 VA.R. 4111	10/4/06
9 VAC 5-20-203	Amended	22:23 VA.R. 3299	9/1/06
9 VAC 5-20-204	Amended	22:23 VA.R. 3299	9/1/06
9 VAC 5-20-206	Amended	22:26 VA.R. 4114	10/4/06
9 VAC 5-40-300	Amended	22:26 VA.R. 4115	10/4/06
9 VAC 5-40-5060	Amended	22:26 VA.R. 4115	10/4/06
9 VAC 5-40-5200	Amended	22:26 VA.R. 4116	10/4/06
9 VAC 5-40-5600	Amended	23:1 VA.R. 29	10/18/06
9 VAC 5-40-5610	Amended	23:1 VA.R. 29	10/18/06



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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-40-5620	Amended	23:1 VA.R. 31	10/18/06
9 VAC 5-40-5630	Amended	23:1 VA.R. 31	10/18/06
9 VAC 5-40-5631	Amended	23:1 VA.R. 33	10/18/06
9 VAC 5-40-5641	Amended	23:1 VA.R. 33	10/18/06
9 VAC 5-40-5700	Amended	22:26 VA.R. 4116	10/4/06
9 VAC 5-40-5720	Amended	22:26 VA.R. 4117	10/4/06
9 VAC 5-40-5750	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-6970	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-7050	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-7120	Amended	22:26 VA.R. 4119	10/4/06
9 VAC 5-40-7130	Amended	22:26 VA.R. 4119	10/4/06
9 VAC 5-40-7140	Amended	22:26 VA.R. 4122	10/4/06
9 VAC 5-40-7210	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7240	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7250	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7260	Amended	22:26 VA.R. 4125	10/4/06
9 VAC 5-40-7270	Amended	22:26 VA.R. 4136	10/4/06
9 VAC 5-40-7300	Amended	22:26 VA.R. 4139	10/4/06
9 VAC 5-40-7330	Amended	22:26 VA.R. 4140	10/4/06
9 VAC 5-40-7360	Amended	22:26 VA.R. 4140	10/4/06
9 VAC 5-40-7800	Amended	22:26 VA.R. 4141	10/4/06
9 VAC 5-40-7880	Amended	22:26 VA.R. 4141	10/4/06
9 VAC 5-50-250	Amended	22:23 VA.R. 3301	9/1/06
9 VAC 5-50-270	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-50-280	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1100	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1110	Amended	22:23 VA.R. 3303	9/1/06
9 VAC 5-80-1310	Repealed	22:23 VA.R. 3308	9/1/06
9 VAC 5-80-1605	Added	22:23 VA.R. 3309	9/1/06
9 VAC 5-80-1615	Added	22:23 VA.R. 3310	9/1/06
9 VAC 5-80-1625	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1635	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1645	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1655	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1665	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1675	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1685	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1695	Added	22:23 VA.R. 3323	9/1/06
9 VAC 5-80-1700	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1705	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1710	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1715	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1720	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1725	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1730	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1735	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1740	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1745	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1750	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1755	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1760	Repealed	22:23 VA.R. 3325	9/1/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-80-1765	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1770	Repealed	22:23 VA.R. 3327	9/1/06
9 VAC 5-80-1775	Added	22:23 VA.R. 3327	9/1/06
9 VAC 5-80-1780	Repealed	22:23 VA.R. 3328	9/1/06
9 VAC 5-80-1785	Added	22:23 VA.R. 3328	9/1/06
9 VAC 5-80-1790	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1795	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1800	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1805	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1810	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1815	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1820	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1825	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1830	Repealed	22:23 VA.R. 3330	9/1/06
9 VAC 5-80-1835	Added	22:23 VA.R. 3330	9/1/06
9 VAC 5-80-1840	Repealed	22:23 VA.R. 3332	9/1/06
9 VAC 5-80-1845	Added	22:23 VA.R. 3332	9/1/06
9 VAC 5-80-1850	Repealed	22:23 VA.R. 3334	9/1/06
9 VAC 5-80-1855	Added	22:23 VA.R. 3334	9/1/06
9 VAC 5-80-1860	Repealed	22:23 VA.R. 3335	9/1/06
9 VAC 5-80-1865	Added	22:23 VA.R. 3335	9/1/06
9 VAC 5-80-1870 through 9 VAC 5-80-1920	Repealed	22:23 VA.R. 3340	9/1/06
9 VAC 5-80-1925	Added	22:23 VA.R. 3340	9/1/06
9 VAC 5-80-1930	Repealed	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1935	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1940	Repealed	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1945	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1950	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1955	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1960	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1965	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1970	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1975	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1985	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-1995	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-2000 through 9 VAC 5-80-2020	Amended	22:23 VA.R. 3343-3355	9/1/06
9 VAC 5-80-2040 through 9 VAC 5-80-2070	Amended	22:23 VA.R. 3355-3358	9/1/06
9 VAC 5-80-2090	Amended	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2091	Added	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2110 through 9 VAC 5-80-2140	Amended	22:23 VA.R. 3359-3362	9/1/06
9 VAC 5-80-2141 through 9 VAC 5-80-2143	Added	22:23 VA.R. 3362-3366	9/1/06
9 VAC 5-80-2144	Added	22:23 VA.R. 3367	9/1/06
9 VAC 5-80-2180	Amended	22:23 VA.R. 3372	9/1/06
9 VAC 5-80-2200 through 9 VAC 5-80-2240	Amended	22:23 VA.R. 3373-3375	9/1/06
9 VAC 20-60-18	Amended	22:23 VA.R. 3375	8/23/06
9 VAC 20-170-70	Amended	22:21 VA.R. 2808	7/26/06
9 VAC 25-31-10	Amended	22:24 VA.R. 3610	9/6/06
9 VAC 25-31-30	Amended	22:24 VA.R. 3619	9/6/06
9 VAC 25-31-80	Amended	22:24 VA.R. 3620	9/6/06
9 VAC 25-31-100	Amended	22:24 VA.R. 3620	9/6/06
9 VAC 25-31-165	Added	22:24 VA.R. 3637	9/6/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-31-220	Amended	22:24 VA.R. 3651	9/6/06
9 VAC 25-31-290	Amended	22:24 VA.R. 3656	9/6/06
9 VAC 25-31-770	Amended	22:24 VA.R. 3657	9/6/06
9 VAC 25-31-780	Amended	22:24 VA.R. 3658	9/6/06
9 VAC 25-31-790	Amended	22:24 VA.R. 3662	9/6/06
9 VAC 25-31-800	Amended	22:24 VA.R. 3667	9/6/06
9 VAC 25-31-840	Amended	22:24 VA.R. 3670	9/6/06
9 VAC 25-31-870	Amended	22:24 VA.R. 3677	9/6/06
9 VAC 25-194-40	Amended	22:16 VA.R. 2372	5/17/06
9 VAC 25-194-70	Amended	22:16 VA.R. 2372	5/17/06
9 VAC 25-260-5	Amended	23:1 VA.R. 41	*
9 VAC 25-260-30	Amended	22:26 VA.R. 4142	*
9 VAC 25-260-30	Amended	23:1 VA.R. 38	*
9 VAC 25-260-50	Amended	23:1 VA.R. 42	*
9 VAC 25-260-187	Added	23:1 VA.R. 42	*
9 VAC 25-260-310	Amended	22:11 VA.R. 1768	1/12/06
9 VAC 25-260-310	Amended	23:1 VA.R. 44	*
9 VAC 25-260-410	Amended	22:11 VA.R. 1768	1/12/06
9 VAC 25-260-480	Amended	23:1 VA.R. 46	*
9 VAC 25-260-530	Amended	22:11 VA.R. 1768	1/12/06
9 VAC 25-660-10	Erratum	22:12 VA.R. 2063	--
9 VAC 25-660-10 through 9 VAC 25-660-100	Amended	22:21 VA.R. 2809-2824	8/1/06
9 VAC 25-660-60	Erratum	22:12 VA.R. 2063	--
9 VAC 25-660-70	Erratum	22:12 VA.R. 2063	--
9 VAC 25-660-90	Erratum	22:23 VA.R. 3424	--
9 VAC 25-660-95	Added	22:21 VA.R. 2817	8/1/06
9 VAC 25-670-10	Erratum	22:12 VA.R. 2063	--
9 VAC 25-670-10 through 9 VAC 25-670-100	Amended	22:21 VA.R. 2824-2845	8/1/06
9 VAC 25-670-70	Erratum	22:12 VA.R. 2063	--
9 VAC 25-670-95	Added	22:21 VA.R. 2833	8/1/06
9 VAC 25-670-100	Erratum	22:12 VA.R. 2063	--
9 VAC 25-680-10 through 9 VAC 25-680-100	Amended	22:21 VA.R. 2845-2866	8/1/06
9 VAC 25-680-70	Erratum	22:12 VA.R. 2063	--
9 VAC 25-680-70	Erratum	22:23 VA.R. 3424	--
9 VAC 25-680-80	Erratum	22:12 VA.R. 2063	--
9 VAC 25-680-90	Erratum	22:23 VA.R. 3424	--
9 VAC 25-680-95	Added	22:21 VA.R. 2854	8/1/06
9 VAC 25-680-100	Erratum	22:12 VA.R. 2063	--
9 VAC 25-690-10 through 9 VAC 25-690-100	Amended	22:21 VA.R. 2867-2889	8/1/06
9 VAC 25-690-30	Erratum	22:12 VA.R. 2063	--
9 VAC 25-690-50	Erratum	22:12 VA.R. 2063	--
9 VAC 25-690-70	Erratum	22:23 VA.R. 3424	--
9 VAC 25-690-95	Added	22:21 VA.R. 2876	8/1/06
9 VAC 25-690-100	Erratum	22:12 VA.R. 2063	--
9 VAC 25-720-60	Erratum	22:12 VA.R. 2064	--
9 VAC 25-720-110	Amended	22:16 VA.R. 2378	5/17/06
9 VAC 25-720-120	Erratum	22:12 VA.R. 2064	--
9 VAC 25-780-30	Amended	22:21 VA.R. 2889	7/26/06
9 VAC 25-820-10 through 9 VAC 25-820-70	Added	23:2 VA.R. 231-251	11/1/06

\* Upon filing notice of EPA approval with the Registrar of Regulations.

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-160-10	Amended	22:18 VA.R. 2514	9/1/06
10 VAC 5-160-20	Amended	22:18 VA.R. 2514	9/1/06
10 VAC 5-160-30	Amended	22:18 VA.R. 2515	9/1/06
10 VAC 5-160-60	Added	22:18 VA.R. 2516	9/1/06
10 VAC 5-200-80	Amended	22:11 VA.R. 1769	3/1/06
<b>Title 11. Gaming</b>			
11 VAC 5-20-200	Amended	22:25 VA.R. 3907	11/6/06
11 VAC 5-20-210 through 11 VAC 5-20-520	Repealed	22:25 VA.R. 3907-3914	11/6/06
11 VAC 10-20-240	Amended	22:11 VA.R. 1771	3/8/06
11 VAC 10-20-260	Amended	22:15 VA.R. 2281	3/7/06
11 VAC 10-70-20	Amended	22:20 VA.R. 2705	5/19/06-9/4/06
11 VAC 10-70-20	Amended	22:25 VA.R. 3916	11/4/06
11 VAC 10-70-20	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-30	Amended	22:20 VA.R. 2706	5/19/06-9/4/06
11 VAC 10-70-30	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-30	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-40	Amended	22:20 VA.R. 2706	5/19/06-9/4/06
11 VAC 10-70-40	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-40	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-50	Repealed	22:20 VA.R. 2706	5/19/06-9/4/06
11 VAC 10-70-50	Repealed	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-50	Repealed	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-60	Amended	22:20 VA.R. 2706	5/19/06-9/4/06
11 VAC 10-70-60 through 11 VAC 10-70-90	Amended	22:25 VA.R. 3917-3918	11/4/06
11 VAC 10-70-60	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-70	Amended	22:20 VA.R. 2707	5/19/06-9/4/06
11 VAC 10-70-70	Amended	22:26 VA.R. 4145	9/4/06-11/3/06
11 VAC 10-70-80	Amended	22:20 VA.R. 2707	5/19/06-9/4/06
11 VAC 10-70-80	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-90	Amended	22:20 VA.R. 2707	5/19/06-9/4/06
11 VAC 10-70-90	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-170	Amended	22:20 VA.R. 2708	5/19/06-9/4/06
11 VAC 10-70-170	Amended	22:25 VA.R. 3918	11/4/06
11 VAC 10-70-170	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-10	Amended	22:20 VA.R. 2708	5/19/06-9/4/06
11 VAC 10-90-10	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-10	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-30	Amended	22:20 VA.R. 2708	5/19/06-9/4/06
11 VAC 10-90-30	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-30	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-50	Amended	22:20 VA.R. 2708	5/19/06-9/4/06
11 VAC 10-90-50	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-50	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 15-22-10 through 11 VAC 15-22-80	Amended	22:22 VA.R. 3095-3104	8/9/06
11 VAC 15-22-110	Amended	22:22 VA.R. 3104	8/9/06
11 VAC 15-22-120	Amended	22:22 VA.R. 3105	8/9/06
11 VAC 15-31-10 through 11 VAC 15-31-60	Amended	22:22 VA.R. 3106-3112	8/9/06
<b>Title 12. Health</b>			
12 VAC 5-480-10 through 12 VAC 5-480-8920	Repealed	22:25 VA.R. 3877	9/20/06

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-481-10 through 12 VAC 5-481-3670	Added	22:25 VA.R. 3877	9/20/06
12 VAC 5-590-10	Amended	22:24 VA.R. 3677	9/6/06
12 VAC 5-590-370	Amended	22:15 VA.R. 2282	5/3/06
12 VAC 5-590-370	Amended	22:24 VA.R. 3683	9/6/06
12 VAC 5-590-400	Amended	22:15 VA.R. 2306	5/3/06
12 VAC 5-590-410	Amended	22:15 VA.R. 2307	5/3/06
12 VAC 5-590-410	Amended	22:24 VA.R. 3708	9/6/06
12 VAC 5-590-440	Amended	22:15 VA.R. 2310	5/3/06
12 VAC 5-590-440	Amended	22:24 VA.R. 3711	9/6/06
12 VAC 5-590-505	Added	23:1 VA.R. 47	10/18/06
12 VAC 5-590-530	Amended	22:21 VA.R. 2890	7/26/06
12 VAC 5-590, Appendix B	Amended	22:15 VA.R. 2313	5/3/06
12 VAC 5-590, Appendix N	Amended	22:15 VA.R. 2313	5/3/06
12 VAC 5-590, Appendix N	Amended	22:24 VA.R. 3717	9/6/06
12 VAC 5-590-540	Amended	22:15 VA.R. 2313	5/3/06
12 VAC 5-590-545	Amended	22:24 VA.R. 3712	9/6/06
12 VAC 5-590-820	Amended	22:24 VA.R. 3717	9/6/06
12 VAC 30-40-10	Amended	22:23 VA.R. 3376	8/23/06
12 VAC 30-40-290	Amended	22:23 VA.R. 3377	8/23/06
12 VAC 30-40-300	Amended	22:23 VA.R. 3379	8/23/06
12 VAC 30-40-360	Added	22:23 VA.R. 3385	8/23/06
12 VAC 30-50-10	Amended	22:16 VA.R. 2382	7/3/06
12 VAC 30-50-120	Amended	22:16 VA.R. 2383	7/3/06
12 VAC 30-50-140	Amended	22:16 VA.R. 2383	7/3/06
12 VAC 30-50-150	Amended	22:16 VA.R. 2385	7/3/06
12 VAC 30-50-190	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-60-40	Amended	22:22 VA.R. 3112	8/9/06
12 VAC 30-60-350	Added	22:22 VA.R. 3112	8/9/06
12 VAC 30-70-221 emer	Amended	22:26 VA.R. 4183	9/4/06-9/3/07
12 VAC 30-70-291	Amended	22:23 VA.R. 3388	8/23/06
12 VAC 30-70-301	Amended	22:25 VA.R. 3921	11/6/06
12 VAC 30-70-425	Amended	22:23 VA.R. 3389	8/23/06
12 VAC 30-70-426	Repealed	22:23 VA.R. 3390	8/23/06
12 VAC 30-80-20	Amended	22:23 VA.R. 3390	8/23/06
12 VAC 30-80-30	Amended	22:23 VA.R. 3393	8/23/06
12 VAC 30-80-40	Amended	22:14 VA.R. 2202	5/1/06
12 VAC 30-80-190	Amended	22:14 VA.R. 2204	5/1/06
12 VAC 30-80-190 emer	Amended	22:14 VA.R. 2209	5/1/06-4/30/07
12 VAC 30-90-19	Amended	22:23 VA.R. 3395	8/23/06
12 VAC 30-90-41	Amended	22:22 VA.R. 3112	8/9/06
12 VAC 30-110-90	Amended	22:26 VA.R. 4168	11/20/06
12 VAC 30-110-370	Amended	22:26 VA.R. 4168	11/20/06
12 VAC 30-110-710	Amended	22:23 VA.R. 3385	8/23/06
12 VAC 30-110-960	Amended	22:23 VA.R. 3385	8/23/06
12 VAC 30-120-10 through 12 VAC 30-120-60	Repealed	22:10 VA.R. 1638	2/22/06
12 VAC 30-120-211	Amended	22:19 VA.R. 2629	6/28/06
12 VAC 30-120-213	Amended	22:19 VA.R. 2632	6/28/06
12 VAC 30-120-215	Amended	22:19 VA.R. 2633	6/28/06
12 VAC 30-120-215	Amended	22:24 VA.R. 3718	9/6/06
12 VAC 30-120-217	Amended	22:19 VA.R. 2637	6/28/06
12 VAC 30-120-219	Amended	22:19 VA.R. 2639	6/28/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-221	Amended	22:19 VA.R. 2640	6/28/06
12 VAC 30-120-223	Amended	22:19 VA.R. 2641	6/28/06
12 VAC 30-120-225	Amended	22:19 VA.R. 2643	6/28/06
12 VAC 30-120-227	Amended	22:19 VA.R. 2647	6/28/06
12 VAC 30-120-229	Amended	22:19 VA.R. 2648	6/28/06
12 VAC 30-120-231	Amended	22:19 VA.R. 2649	6/28/06
12 VAC 30-120-233	Amended	22:19 VA.R. 2650	6/28/06
12 VAC 30-120-237	Amended	22:19 VA.R. 2653	6/28/06
12 VAC 30-120-241	Amended	22:19 VA.R. 2654	6/28/06
12 VAC 30-120-243	Repealed	22:19 VA.R. 2656	6/28/06
12 VAC 30-120-245	Amended	22:19 VA.R. 2658	6/28/06
12 VAC 30-120-247	Amended	22:19 VA.R. 2658	6/28/06
12 VAC 30-120-249	Amended	22:19 VA.R. 2660	6/28/06
12 VAC 30-120-280	Amended	22:26 VA.R. 4170	11/20/06
12 VAC 30-120-290	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-310	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-320	Amended	22:26 VA.R. 4173	11/20/06
12 VAC 30-120-380	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-120-490 through 12 VAC 30-120-550	Repealed	22:10 VA.R. 1638	2/22/06
12 VAC 30-120-720	Amended	22:24 VA.R. 3721	9/6/06
12 VAC 30-120-900 through 12 VAC 30-120-980	Added	22:10 VA.R. 1638-1661	2/22/06
12 VAC 30-120-920	Amended	22:24 VA.R. 3724	9/6/06
12 VAC 30-141-10	Amended	22:26 VA.R. 4147	10/4/06
12 VAC 30-141-40	Amended	22:26 VA.R. 4149	10/4/06
12 VAC 30-141-100	Amended	22:26 VA.R. 4150	10/4/06
12 VAC 30-141-160	Amended	22:26 VA.R. 4151	10/4/06
12 VAC 30-141-170	Repealed	22:26 VA.R. 4152	10/4/06
12 VAC 30-141-175	Added	22:26 VA.R. 4153	10/4/06
12 VAC 30-141-200	Amended	22:23 VA.R. 3387	8/23/06
12 VAC 30-141-200	Amended	22:26 VA.R. 4155	10/4/06
12 VAC 30-141-500	Amended	22:16 VA.R. 2385	7/3/06
12 VAC 30-141-500	Amended	22:23 VA.R. 3387	8/23/06
12 VAC 30-150-40	Amended	22:25 VA.R. 3924	11/6/06
12 VAC 30-150-50	Amended	22:25 VA.R. 3925	11/6/06
12 VAC 30-150-70	Amended	22:25 VA.R. 3925	11/6/06
12 VAC 30-150-80	Amended	22:25 VA.R. 3926	11/6/06
12 VAC 30-150-90	Amended	22:25 VA.R. 3926	11/6/06
12 VAC 35-45-10	Amended	22:10 VA.R. 1684	12/30/05-12/29/06
12 VAC 35-45-70 emer	Amended	22:10 VA.R. 1685	12/30/05-12/29/06
12 VAC 35-45-80 emer	Amended	22:10 VA.R. 1685	12/30/05-12/29/06
12 VAC 35-45-210 emer	Added	22:10 VA.R. 1686	12/30/05-12/29/06
12 VAC 35-105-20 emer	Amended	22:10 VA.R. 1686	12/30/05-12/29/06
12 VAC 35-105-30 emer	Amended	22:10 VA.R. 1693	12/30/05-12/29/06
12 VAC 35-105-590 emer	Amended	22:10 VA.R. 1693	12/30/05-12/29/06
12 VAC 35-105-660 emer	Amended	22:10 VA.R. 1694	12/30/05-12/29/06
12 VAC 35-115-10 through 12 VAC 35-115-150	Amended	23:1 VA.R. 50-79	10/18/06
12 VAC 35-115-145	Added	23:1 VA.R. 76	10/18/06
12 VAC 35-115-146	Added	23:1 VA.R. 77	10/18/06
12 VAC 35-115-160	Repealed	23:1 VA.R. 79	10/18/06
12 VAC 35-115-170 through 12 VAC 35-115-250	Amended	23:1 VA.R. 79-91	10/18/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 13. Housing</b>			
13 VAC 5-51-132	Amended	22:20 V.A.R. 2709	7/12/06
13 VAC 5-63-40	Amended	22:20 V.A.R. 2710	7/12/06
13 VAC 5-63-480	Amended	22:20 V.A.R. 2712	7/12/06
13 VAC 6-20-10	Amended	22:10 V.A.R. 1679	4/12/06
13 VAC 6-20-80	Amended	22:10 V.A.R. 1680	4/12/06
13 VAC 6-20-120	Amended	22:10 V.A.R. 1680	4/12/06
13 VAC 6-20-350	Amended	22:10 V.A.R. 1680	4/12/06
<b>Title 14. Insurance</b>			
14 VAC 5-30-20	Erratum	22:24 V.A.R. 3755	--
14 VAC 5-30-80	Erratum	22:24 V.A.R. 3755	--
14 VAC 5-260 (Forms)	Amended	22:22 V.A.R. 3140	--
14 VAC 5-260 (Forms)	Erratum	22:24 V.A.R. 3756	--
14 VAC 5-260-10	Amended	23:2 V.A.R. 253	10/2/06
14 VAC 5-260-20	Repealed	23:2 V.A.R. 253	10/2/06
14 VAC 5-260-30 through 14 VAC 5-260-60	Amended	23:2 V.A.R. 253-257	10/2/06
14 VAC 5-260-80	Amended	23:2 V.A.R. 257	10/2/06
14 VAC 5-260-90	Amended	23:2 V.A.R. 257	10/2/06
14 VAC 5-260-110	Added	23:2 V.A.R. 258	10/2/06
<b>Title 16. Labor and Employment</b>			
16 VAC 25-60-10	Amended	22:25 V.A.R. 3878	9/21/06
16 VAC 25-60-30	Amended	22:25 V.A.R. 3879	9/21/06
16 VAC 25-60-40	Amended	22:25 V.A.R. 3879	9/21/06
16 VAC 25-60-80	Amended	22:25 V.A.R. 3879	9/21/06
16 VAC 25-60-90	Amended	22:25 V.A.R. 3880	9/21/06
16 VAC 25-60-100	Amended	22:25 V.A.R. 3881	9/21/06
16 VAC 25-60-120 through 16 VAC 25-60-150	Amended	22:25 V.A.R. 3882-3883	9/21/06
16 VAC 25-60-190	Amended	22:25 V.A.R. 3883	9/21/06
16 VAC 25-60-260	Amended	22:25 V.A.R. 3884	9/21/06
16 VAC 25-60-300	Amended	22:25 V.A.R. 3885	9/21/06
16 VAC 25-60-320	Amended	22:25 V.A.R. 3885	9/21/06
16 VAC 25-60-340	Amended	22:25 V.A.R. 3886	9/21/06
16 VAC 25-90-1910.6	Amended	22:18 V.A.R. 2518	6/15/06
16 VAC 25-90-1910.95	Amended	22:23 V.A.R. 3396	9/1/06
16 VAC 25-90-1910.106	Amended	22:18 V.A.R. 2518	6/15/06
16 VAC 25-90-1910.134	Amended	22:23 V.A.R. 3396	9/1/06
16 VAC 25-90-1910.142	Amended	22:18 V.A.R. 2518	6/15/06
16 VAC 25-90-1910.178	Amended	22:18 V.A.R. 2517	6/15/06
16 VAC 25-90-1910.178	Amended	22:23 V.A.R. 3396	9/1/06
16 VAC 25-90-1910.243	Amended	22:18 V.A.R. 2518	6/15/06
16 VAC 25-90-1910.254	Amended	22:18 V.A.R. 2518	6/15/06
16 VAC 25-90-1910.265	Amended	22:18 V.A.R. 2518	6/15/06
16 VAC 25-90-1910.266	Amended	22:23 V.A.R. 3396	9/1/06
16 VAC 25-90-1910.441	Repealed	22:23 V.A.R. 3396	9/1/06
16 VAC 25-90-1910.1000	Amended	22:18 V.A.R. 2519	6/15/06
16 VAC 25-90-1910.1000	Amended	22:23 V.A.R. 3396	9/1/06
16 VAC 25-90-1910.1001	Amended	22:23 V.A.R. 3396	9/1/06
16 VAC 25-90-1910.1017	Amended	22:23 V.A.R. 3396	9/1/06
16 VAC 25-90-1910.1018	Amended	22:23 V.A.R. 3396	9/1/06
16 VAC 25-90-1910.1020	Amended	22:23 V.A.R. 3396	9/1/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-90-1910.1025	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1026	Added	22:18 VA.R. 2519	6/15/06
16 VAC 25-90-1910.1027	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1028	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1029	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1030	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1043	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1045	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1047	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1048	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1050	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1051	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1052	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1450	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-100-1915.1000	Amended	22:18 VA.R. 2519	6/15/06
16 VAC 25-100-1915.1001	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-100-1915.1026	Added	22:18 VA.R. 2519	6/15/06
16 VAC 25-120-1917.1	Amended	22:18 VA.R. 2519	6/15/06
16 VAC 25-130-1918.1	Amended	22:18 VA.R. 2519	6/15/06
16 VAC 25-175-1926, Appendix B of Subpart R	Amended	22:18 VA.R. 2520	6/15/06
16 VAC 25-175-1926, Appendix A to Subpart W	Added	22:18 VA.R. 2520	6/15/06
16 VAC 25-175-1926.55	Added	22:18 VA.R. 2519	6/15/06
16 VAC 25-175-1926.60	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.62	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.754	Amended	22:18 VA.R. 2520	6/15/06
16 VAC 25-175-1926.754	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1002	Amended	22:18 VA.R. 2520	6/15/06
16 VAC 25-175-1926.1003	Amended	22:18 VA.R. 2520	6/15/06
16 VAC 25-175-1926.1092	Repealed	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1101	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1126	Added	22:18 VA.R. 2519	6/15/06
16 VAC 25-175-1926.1127	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-190-1928, Appendix B to Subpart C	Added	22:18 VA.R. 2520	6/15/06
16 VAC 25-190-1928.51	Amended	22:18 VA.R. 2520	6/15/06
16 VAC 25-190-1928.52	Added	22:18 VA.R. 2520	6/15/06
16 VAC 25-190-1928.53, Appendix B to Subpart C	Added	22:18 VA.R. 2520	6/15/06
<b>Title 17. Libraries and Cultural Resources</b>			
17 VAC 10-30-10 through 17 VAC 10-30-160	Added	22:13 VA.R. 2132-2140	4/5/06
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 5-21-10 through 18 VAC 5-21-40	Amended	22:22 VA.R. 3113-3118	8/9/06
18 VAC 5-21-20	Amended	22:22 VA.R. 3136	9/23/06
18 VAC 5-21-170	Amended	22:22 VA.R. 3118	8/9/06
18 VAC 10-20-10	Amended	23:1 VA.R. 96	2/1/07
18 VAC 10-20-15	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-17	Added	23:1 VA.R. 97	2/1/07
18 VAC 10-20-20	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-25	Added	23:1 VA.R. 98	2/1/07
18 VAC 10-20-30	Repealed	23:1 VA.R. 98	2/1/07
18 VAC 10-20-60	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-35 through 18 VAC 10-20-55	Amended	23:1 VA.R. 98-99	2/1/07
18 VAC 10-20-70	Amended	23:1 VA.R. 99	2/1/07



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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 10-20-75	Amended	23:1 VA.R. 99	2/1/07
18 VAC 10-20-80	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-85	Added	23:1 VA.R. 99	2/1/07
18 VAC 10-20-90 through 18 VAC 10-20-420	Amended	23:1 VA.R. 99-110	2/1/07
18 VAC 10-20-440 through 18 VAC 10-20-560	Amended	23:1 VA.R. 110-113	2/1/07
18 VAC 10-20-565	Repealed	23:1 VA.R. 114	2/1/07
18 VAC 10-20-570 through 18 VAC 10-20-620	Amended	23:1 VA.R. 113-116	2/1/07
18 VAC 10-20-625	Repealed	23:1 VA.R. 116	2/1/07
18 VAC 10-20-630 through 18 VAC 10-20-660	Amended	23:1 VA.R. 116-117	2/1/07
18 VAC 10-20-665	Repealed	23:1 VA.R. 117	2/1/07
18 VAC 10-20-670 through 18 VAC 10-20-795	Amended	23:1 VA.R. 117-122	2/1/07
18 VAC 25-21-70	Amended	22:26 VA.R. 4155	11/1/06
18 VAC 25-21 (Forms)	Amended	22:26 VA.R. 4155	--
18 VAC 30-20-80	Amended	22:14 VA.R. 2205	4/19/06
18 VAC 30-20-80 emer	Amended	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 30-20-170 emer	Amended	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 30-20-171 emer	Added	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 41-30-10 through 18 VAC 41-30-250	Added	23:1 VA.R. 124-131	11/1/06
18 VAC 41-50-10 through 18 VAC 41-50-420	Added	22:25 VA.R. 3887-3900	10/1/06
18 VAC 50-22-40 emer	Amended	23:1 VA.R. 131	8/21/06-8/20/07
18 VAC 50-22-50 emer	Amended	23:1 VA.R. 132	8/21/06-8/20/07
18 VAC 50-22-60 emer	Amended	23:1 VA.R. 133	8/21/06-8/20/07
18 VAC 50-22-300 through 18 VAC 50-22-350 emer	Added	23:1 VA.R. 134	8/21/06-8/20/07
18 VAC 60-20-10	Amended	22:23 VA.R. 3397	8/23/06
18 VAC 60-20-20	Amended	22:23 VA.R. 3398	8/23/06
18 VAC 60-20-30	Amended	22:15 VA.R. 2320	5/3/06
18 VAC 60-20-71	Added	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-100	Amended	22:24 VA.R. 3749	10/23/06
18 VAC 60-20-105	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-106	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-108	Amended	22:26 VA.R. 4175	11/18/06
18 VAC 60-20-210	Amended	22:23 VA.R. 3400	8/23/06
18 VAC 60-20-230	Amended	22:23 VA.R. 3400	8/23/06
18 VAC 65-20-60	Amended	22:21 VA.R. 2897	7/26/06
18 VAC 65-20-110	Amended	22:12 VA.R. 2036	3/22/06
18 VAC 65-20-500	Amended	22:21 VA.R. 2897	7/26/06
18 VAC 65-20-580	Amended	22:21 VA.R. 2898	7/26/06
18 VAC 65-40-10	Amended	22:21 VA.R. 2898	7/26/06
18 VAC 65-40 (Forms)	Amended	22:21 VA.R. 2900	--
18 VAC 65-40-40	Amended	22:12 VA.R. 2036	3/22/06
18 VAC 65-40-40	Amended	22:21 VA.R. 2898	7/26/06
18 VAC 65-40-90	Amended	22:21 VA.R. 2898	7/26/06
18 VAC 65-40-110	Amended	22:21 VA.R. 2898	7/26/06
18 VAC 65-40-130	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-160	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-180	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-201	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-220	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-280	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-300	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-320	Amended	22:21 VA.R. 2899	7/26/06

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 65-40-330	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 65-40-340	Amended	22:21 VA.R. 2899	7/26/06
18 VAC 70-20 (Forms)	Amended	22:21 VA.R. 2911	--
18 VAC 70-20-10	Amended	22:21 VA.R. 2908	8/1/06
18 VAC 70-20-20	Repealed	22:21 VA.R. 2908	8/1/06
18 VAC 70-20-30	Amended	22:21 VA.R. 2908	8/1/06
18 VAC 70-20-30	Amended	22:26 VA.R. 4156	11/1/06
18 VAC 70-20-50 through 18 VAC 70-20-90	Amended	22:21 VA.R. 2908-2910	8/1/06
18 VAC 70-20-50	Amended	22:26 VA.R. 4156	11/1/06
18 VAC 70-20-105	Added	22:21 VA.R. 2911	8/1/06
18 VAC 70-20-110	Amended	22:21 VA.R. 2911	8/1/06
18 VAC 70-20-140	Amended	22:21 VA.R. 2911	8/1/06
18 VAC 70-20-150	Amended	22:21 VA.R. 2911	8/1/06
18 VAC 70-20 (Forms)	Amended	22:26 VA.R. 4156	--
18 VAC 76-10-20	Amended	22:22 VA.R. 3120	6/19/06
18 VAC 76-10-65	Amended	22:22 VA.R. 3120	6/19/06
18 VAC 76-20-10	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-20	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-30	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-50	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-60	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-70	Added	22:23 VA.R. 3403	8/23/06
18 VAC 85-10-10 through 18 VAC 85-10-110	Erratum	22:15 VA.R. 2324	--
18 VAC 85-20-22 emer	Amended	22:26 VA.R. 4187	9/1/06-8/31/07
18 VAC 85-20-122	Amended	22:26 VA.R. 4157	10/4/06
18 VAC 85-20-226 emer	Added	22:26 VA.R. 4188	9/1/06-8/31/07
18 VAC 85-20-330	Amended	22:25 VA.R. 3901	9/20/06
18 VAC 85-20-400 emer	Added	22:10 VA.R. 1695	12/21/05-12/20/06
18 VAC 85-20-410 emer	Added	22:10 VA.R. 1696	12/21/05-12/20/06
18 VAC 85-20-420 emer	Added	22:10 VA.R. 1696	12/21/05-12/20/06
18 VAC 85-40-35 emer	Amended	22:26 VA.R. 4189	9/1/06-8/31/07
18 VAC 85-40-67 emer	Added	22:26 VA.R. 4190	9/1/06-8/31/07
18 VAC 85-50-35 emer	Amended	22:26 VA.R. 4190	9/1/06-8/31/07
18 VAC 85-50-61 emer	Added	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-26 emer	Amended	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-73 emer	Added	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-101-25 emer	Amended	22:26 VA.R. 4192	9/1/06-8/31/07
18 VAC 85-101-153 emer	Added	22:26 VA.R. 4192	9/1/06-8/31/07
18 VAC 85-110-35 emer	Amended	22:26 VA.R. 4193	9/1/06-8/31/07
18 VAC 85-110-161 emer	Added	22:26 VA.R. 4193	9/1/06-8/31/07
18 VAC 85-130-10 through 18 VAC 85-130-170 emer	Added	22:10 VA.R. 1696-1700	12/21/05-12/20/06
18 VAC 90-20-30	Amended	22:12 VA.R. 2037	3/22/06
18 VAC 90-20-120	Amended	22:21 VA.R. 2915	7/26/06
18 VAC 90-25-80	Amended	22:12 VA.R. 2037	3/22/06
18 VAC 90-30-10 emer	Amended	22:26 VA.R. 4194	9/1/06-8/31/07
18 VAC 90-30-50	Amended	22:12 VA.R. 2038	3/22/06
18 VAC 90-30-80	Amended	22:26 VA.R. 4177	11/18/06
18 VAC 90-30-120 emer	Amended	22:26 VA.R. 4195	9/1/06-8/31/07
18 VAC 90-30-121 emer	Added	22:26 VA.R. 4195	9/1/06-8/31/07
18 VAC 90-40-70	Amended	22:12 VA.R. 2038	3/22/06
18 VAC 90-50-30	Amended	22:12 VA.R. 2038	3/22/06

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 95-20-130	Amended	22:13 VA.R. 2141	4/5/06
18 VAC 95-20-220	Amended	22:26 VA.R. 4157	10/4/06
18 VAC 95-20-221	Added	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-310	Amended	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-330	Amended	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-340	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-380	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-390	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 105-20-5	Amended	22:20 VA.R 2714	7/12/06
18 VAC 105-20-10	Amended	22:20 VA.R 2714	7/12/06
18 VAC 105-20-15	Amended	22:20 VA.R 2714	7/12/06
18 VAC 105-20-16	Amended	22:20 VA.R 2715	7/12/06
18 VAC 105-20-20	Amended	22:13 VA.R. 2141	4/5/06
18 VAC 105-20-20	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 110-20-20	Amended	22:15 VA.R. 2321	5/3/06
18 VAC 110-20-20	Erratum	22:16 VA.R. 2399	--
18 VAC 110-20-20	Amended	22:24 VA.R. 3726	9/6/06
18 VAC 110-20-20	Erratum	22:25 VA.R. 3935	--
18 VAC 110-20-70	Amended	22:24 VA.R. 3751	10/23/06
18 VAC 110-20-275	Amended	22:21 VA.R. 2926	9/10/06
18 VAC 110-20-630	Amended	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-640	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-660	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-670	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-710	Amended	22:21 VA.R. 2927	9/10/06
18 VAC 110-30-10	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-15	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-15	Amended	22:15 VA.R. 2322	5/3/06
18 VAC 110-30-15	Erratum	22:16 VA.R. 2399	--
18 VAC 110-30-20	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-30	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-35	Repealed	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-40	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-50	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-80	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-110	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-130	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-150	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-170 through 18 VAC 110-30-220	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-240	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-260	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-30-270	Amended	22:10 VA.R. 1662	2/22/06
18 VAC 110-50-10 through 18 VAC 110-50-150	Added	22:24 VA.R. 3729-3735	9/6/06
18 VAC 112-20-50	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 112-20-65	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 112-20-130	Amended	22:13 VA.R. 2141	4/5/06
18 VAC 112-20-150	Amended	22:13 VA.R. 2142	4/5/06
18 VAC 115-20-20	Amended	22:14 VA.R. 2206	4/19/06
18 VAC 115-20-106	Amended	22:12 VA.R. 2039	3/22/06
18 VAC 115-30-30	Amended	22:14 VA.R. 2206	4/19/06
18 VAC 115-40-20	Amended	22:14 VA.R. 2207	4/19/06

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 115-50-20	Amended	22:14 VA.R. 2207	4/19/06
18 VAC 115-50-96	Amended	22:12 VA.R. 2040	3/22/06
18 VAC 115-60-20	Amended	22:14 VA.R. 2207	4/19/06
18 VAC 115-60-116	Amended	22:12 VA.R. 2041	3/22/06
18 VAC 120-40-40	Amended	22:11 VA.R. 1779	4/23/06
18 VAC 120-40-50	Amended	22:11 VA.R. 1779	4/23/06
18 VAC 125-20-30	Amended	22:11 VA.R. 1772	3/8/06
18 VAC 125-30-20	Amended	22:11 VA.R. 1773	3/8/06
18 VAC 150-20-100	Amended	22:21 VA.R. 2916	7/26/06
18 VAC 155-20-10	Amended	22:26 VA.R. 4160	11/1/06
18 VAC 155-20-110	Amended	22:26 VA.R. 4161	11/1/06
18 VAC 155-20-120	Amended	22:26 VA.R. 4161	11/1/06
18 VAC 155-20-160	Amended	22:26 VA.R. 4162	11/1/06
18 VAC 155-20-220	Amended	22:26 VA.R. 4163	11/1/06
18 VAC 155-20-280	Amended	22:26 VA.R. 4166	11/1/06
18 VAC 155-20 (Forms)	Amended	22:26 VA.R. 4166	--
18 VAC 160-20-10	Amended	23:1 VA.R. 136	12/1/06
18 VAC 160-20-74	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-76	Amended	22:26 VA.R. 4179	12/1/06
18 VAC 160-20-90	Amended	22:26 VA.R. 4180	12/1/06
18 VAC 160-20-95	Added	23:1 VA.R. 137	12/1/06
18 VAC 160-20-104	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-106	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-109	Amended	23:1 VA.R. 138	12/1/06
18 VAC 160-20-140	Amended	23:1 VA.R. 139	12/1/06
<b>Title 19. Public Safety</b>			
19 VAC 30-20-40	Amended	22:10 VA.R. 1663	3/1/06
19 VAC 30-20-80	Amended	22:10 VA.R. 1663	3/1/06
19 VAC 30-20-205	Added	22:10 VA.R. 1663	3/1/06
19 VAC 30-20-220	Amended	22:10 VA.R. 1663	3/1/06
19 VAC 30-20-250	Amended	22:10 VA.R. 1663	3/1/06
<b>Title 20. Public Utilities and Telecommunications</b>			
20 VAC 5-313-10 through 20 VAC 5-313-40	Added	22:11 VA.R. 1775-1777	1/5/06
<b>Title 22. Social Services</b>			
22 VAC 40-35-10 emer	Amended	22:26 VA.R. 4196	9/1/06-8/31/07
22 VAC 40-35-80 emer	Amended	22:26 VA.R. 4198	9/1/06-8/31/07
22 VAC 40-35-90 emer	Amended	22:26 VA.R. 4198	9/1/06-8/31/07
22 VAC 40-35-100 emer	Amended	22:26 VA.R. 4199	9/1/06-8/31/07
22 VAC 40-72-789	Erratum	22:26 VA.R. 4207	--
22 VAC 40-72-1060	Erratum	22:26 VA.R. 4207	--
22 VAC 40-90-10 through 22 VAC 40-90-40	Amended	22:22 VA.R. 3121-3122	9/1/06
22 VAC 40-141-20	Amended	22:10 VA.R. 1664	2/22/06
22 VAC 40-141-30	Amended	22:10 VA.R. 1664	2/22/06
22 VAC 40-141-80 through 22 VAC 40-141-90	Amended	22:10 VA.R. 1664-1666	2/22/06
22 VAC 40-141-110 through 22 VAC 40-141-210	Amended	22:10 VA.R. 1666-1672	2/22/06
22 VAC 40-191-10	Amended	22:22 VA.R. 3123	9/1/06
22 VAC 40-191-20	Amended	22:22 VA.R. 3125	9/1/06
22 VAC 40-191-40 through 22 VAC 40-191-70	Amended	22:22 VA.R. 3126-3131	9/1/06
22 VAC 40-191-90	Amended	22:22 VA.R. 3131	9/1/06
22 VAC 40-191-100	Amended	22:22 VA.R. 3132	9/1/06

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-191-120	Amended	22:22 VA.R. 3132	9/1/06
22 VAC 40-191-130	Amended	22:22 VA.R. 3132	9/1/06
22 VAC 40-191-150	Amended	22:22 VA.R. 3132	9/1/06
22 VAC 40-325-10	Amended	22:25 VA.R. 3901	10/1/06
22 VAC 40-325-20	Amended	22:25 VA.R. 3902	10/1/06
22 VAC 40-330-10 through 22 VAC 40-330-30	Repealed	22:22 VA.R. 3136-3138	9/23/06
22 VAC 40-340-10	Repealed	22:22 VA.R. 3138	9/23/06
22 VAC 40-340-20	Repealed	22:22 VA.R. 3138	9/23/06
22 VAC 40-745-10 through 22 VAC 40-745-70	Amended	23:1 VA.R. 140-145	11/1/06
22 VAC 40-745-90	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-745-100	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-745-110	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-901-10	Amended	22:25 VA.R. 3903	10/1/06
22 VAC 40-901-40 through 22 VAC 40-901-90	Added	22:25 VA.R. 3903-3905	10/1/06
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 30-41 (Forms)	Amended	22:21 VA.R. 2921	--
24 VAC 30-41-220	Amended	22:21 VA.R. 2917	7/26/06
24 VAC 30-41-230	Amended	22:21 VA.R. 2917	7/26/06
24 VAC 30-41-290	Amended	22:21 VA.R. 2917	7/26/06
24 VAC 30-41-300	Amended	22:21 VA.R. 2918	7/26/06
24 VAC 30-41-310	Amended	22:21 VA.R. 2918	7/26/06
24 VAC 30-41-320	Amended	22:21 VA.R. 2918	7/26/06
24 VAC 30-41-430	Amended	22:21 VA.R. 2919	7/26/06
24 VAC 30-41-520	Amended	22:21 VA.R. 2920	7/26/06
24 VAC 30-41-650	Amended	22:21 VA.R. 2920	7/26/06
24 VAC 30-121-10 through 24 VAC 30-121-40	Added	22:10 VA.R. 1672-1676	2/22/06
24 VAC 30-271-10	Amended	23:2 VA.R. 259	11/1/06
24 VAC 30-271-20	Amended	23:2 VA.R. 259	11/1/06
24 VAC 30-400-10 through 24 VAC 30-400-40	Repealed	22:13 VA.R. 2142	2/14/06
24 VAC 30-401-10 through 24 VAC 30-401-40	Added	22:13 VA.R. 2142-2143	2/14/06
24 VAC 30-550	Repealed	22:24 VA.R. 3736	9/6/06
24 VAC 30-551-10 through 24 VAC 30-551-100	Added	22:24 VA.R. 3736-3744	9/6/06
24 VAC 30-600	Repealed	22:24 VA.R. 3736	9/6/06

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

† Indicates entries since last publication of the *Virginia Register*

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### DEPARTMENT OF CRIMINAL JUSTICE SERVICES

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Criminal Justice Services intends to consider amending regulations entitled **6 VAC 20-160, Rules Relating to the Court-Appointed Special Advocate Program (CASA)**. The purpose of the proposed action is to clarify the rule of the Court-Appointed Special Advocate (CASA) Advisory Council, improve training opportunities, increase support for staff and volunteers, and improve the recordkeeping of both program activities and the financial accountability of each location. The proposed revisions are intended to ensure that the regulations are in support of and consistent with the mission and goals of CASA programs across Virginia.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 9.1-151 and 9.1-153 of the Code of Virginia.

Public comments may be submitted until November 15, 2006.

**Contact:** Hope Hodgson, Program Assistant, Department of Criminal Justice Services, 202 N. 9th St., Richmond, VA 23219, telephone (804) 225-4331, FAX (804) 786-3414 or email hope.hodgson@dcjs.virginia.gov.

VA.R. Doc. No. R07-02; Filed September 26, 2006, 10:01 a.m.

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-196, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Cooling Water Discharges**. The purpose of the proposed action is to reissue, and amend as necessary, the existing VPDES general permit for point source discharges from noncontact cooling water.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 62.1-44.15 of the Code of Virginia and § 402 of the Clean Water Act (33 USC 1251 et seq.).

Public comments may be submitted until 5 p.m. on November 15, 2006.

**Contact:** Burton R. Tuxford, Department of Environmental Quality, P.O. Box 1105, 629 E. Main St., Richmond, VA 23218, telephone (804) 698-4086, FAX (804) 698-4032, or email brtuxford@deq.virginia.gov.

VA.R. Doc. No. R07-06; Filed September 27, 2006, 10:17 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to update the water quality standards based on new scientific information; improve permitting, monitoring and assessment programs; and fulfill the legal mandates for a three-year review of the standards.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 62.1-44.15 of the Code of Virginia; Clean Water Act (33 USC § 1251 et seq.); 40 CFR Part 131.

Public comments may be submitted until 5 p.m. on November 17, 2006.

**Contact:** Eleanore M. Daub, Department of Environmental Quality, P.O. Box 10009, 629 E. Main St., Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4116, or email emdaub@deq.virginia.gov.

VA.R. Doc. No. R06-344; Filed August 30, 2006, 8:18 a.m.

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## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider **repealing** regulations entitled **12 VAC 5-610, Sewage Handling and Disposal Regulations**, and **adopting** regulations entitled **12 VAC 5-611, Onsite Sewage**

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# Notices of Intended Regulatory Action

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**Regulations.** The purpose of the proposed action is to promulgate regulations based on public meetings held between January and May 2006 and related issues as determined by the board, and to include provisions to address the previously proposed allowable rock content and footprint amendments.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 32.1-164 of the Code of Virginia.

Public comments may be submitted until November 3, 2006.

**Contact:** Don Alexander, Director, Division of Onsite Sewage and Water Services, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7452, FAX (804) 864-7476, or email don.alexander@vdh.virginia.gov.

VA.R. Doc. No. R06-334; Filed August 16, 2006, 10:02 a.m.

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## TITLE 16. LABOR AND EMPLOYMENT

### SAFETY AND HEALTH CODES BOARD

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Safety and Health Codes Board intends to consider adopting regulations entitled **16 VAC 25-95, Medical Services and First Aid Standards for General Industry**. The purpose of the proposed action is to require employers in General Industry and in the Construction Industry to train employees to render first aid and cardiopulmonary resuscitation (CPR) when employees are exposed to occupational hazards that could result in death or serious physical harm.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 40.1-22 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 16, 2006.

**Contact:** Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804)-786-8418, or email rlc@doli.state.va.us.

VA.R. Doc. No. R07-05; Filed September 27, 2006, 9:17 a.m.

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Audiology and Speech-Language Pathology intends to consider amending regulations entitled **18 VAC 30-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update certain provisions of the regulation pursuant to recommendations resulting from a periodic review, including use of electronic notification and the Virginia Regulatory Townhall as an option for comment.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 15, 2006.

**Contact:** Elizabeth Young, Executive Director, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9111, FAX (804) 662-9523, or email elizabeth.young@dhp.virginia.gov.

VA.R. Doc. No. R07-03; Filed September 26, 2006, 12:01 p.m.

### BOARD FOR CONTRACTORS

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Contractors intends to consider amending regulations entitled **18 VAC 50-22, Board for Contractors Regulations**. The purpose of the proposed action is to amend the regulations to require prelicense education as a requirement for licensure, as required by legislative action.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Public comments may be submitted until October 18, 2006.

**Contact:** Eric L. Olson, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2475, or email contractor@dpor.virginia.gov.

VA.R. Doc. No. R06-340; Filed August 21, 2006, 9:38 a.m.

## BOARD OF PHYSICAL THERAPY

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Physical Therapy intends to consider amending regulations entitled **18 VAC 112-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update certain provisions of the regulation pursuant to recommendations resulting from a periodic review, including use of electronic notification and the Virginia Regulatory Townhall as an option for comment.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 15, 2006.

**Contact:** Elizabeth Young, Executive Director, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, or email [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

VA.R. Doc. No. R07-04; Filed September 26, 2006, 12:01 p.m.

## REAL ESTATE APPRAISER BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Real Estate Appraiser Board intends to consider amending regulations entitled **18 VAC 130-20, Real Estate Appraiser Board Rules and Regulations**. The purpose of the proposed action is to make (i) changes consistent with new federal requirements, (ii) clarifying changes, and (iii) other changes that may result from the department's periodic review of the regulations.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 54.1-201 and 54.1-2013 of the Code of Virginia.

Public comments may be submitted until October 20, 2006.

**Contact:** Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, or email [reappraisers@dpor.virginia.gov](mailto:reappraisers@dpor.virginia.gov).

VA.R. Doc. No. R06-333; Filed August 29, 2006, 3:15 p.m.





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# REGULATIONS

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For information concerning the different types of regulations, see the Information Page.

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## Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

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## TITLE 1. ADMINISTRATION

### DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

#### Proposed Regulation

Title of Regulation: **1 VAC 55-30. Long-Term Care Regulations (adding 1 VAC 55-30-10 through 1 VAC 55-30-90).**

Statutory Authority: §§ 2.2-1207 and 2.2-1208 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until December 16, 2006.

(See Calendar of Events section for additional information)

Agency Contact: Charles Reed, Associate Director, Department of Human Resource Management, 101 N. Fourteenth Street, 12th Floor, Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-0231, or email charles.reed@dhrm.virginia.gov.

Basis: Section 2.2-1207 of the Code of Virginia requires the department to establish a plan for providing long-term care insurance coverage for employees of local governments, local officers, and teachers, and requires the department to adopt regulations regarding the establishment and administration of the plan.

Section 2.2-1208 of the Code of Virginia requires the department to develop, implement, and administer a long-term care insurance program for state employees and for any person who has five or more years of creditable service with any retirement plan administered by the Virginia Retirement System.

Purpose: During the last few sessions of the General Assembly the Department of Human Resource Management was authorized to sponsor a long-term care insurance program for employees, and retirees of state and local government, along with terminated vested participants of the Virginia Retirement System.

These regulations define eligibility and underwriting provisions, as well as establishing distinct insurance classifications for participants.

Substance: These regulations explain which groups of employees, former employees, and their dependents are

eligible for the long-term care program sponsored by the Department of Human Resource Management. Additionally, they clarify the different insurance classifications, and the processes that the eligible participants within each classification must go through in order to secure coverage.

The regulations spell out that satisfactory evidence of good health is required prior to enrollment in the plan, except for newly eligible active employees or during special enrollments. Regardless as to date of hire or any special enrollment, in order for employees to be accepted into the program, without evidence of good health, they must be actively at work.

Section 2.2-1208 of the Code of Virginia states that any person eligible to participate in the long-term care insurance program established pursuant to § 2.2-1207 will not be eligible for the plan described in § 2.2-1208. Section 2.2-1207 authorizes coverage for employees and retirees of local government and school boards should the governing body elect to participant in the plan. These regulations make clear that employees or retirees of these governing bodies are not eligible to enroll in the program pursuant to § 2.2-1208 regardless as to whether or not their employer participates in the program. Participation in the program by these individuals is contingent upon participation by their employer.

Section 2.2-1208 of the Code of Virginia authorized long-term care coverage for state employees. During the 2004 session of the General Assembly, House Bill 1179 was enacted which amended § 2.2-1208, and in effect, created a new group of eligible participants. These are individuals who are neither employees nor retirees of state or local government. However, they must have five or more years of creditable service with the Virginia Retirement System.

Issues: The primary advantage to state agencies and local municipalities is that these regulations explain which groups of employees, former employees and their dependents are eligible for the long-term care program sponsored by the Department of Human Resource Management. Additionally, they clarify the different insurance classifications, and the processes that the eligible participants within each classification must go through in order to secure coverage. The regulations are required by §§ 2.2-1207 and 2.2-1208 of the Code of Virginia, and clarify eligibility and underwriting provisions of the program. It is these provisions that will help keep the plan solvent and help assure that the premiums remain reasonable.

## Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. Pursuant to Chapter 5 of the 1999 Virginia Acts of Assembly, Chapter 280 of the 2002 Virginia Acts of Assembly, and Chapter 312 of the 2004 Virginia Acts of Assembly, the Department of Human Resource Management (department) proposes to establish regulations to administer the Virginia Long-Term Care Program.

Estimated economic impact. Section 2.2-1208 of the Code of Virginia states that:

The Department of Human Resource Management shall develop, implement, and administer a long-term care insurance program for state employees and for any person who has five or more years of creditable service with any retirement plan administered by the Virginia Retirement System. The Department of Human Resource Management is authorized to contract for and purchase such coverage or use other actuarially sound funding necessary to effectuate this provision.

Section 2.2-1207 directs the department to establish a plan for providing long-term care insurance coverage for employees of local governments, local officers, and teachers. In response, the department has established the Commonwealth of Virginia Long-Term Care Program. Participation is voluntary and beyond a small amount of department staff time, participants pay the entire cost. The department estimates that its annual administrative costs for the program are approximately \$3,000 worth of staff time. The state-sponsored availability of long-term care health insurance may encourage some individuals to purchase long-term healthcare insurance who otherwise may not have.

The department proposes these regulations to provide administrative detail concerning the Commonwealth of Virginia Long-Term Care Program. The Code of Virginia provides that state employees, persons who have five or more years of creditable service with any retirement plan administered by the Virginia Retirement System, and

employees of local governments, local officers, and teachers are eligible to participate. The department proposes to expand eligibility for the optional Long-Term Care Program to spouses, parents, and parents-in-law. According to the department, expanding eligibility to spouses, parents, and parents-in-law will not add to its administration costs since the vendor will handle processing. Since all other costs are borne by voluntary participants, expanding eligibility to relatives introduces no additional costs. Since some of these individuals may find the offered long-term care insurance a worthwhile investment, there will likely be some benefit. Thus, the proposal to expand eligibility to spouses, parents, and parents-in-law will create a net benefit.

Businesses and entities affected. The proposed regulations affect approximately 200,000<sup>1</sup> state and local employees, retirees, and vested participants, as well as and their spouses, parents, parents-in-law, and the insurance program vendor. The current vendor is Aetna.<sup>2</sup>

Localities particularly affected. The proposed regulations affect state and local workers in every Virginia locality.

Projected impact on employment. The proposed regulations are not expected to significantly affect employment.

Effects on the use and value of private property. The state-sponsored availability of long-term care health insurance may encourage some individuals to purchase long-term care health insurance who otherwise may not have.

Small businesses: costs and other effects. The proposed regulations are not expected to significantly affect small businesses.

Small businesses: alternative method that minimizes adverse impact. The proposed regulations are not expected to significantly affect small businesses.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Human Resource Management agrees with the Department of Planning Budget's analysis.

### Summary:

*The proposed regulation explains which groups of employees, former employees and their dependents are eligible for the long-term care program sponsored by the Department of Human Resource Management. Additionally, the regulation clarifies the different insurance classifications, and the processes that the eligible participants within each classification must go through in order to secure coverage.*

*The regulation spells out that satisfactory evidence of good health is required prior to enrollment in the plan except for*

<sup>1</sup> Source: Department of Human Resource Management

<sup>2</sup> Ibid

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*newly eligible active employees or during special enrollments. Regardless as to date of hire or any special enrollment, employees must be actively at work in order to be accepted into the program.*

## CHAPTER 55.

### LONG-TERM CARE REGULATIONS.

#### **1 VAC 55-30-10. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

"Actively at work" means that an employee cannot be both disabled and away from work on the effective date of the long-term care coverage.

"Administrative services arrangement" means an arrangement whereby a third-party provider agrees to administer all or part of the long-term care program.

"Department" means the Department of Human Resource Management.

"Director" means the Director of the Department of Human Resource Management.

"Effective date of coverage" means the date on which the long-term care coverage begins.

"Employee" means a person employed by an employer participating in the long-term care program or, where demanded by the context of this chapter, a retired employee of such an employer.

"Employer" means the entity with which a person maintains a common law employee-employer relationship. The term "employer" is inclusive of each state agency and of a local employer.

"Evidence of good health" means a statement or proof of a person's physical condition or other factors that could affect his acceptance for the long-term care program.

"Insured arrangement" means an accident or health plan underwritten by an insurance company wherein the department's only obligation as it may relate to claims is the payment of insurance company premiums.

"Local employees" or "employees of local governments" means all officers and employees of the governing body of any county, city, or town, and the directing or governing body of any political entity, subdivision, branch, or unit of the Commonwealth or of any commission or public authority or body corporate created by or under an act of the General Assembly specifying the power or powers, privileges or authority capable of exercise by the commission or public authority or body corporate, as distinguished from § 15.2-1300 or § 15.2-1303 of the Code of Virginia or similar statutes, provided that the officers and employees of a social

services department, welfare board, mental health and mental retardation services board, or library board of a county, city, or town shall be deemed to be the employees of local government.

"Local employer" means any county, city, or town, school board, and the directing or governing body of any political entity, subdivision, branch or unit of the Commonwealth or of any commission or public authority or body corporate created by or under an act of the General Assembly specifying the power or powers, privileges or authority capable of exercise by the commission or public authority or body corporate, as distinguished from § 15.2-1300 or § 15.2-1303 of the Code of Virginia, or similar statutes.

"Local officer" means the treasurer, registrar, commissioner of revenue, attorney for the Commonwealth, clerk of a circuit court, sheriff, or constable of any county or city or deputies or employees of any of the preceding local officers.

"Local retiree" means a former local employee who has met the terms and conditions for early, normal or late retirement from a local employer.

"Long-term care program" or "program" means, individually or collectively, the plan or plans the department may establish pursuant to §§ 2.2-1207 and 2.2-1208 of the Code of Virginia.

"Part-time local employee," as defined by each local employer, means an employee working less than full time who a local employer has determined to be eligible to participate in the program. The conditions of participation for these employees shall be decided by the local employer.

"Participant" means any person actively enrolled and covered by the long-term care program.

"Participating local employer" means a local employer who offers the long-term care program, sponsored by the Department of Human Resource Management, to their employees and retirees.

"Plan administrator" means the company responsible for administering the long-term care program including such services as accounting, issuance of certificates and settlement of claims.

"Rating" the process that determines how much a particular package of benefits will cost and what will be charged to cover those expected costs for a specific group of people.

"Self-insured arrangement" means a facility through which the plan sponsor agrees to assume the risk associated with the type of benefit provided without using an insurance company.

"Spouse" means the legally married husband or wife of an employee or retiree as recognized by the Commonwealth of Virginia.

"State" means the Commonwealth of Virginia.

"State agency" means a court, department, institution, office, board, council, or other unit of state government located in the legislative, judicial or executive departments or group of independent agencies, as shown in the appropriation act, and which is designated in the appropriation act by title and a three-digit agency code.

"State employee" means any person who is regularly employed on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency thereof. "State employee" shall include the Governor, Lieutenant Governor, Attorney General, and members of the General Assembly. It includes "judge" as defined in § 51.1-301 of the Code of Virginia and judges, clerks and deputy clerks of regional juvenile and domestic relations, county juvenile and domestic relations, and district courts of the Commonwealth.

"State retiree" means an employee who worked for the Commonwealth of Virginia and is retired with the VRS or optional state retirement program service and is eligible for an immediate annuity.

"Teacher" means any employee of a county, city, or other local public school board.

"Terminated vested participant" means any former state or local employee who has five or more years of creditable service with any retirement plan administered by the Virginia Retirement System but due to age restrictions was not able to receive an immediate annuity. These individuals cannot currently be employed by or be retired from a local employer.

"Underwriting" means the process of identifying and classifying the potential degree of risk represented by a proposed insured.

**1 VAC 55-30-20. Designee and delegations of authority.**

Pursuant to §§ 2.2-1207 and 2.2-1208 of the Code of Virginia, the Department of Human Resource Management shall establish a program subject to the approval of the Governor, for providing long-term care benefits for employees and retirees of the Commonwealth of Virginia, employees and retirees of participating local employers, and for terminated vested participants of the Virginia Retirement System.

The Director of the Department of Human Resource Management hereby delegates to the Director of the Office of Health Benefits the authority to:

1. Propose, design, and administer a long-term care plan. Such plan will at a minimum consist of a plan:

a. Covering employees and retirees of the Commonwealth, as well as vested terminated participants of the Virginia Retirement System, and

b. Covering the employees and retirees of participating local employers.

All approved plans will, in the aggregate, constitute the long-term care program. Any plan or plans proposed by the Office of Health Benefits shall be subject to the approval of the Director of the Department of Human Resource Management.

2. Propose regulations at any time for the purpose of the implementation, communication, funding, and administration of the long-term care program.

3. Enter into one or more contracts for the purpose of implementing, communicating, funding or administering the long-term care program. To this end, but not exclusively, such contract or contracts may be for the underwriting, funding, and administration, including claims processing and claims adjudication, of the program. Such contracts may be for accounting and actuarial services as well as communication, statistical analysis and any other item that may be needed to effectively review and maintain the long-term care program.

**1 VAC 55-30-30. Procurement.**

The department shall comply with the Virginia Public Procurement Act, Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2 of the Code of Virginia, as it may relate to any services to which such act shall apply.

In an effort to stabilize the administration and maintenance of the long-term care benefits program, the department may contract for services applicable to such program for a period of time not exceeding 10 years, with the department reserving the right, in its sole discretion, to cancel such contracts annually upon 90 days' written notice to the contractor.

**1 VAC 55-30-40. Types of plans.**

A. The administration and underwriting of the plans shall be at the discretion of the department and may include, but not be limited to self-funded arrangements, insured arrangements, or administrative services arrangements. The department is authorized to exercise judgment and discretion in the establishment, procurement and implementation of all underwriting and other services necessary for the establishment, maintenance, and administration of such plans and will be deemed to do so in good faith.

B. The department, as it deems necessary or prudent, may contract for outside services, including but not limited to actuarial, and consulting services. The department may contract such services on an individual basis or in conjunction with other services.

**1 VAC 55-30-50. No presumption of right.**

These regulations and the long-term care benefits program herein established shall not be deemed to constitute a contract of employment or retirement between any participating

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employer and any participant. No participant in the program shall acquire any right to be retained in the employer's employ or attain any employment service toward retirement by virtue participation in the program, nor, upon the participant's dismissal or voluntary termination of employment, shall the participant have any interest in any assets of the program other than as may be specifically provided through the contract with the plan administrator.

Furthermore, these regulations and the long-term care program herein established shall in no event confer upon any participant any rights, duties or responsibilities other than those granted herein. The Commonwealth of Virginia specifically reserves the right to amend, modify or terminate, inclusive of eligibility, coverage and contributions provisions, the long-term care benefits program or any plan or plans comprising all or part of the program, as they may relate to any active or retired participant.

## **1 VAC 55-30-60. Confidentiality.**

The department will not disclose identifiable individual health data without the consent of the individual being provided coverage. Data may be compiled into statistical reports provided that the identity of individual persons is not ascertainable by the reader or disclosed by the department.

## **1 VAC 55-30-70. Department discretion.**

The department reserves the right to change the plans offered and benefits provided thereunder at its sole discretion based upon market and department considerations.

## **1 VAC 55-30-80. Eligible participants.**

### A. Active state employees.

1. State employees as defined in 1 VAC 55-30-10 who are salaried faculty or salaried classified employees or other similarly situated employees in the executive, legislative, judicial or independent agencies who are compensated on a salaried basis and work at least 20 hours, are eligible for membership in the long-term care program. A salaried employee is one who receives a paycheck no more often than biweekly and who is not paid on an hourly basis.

2. Classified positions include employees who are fully covered by the Virginia Personnel Act, employees excluded from the Virginia Personnel Act by subdivision 16 of § 2.2-2905 of the Code of Virginia, and employees on a restricted appointment. A restricted appointment is a classified appointment to a position that is funded at least 10% from gifts, grants, donations, or other sources that are not identifiable as continuing in nature. An employee on a restricted appointment must receive a state paycheck in order to be eligible.

3. Certain full-time employees in auxiliary enterprises (such as food services, bookstores, laundry services, etc.) at the University of Virginia, Virginia Military Institute and

the College of William and Mary are also considered state employees even though they do not receive a salaried state paycheck. The Athletic Department of Virginia Polytechnic Institute and State University is a local auxiliary whose members are eligible for the program.

### B. State retirees.

1. Employees who have met the terms and conditions for early, normal or late retirement from the Commonwealth under the Virginia Retirement System, State Police Officers' Retirement System, Judicial Retirement System, Virginia Law Officers' Retirement System, or any retirement system authorized pursuant to §§ 51.1-126, 51.1-126.1, 51.1-126.3, 51.1-126.4, 51.1-126.5, and 51.1-126.7 of the Code of Virginia are eligible for membership in the long-term care program.

2. Employees who retired under an optional state retirement program are eligible for an immediate annuity, and were at least age 50 with 10 years of service or at least age 55 with five years of service.

C. Active employees of participating local employers. Active full-time and part-time employees of participating local employers are eligible for membership. A part-time employee must regularly work at least 20 hours per week to maintain eligibility.

### D. Retired employees of participating local employers.

1. The participating employer will determine if retirees are included as an eligible class.

2. If included, retirees are defined as employees who retired under the local employer's IRS Qualified Retirement Plan, were eligible to receive an immediate annuity, and were at least age 50 with 10 years of service or at least age 55 with five years of service as of their last day of employment.

### E. Terminated vested participants.

1. Terminated employees of the Commonwealth or local employer who have five or more years of creditable service with the Virginia Retirement System, but due to age requirements were not eligible to receive an immediate annuity.

2. In order to be eligible to participate in this class an individual must not be eligible to participate as a member of another class under this chapter. This includes individuals who are employees or retirees of local employers who have not elected to participate in the program.

F. Other eligible participants. Other persons eligible to participate in the long-term care program include:

1. Spouse of an active employee.

2. Parents and parents-in law of the active employee.

3. Spouse or the surviving spouse of a retired employee, and

4. Spouse or the surviving spouse of a terminated vested participant.

**1 VAC 55-30-90. Administration.**

**A. Enrollment of employees.**

1. Enrollment will be on-going for all eligible participants.

2. Newly eligible active employees of the Commonwealth of Virginia can enroll into the program within 60 days of eligibility without proof of good health.

3. The enrollment period for new employer groups is as agreed upon by the program administrator and the participating employer.

4. Newly eligible active employees of the local employer can enroll into the program within a specific benefit eligibility window, as determined by the participating employer in conjunction with the program administrator, without proof of good health.

5. Special open enrollment periods for active employees will be determined by the plan administrator and agreed to by the department.

6. Eligible active employees who enroll without proof of good health must be actively at work on the effective date of coverage.

7. All other eligible participants are required to submit satisfactory evidence of good health, which must be reviewed and approved by the plan administrator before coverage can become effective.

8. Eligible individuals may be required to submit evidence that they are members of an eligible class before the plan administrator begins the enrollment process. Such evidence may include certification from the member's former employer, or the member's estimate of future annuity benefits provided by the Virginia Retirement System.

**B. Premium payments.**

1. Active employees with the employer's concurrence will be given the option of having the premiums for the long-term care program deducted from their salary. If both the employee and his spouse are enrolled, both premiums may be deducted from the employee's salary.

2. All other participants will be billed directed by the plan administrator or premiums may be made monthly by bank draft (EFT).

VA.R. Doc. No. R06-316; Filed September 21, 2006, 11:30 a.m.



**STATE BOARD OF EDUCATION**

**Proposed Regulation**

**Titles of Regulations: 8 VAC 20-21. Licensure Regulations for School Personnel (repealing 8 VAC 20-21-10 through 8 VAC 20-21-730).**

**8 VAC 20-22. Licensure Regulations for School Personnel (adding 8 VAC 20-22-10 through 8 VAC 20-22-760).**

**Statutory Authority:** §§ 22.1-298.1 and 22.1-299 of the Code of Virginia.

**Public Hearing Date:** November 28, 2006 - 11 a.m.

Public comments may be submitted until 5 p.m. on December 15, 2006.

(See Calendar of Events section for additional information)

**Agency Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, email margaret.roberts@doe.virginia.gov.

**Basis:** Article VIII, Section 4 of the Constitution of Virginia (1971) provides the Board of Education with the authority and responsibility for the "general supervision of the public school system."

Section 22.1-298.1 of the Code of Virginia requires the board to prescribe the requirements for the licensure of teachers and other school personnel required to hold a license.

Section 22.1-299 of the Code of Virginia provides that no teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license issued by the Board of Education.

**Purpose:**

Section 22.1-298 of the Code of Virginia requires that the Board of Education prescribe the requirements for licensure of teachers by regulation. The last comprehensive review of 8 VAC 20-20, Regulations Governing the Licensure of School Personnel, was conducted in the mid-1990s with new regulations, 8 VAC 20-21, becoming effective July 1, 1998. The regulations need to be revised based on federal and state legislation as well as to address recommendations to clarify and change requirements for licensure. The benefit to public welfare is a highly qualified teaching work force for the public schools. This regulatory action is not expected to have a negative impact on the health, safety, or welfare of citizens.

**Substance:** Current regulations (8 VAC 20-21) are being repealed and replaced with new regulations (8 VAC 20-22). Substantive new requirements are proposed in several areas, including: (i) conditions for licensure (including, but not limited to, a revision of the exemption experience criteria for testing requirements and requiring all teachers on

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provisionally issued licenses to meet testing requirements for licensure within one year of the contractual date of employment); (ii) types of licenses; (iii) designations of career paths to teaching; (iv) added endorsements by examination; (v) conditions for licensure by reciprocity; (vi) names of a few endorsements and requirements for some teaching areas; (vii) endorsement areas by adding the mathematics specialist, school manager, and speech language assistants; and (viii) the administration and supervision endorsement.

Issues: The Code of Virginia requires that the Board of Education prescribe the requirements for licensure of teachers by regulation. Amendments to the Licensure Regulations for School Personnel are needed to respond to enactments of federal and state laws. The primary advantage is that the regulations will be aligned with federal and state laws and regulations pertaining to teacher qualifications and licensure, as well as incorporate recommendations to improve the preparation of instructional personnel in Virginia. There are no disadvantages to the public or to the agency.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board of Education (board) proposes to concurrently repeal the text of the current regulations (8 VAC 20-21) and promulgate new regulations (8 VAC 20-22) with the same title. The proposed regulations contain numerous changes including: 1) amending the requirements for teachers with out-of-state experience to qualify for exemption from Virginia's assessment requirement, 2) requiring applicants for endorsement in early/primary education preK-3, elementary education preK-6, special education-general curriculum, special education-hearing disorders, special education-visual impairments and as a reading specialist to obtain passing scores on a reading instructional assessment, 3) requiring that individuals seeking initial licensure demonstrate proficiency in the use of educational technology for instruction, 4) increasing the required hours of student teaching from 300 to 500, 5) requiring that Provisional License holders pass the

professional teacher's assessments within the first year of contract, 6) permitting all individuals obtaining licensure through alternative routes to substitute experiential learning in lieu of coursework, 7) establishing the International Educator License, 8) establishing the Career Teacher, Mentor Teacher, and Teacher as Leader designations, 9) incorporating descriptions of professional development options that satisfy renewal requirements into the regulations, 10) eliminating peer observation and educational travel as options for professional development, 11) establishing the school manager license, 12) removing competencies for endorsement areas, 13) allowing individuals who hold a teaching license to add an additional endorsement by passing a rigorous academic subject test prescribed by the board, 14) changing the required minimum in-car instruction from 20 to 14 hours of actual behind-the-wheel supervised teaching experience and requiring 2 hours of basic evasive maneuvers, 15) reducing the total semester hours of required coursework for the health and physical education preK-12 endorsement, and the history and social science endorsement, 16) permitting middle education endorsement in only one area, 17) amending the nature and names of special education endorsements, 18) establishing Level II endorsement for administrators, 19) establishing the speech language pathology assistant endorsement, 20) establishing the mathematics specialist endorsement, and 21) discontinuing the visiting teacher endorsement.

Estimated economic impact.

Licensure.

Out-of-state exemption. In order to obtain the Collegiate Professional License (the standard teacher's license) new teachers must obtain passing scores on professional teacher's assessments prescribed by the board. Persons with out-of-state teaching experience may be exempt from the assessment requirement if they meet specified criteria. Under the current regulations "Individuals who have completed a **minimum of two years of full-time, successful teaching experience**<sup>1</sup> in an accredited public or nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the assessment requirement." Under the proposed regulations "Individuals who **hold a valid out-of-state license** (full credential with no deficiencies) and who have completed a **minimum of three years of full-time, successful teaching experience** in a public or accredited nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the professional teacher's assessment requirements." The current regulations potentially allow someone who has not and is unable to pass another state's assessment examinations, but has taught for a few years with a temporary license, to acquire full licensure in Virginia without passing the Commonwealth's assessment

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<sup>1</sup> The bold is for emphasis in this report and is not present in the proposed regulations.

examinations. The proposed regulations do not allow individuals that cannot obtain full licensure in other states to become fully licensed in Virginia without passing the Commonwealth's assessment examinations. This will reduce the prevalence of students having teachers that do not possess what is considered the minimum necessary knowledge to teach competently. Thus, this proposed change likely produces a significant benefit.

On the other hand, some teachers who can pass the assessment examinations, but who do not have to do so under the current regulations, will need to spend the time and dollars to do so under the proposed regulations. These individuals will need to pass the Virginia Communication and Literacy Assessment and the Praxis II in their particular endorsement area. The fees for these examinations are currently \$110<sup>2</sup> and \$100 to \$125<sup>3</sup> (depending on the endorsement area), respectively. Under the proposed regulations passing the Virginia Reading Assessment is also required for individuals seeking an endorsement as a reading specialist or individuals seeking initial licensure with endorsements in any of the following endorsements (teaching areas): early/primary education preK-3, elementary education preK-6, special education-general curriculum, special education-hearing disorders, and special education-visual impairments. The total fee for this exam is \$105.<sup>4</sup> The fees and time involved are not negligible, but their magnitudes are unlikely to discourage most potential applicants with out-of-state experience from pursuing teaching positions in Virginia. Overall it seems likely that the benefit of reducing the prevalence of students having teachers that do not possess what is considered the minimum necessary knowledge to teach competently outweighs the introduced costs of fees and time for some applicants with out-of-state experience.

Demonstrated proficiency. The board proposes to require that individuals seeking initial licensure demonstrate proficiency in the use of educational technology for instruction. According to the Department of Education (department) each school division will verify that teachers have met this requirement. The current regulations require that candidates for the early/primary education preK-3 and elementary education preK-6 endorsements have at least three semester hours of computer/technology coursework. The proposed regulations do not require this coursework. Nowadays many, perhaps most, recent college graduates are likely computer literate even without having taken computer science classes. If these individuals can demonstrate proficiency without taking computer/technology coursework, they can save the time and tuition associated with the course if it would have been in addition to their bachelor's degree coursework, or

they can take a class that they determine is more useful if the computer class would have been part of their bachelor's degree coursework. Thus, if each school division does in practice accurately identify which teachers have met this requirement, the proposed amendments will create a net benefit in regard to early/primary education preK-3 and elementary education preK-6 endorsed teachers. Thus, there will be savings in time and dollars to allow computer competent individuals to test out of the computer class requirement.

The current and proposed regulations require "demonstrated proficiency in the use of educational technology for instruction" for adult education, preK-12, special education, and secondary grades 6-12 endorsements. Thus, this proposal will not significantly affect teachers seeking these endorsements.

Student teaching. The board proposes to increase the number of required student teaching hours from 300 to 500 clock hours (including pre- and post clinical experiences). According to the department, most collegiate education programs are already meeting the proposed requirement. Additional time spent as a student teacher likely has some benefit, but it has costs as well. The individual could potentially use that additional time productively on other pursuits. Individuals who pursue the career switcher route will continue to be able to obtain licensure with considerably less student teaching time in practice.

Provisional license. Under the current regulations, Provisional License holders may teach up to three years without passing the professional teacher's assessments. Under the proposed regulations Provisional License holders must pass the professional teacher's assessments within the first year of their contractual date of employment in order to remain licensed and continue teaching. This will likely reduce the frequency that Virginia's students are taught by teachers who are unable to demonstrate what is considered the minimum necessary knowledge to teach competently.

Experiential learning. The current regulations allow individuals obtaining licensure through the career switcher program to substitute experiential learning in lieu of coursework in accordance with board criteria and procedures. The proposed regulations permit individuals obtaining licensure through all alternative routes to substitute experiential learning in lieu of coursework in accordance with criteria and procedures established by the board. The proposed regulations list the following as the criteria to be eligible to request experiential learning credits in lieu of the coursework: 1) hold a baccalaureate degree from a regionally accredited college or university, 2) have at least five years of documented full-time work experience that may include specialized training related to the endorsement sought, and 3) have met the qualifying score on the content knowledge assessment prescribed by the Board of Education. A

<sup>2</sup> Source: [http://www.vcla.nesinc.com/VC\\_testfees.asp](http://www.vcla.nesinc.com/VC_testfees.asp) on December 20, 2005.

<sup>3</sup> Source: <http://www.ets.org/portal/site/ets/menuitem.1488512ecfd5b8849a77b13bc3921509/?vgnextoid=2d932d3631df4010VgnVCM10000022f95190RCRD&vgnnextchannel=dd515ee3d74f4010VgnVCM10000022f95190RCRD> on December 20, 2005.

<sup>4</sup> Source: [http://www.vra.nesinc.com/VE2\\_testfees.asp](http://www.vra.nesinc.com/VE2_testfees.asp) on December 20, 2005.



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candidate who can pass the content knowledge assessment relevant to their endorsement, particularly paired with relevant work experience, will very likely possess sufficient content knowledge to teach competently in their field. These individuals will save the time and tuition associated with completing the exempted coursework. Additionally, the reduction in cost for fees and time may be enough to encourage some individuals who are highly-knowledgeable in specific fields (say someone with graduate training in chemistry for example) to pursue teaching in their area of expertise who otherwise might not have chosen a teaching career. Thus, this proposal will likely produce a net benefit

International educator License. The board proposes to establish the International Educator License. In order to obtain the International Educator License an individual must be employed by a Virginia public or accredited nonpublic school, hold non-U.S. citizenship and be a non-permanent resident, and serve as an exchange teacher for a time period not to exceed three consecutive years. Additionally, the candidate must meet the following requirements as verified by a state approved, federally designated Exchange Visitor Program (22 CFR Part 62):

1. Be proficient in written and spoken English;
2. Demonstrate competence in the appropriate academic subject area(s)
3. Hold the U.S. equivalent of a baccalaureate degree or higher as determined by an approved credential agency; and
4. Hold U.S. or foreign educator credentials and completed at least one year of successful teaching experience that:
  - a. Enables the educator to fulfill a similar assignment in his or her home country; or
  - b. Are comparable to those requirements for Virginia teachers.

To the extent that the individuals awarded the International Educator License are truly competent to teach the courses they end up in teaching in practice, the introduction of this license will likely produce a net benefit. Through daily interaction, their students will likely learn about life and culture outside the United States to an extent that they would not have otherwise.

Designations. The board proposes to establish the following designations for teacher licenses: Career Teacher, Mentor Teacher, and Teacher as Leader. The board's intent is to reflect stages in the professional development of teachers and promote continuing growth and career paths as educators. Teachers who get their initial license renewed acquire the Career Teacher designation. Mentor Teacher is a voluntary designation that can be issued to individuals who have achieved the career teacher designation, received a

recommendation for the designation from an employing Virginia school division superintendent or designee or accredited nonpublic school head, served at least three years as a mentor teacher in Virginia, documented responsibilities as a mentor and completed a local or state mentor teacher training program in accordance with the board requirements for mentor teachers. Teacher as Leader is another voluntary designation. This title can be granted to individuals who have achieved the career teacher designation; completed at least five years of successful, fulltime teaching experience in a Virginia public school or accredited nonpublic school; received the recommendation from an employing Virginia school division superintendent or designee or accredited nonpublic school head; and completed one of the following: 1) National Board Certification or a nationally recognized certification program approved by the Board of Education and demonstrated skills and abilities as a school leader, or 2) a recommendation from an employing Virginia school division superintendent or designee or accredited nonpublic school head and documentation verifying the individual's demonstrated skills and abilities as a school leader and direct contributions to school effectiveness and student achievement.

The Career Teacher designation will not likely have much effect. It does not indicate anything beyond the teacher having had their license renewed. The Mentor Teacher and Teacher as Leader designations are not required by regulations or the Code of Virginia for teachers to do any particular work or fill any particular function. On the other hand, local school divisions may find the designations useful. Achieving the distinctions may be considered a signal of accomplishment and/or ability. Divisions may choose to only hire or have hiring preferences for individuals who have gained one of these designations for specific jobs. Divisions may also wish to pay more to individuals who have achieved one of these designations.

Professional development. Both the current and proposed regulations require 180 professional development points within a five-year period for license renewal. The current regulations list the titles of approved professional development activity options, but do not provide descriptions. The proposed regulations include detailed descriptions of what is required for each activity to qualify. This is beneficial for teachers in that they will be less likely to waste time on activities that will not qualify due to lack of clarity of what is specifically required.

The current regulations include ten approved activity options for professional development points: college credit, professional conference, peer observation, educational travel, curriculum development, publication of article, publication of book, mentorship/supervision, educational project, and employing educational agency professional development activity. The proposed regulations retain eight of the current options, but peer observation and educational travel have

been eliminated as approved options for professional development. The board has determined that these activities are not considered high quality professional development as defined in the federal No Child Left Behind law. There currently exists very little research indicating which types of professional development are most effective in improving student performance. Cohen and Hill (2000) find that professional development focused on the teaching and learning of specific mathematics and science content is more effective than more general professional development on student achievement in math and science. Figlio, Getzler, and Lucas (2005) find that course planning activities, academic content area training, and teaching methodology training are associated with student test score gains in reading and mathematics, while general professional development and professional development activities focused on technology are significantly less effective. Based on the limited existing research, peer observation and educational travel are likely less effective in positively affecting student performance than some of the other options. Thus, the proposed removal of these options will likely result in some increase in teachers participating in more effective professional development. Though some teachers may not be happy with the reduction in options, this proposal will likely produce a net benefit since more teachers participating in more effective training will likely result in some degree of improved student performance.

School manager license. The board also proposes to establish a school manager license. “The school manager endorsement is intended to provide for the differentiation of administrative responsibilities in a school setting. A school manager is licensed to administer non-instructional responsibilities in an educational setting.” To earn a school manager license, the candidate must: 1) hold a baccalaureate degree from a regionally accredited college or university, 2) have three years successful managerial experience, and 3) be recommended for the endorsement by a Virginia school division superintendent. It is not clear that schools would be prohibited from hiring individuals to administer non-instructional responsibilities without this license; thus, the introduction of this endorsement may have little effect.

Endorsements.

Removing competencies for endorsement areas.

For each endorsement area, the current regulations (8 VAC 20-21) list both the competencies that the candidate’s education program must address and the requirements that the candidate herself must directly satisfy. For example, the current regulations list the following requirements for the Art preK-12 endorsement:

A. The program in art preK-12 will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the art discipline as defined in the Virginia Standards of Learning, and how they provide a necessary foundation for teaching art;
2. Understanding of the knowledge, skills, and processes for teaching art appropriate to the developmental levels of students in preK-12 including the following areas:
  - a. Knowledge and experience in planning, developing, administering, and evaluating a program of art education;
  - b. Two-dimensional media and concepts: basic and complex techniques and concepts in two-dimensional design, drawing, painting, printmaking, computer graphics and other electronic imagery;
  - c. Three-dimensional media and concepts: basic and complex techniques and concepts in three-dimensional design, sculpture, ceramics, fiber arts, and crafts;
  - d. History of art, including aesthetics and criticism;
  - e. The relationship of art and culture and the influence of art on past and present cultures;
  - f. Related areas of art, such as architecture, dance, music, theater, photography, and other expressive arts;
  - g. Knowledge and understanding of technological and artistic copyright laws;
  - h. Knowledge and understanding of safety, including use of toxic art material in various aspects of studio and classroom work; and
  - i. Observation and student teaching experiences at the elementary, middle and secondary levels.
3. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in art; or
2. Completed a major in art or 36 semester hours in art with course distribution in the following areas:
  - a. Two-dimensional media: 12 semester hours;
  - b. Three-dimensional media: 12 semester hours;
  - c. History of art, aesthetics, and criticism: 9 semester hours; and
  - d. Related areas of art: 3 semester hours.

The board proposes to not include the competency requirements (i.e., “A” above) that education programs must address in the proposed licensure regulations (8 VAC 20-22), and to instead list those requirements in the Regulations Governing the Review and Approval of Education Programs

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in Virginia (8 VAC 20-542). The proposed regulations will continue to include the requirements that the candidate herself must directly satisfy (i.e., “B” above) in order to obtain an endorsement to her license. The proposed change is beneficial because the providers of the education programs (colleges, universities) are in effect subject to the competency requirements (“A”), and the direct endorsement requirements (“B”) do specify that the candidate must be a graduate of an approved program. Thus, removing this language does not diminish the reader’s understanding of the endorsement requirements, and may increase the ease of finding relevant information due to the reduction of extraneous information.

**Adding endorsements.** Under the current regulations, obtaining endorsements typically requires extensive coursework. Individuals may still obtain additional endorsements via this route under proposed regulations. The board proposes to also allow individuals who hold a teaching license to add an additional endorsement by passing a rigorous academic subject test prescribed by the board.<sup>1</sup> This will potentially save candidates a significant amount of time and tuition. If the prescribed tests are sufficiently well-designed to accurately assess the candidates’ relevant knowledge in the respective endorsement areas, then those individuals that obtain additional endorsements by passing a rigorous academic subject test should be at least as able to teach competently in their field as someone who took all the courses in the traditional route, other attributes being equal. Also, the reduction in cost for fees and time may be enough to encourage some individuals to seek an additional endorsement who otherwise may not have. This will likely produce an increase in the number of teachers technically qualified to teach in fields that have shortages. Thus, this proposed amendment will likely produce a net benefit.

**Required coursework for endorsements.** For the driver education add-on endorsement, the board proposes to change the required minimum length of in-car instruction from 20 hours of actual behind-the-wheel supervised teaching experience, to 14 hours of actual behind-the-wheel supervised teaching experience and 2 hours of basic evasive maneuvers. According to the department, the behind-the-wheel supervised teaching experience is proposed to be reduced to 14 hours to align with the driver education program requirement. Further the board proposes to reduce the total required semester hours of required coursework for the health and physical education preK-12 endorsement from 45 semester hours to 39 semester hours, and for the history and social science endorsement from 51 semester hours to 42 semester hours. Presuming that the endorsement candidates can acquire the necessary knowledge to teach competently

with the smaller number of course hours, the proposed reductions in minimum required semester hours for endorsements should provide a net benefit in that candidates can choose to use the time and fees that would have been spent on those additional courses more productively on other pursuits.

**Middle education 6-8.** The current regulations require middle education 6-8 endorsement candidates to have academic preparation in at least two areas of the following areas: English, mathematics, science, and history/social science. The proposed regulations permit middle education endorsement with academic preparation in only one area. This is beneficial in that it allows candidates to not spend time and funds on a field for which they have no desire or intention to teach.

**Special education endorsements.** The current regulations include the following endorsements: special education-specific learning disabilities, special education-mental retardation, special education-emotional disturbances, and special education-severe disabilities. The board proposes to eliminate these four endorsements and replace them with the following two endorsements: special education-adapted curriculum and special education-general curriculum. Insufficient information is available to evaluate the impact of this proposed change in endorsement categories.

**Administration and supervision preK-12.** An endorsement in Administration and supervision preK-12 is required to serve as a building-level administrator or central office supervisor. Under both the current and proposed regulations this endorsement can be acquired through a traditional approved program route, an alternative route, or by reciprocity for candidates who hold a valid out-of-state license with endorsement in administration and supervision. The board proposes to call this Level I endorsement, and proposes a new Level II endorsement.

Level II endorsement will be similar to a designation in that it will not be required by the Commonwealth to do any particular work or fill any particular function. Local school divisions may find the Level II endorsement useful. Achieving the distinction may be considered a signal of accomplishment and/or ability. Divisions may choose to only hire or have hiring preferences for individuals who have gained Level II endorsement for specific jobs. Divisions may also wish to pay more to individuals who have achieved Level II. In order to achieve Level II endorsement the candidate must serve as a building-level administrator for at least five years in an accredited school and successfully complete a formal induction program as a principal or assistant principal. Additionally, at least two of the following five criteria must be met: 1) evidence of improved student achievement, 2) evidence of instructional leadership, 3) evidence of positive effect on school climate or culture, 4) earned doctorate in educational leadership or evidence of

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<sup>1</sup> This testing option will not apply to individuals who are seeking an early/primary preK-3 or elementary education preK-6 endorsement or who hold a technical professional license, vocational evaluator license, pupil personnel services license, or division superintendent license.

formal professional development in the areas of school law, school finance, supervision, human resource management, and instructional leadership, and 5) evidence of a completion of a high-quality professional development project designed by the division superintendent.

New and discontinued endorsements. Both the current and proposed regulations contain a speech-language disorders preK-12 endorsement. Candidates must possess at least a master's degree in speech-language pathology from an accredited institution in order to acquire the speech-language disorders preK-12 endorsement. The board proposes to establish a speech-language pathology assistant preK-12 endorsement. The intent is for the speech-language pathology assistant to provide speech-language pathology support under the direction and supervision of a speech-language pathologist. In order to earn the speech-language pathology assistant preK-12 endorsement, the candidate must: 1) complete a baccalaureate degree in speech-language pathology or communication disorders from an accredited college or university, and 2) complete a minimum of 500 clock hours in supervised education experiences for the job responsibilities and workplace behaviors of the speech-language pathology assistant. According to the department there has been a shortage of qualified speech language pathologists in Virginia's public schools. Working under the direction and supervision of a fully endorsed speech pathologist (speech-language disorders preK-12 endorsement), speech-language pathologist assistants should be able to competently help provide more frequent speech-language treatment for students. Additionally, the proposed endorsement may help provide a useful career path for those who intend to obtain a graduate degree in speech-language pathology.

The board proposes to establish a mathematics specialist for elementary and middle education endorsement. According to the department, school divisions will be required to hire individuals with mathematics specialist for elementary and middle education endorsement if funding is provided through the Standards of Quality. The requirements for the mathematics specialist for elementary and middle education endorsement are as follows: 1) completion of at least three years of successful classroom teaching experience in which the teaching of mathematics was an important responsibility; and 2) graduation from an approved mathematics specialist preparation program (master's level) or completed a master's level program in mathematics, mathematics education, or related education field with 30 semester hours of graduate coursework, including at least 21 hours of coursework in undergraduate or graduate-level mathematics.

Finally, the board proposes to eliminate the visiting teacher endorsement. According to the department, no visiting teacher programs exist at Virginia institutions, and there is no perceived demand for the endorsement. Removing the endorsement from the regulations will be moderately

beneficial in that readers will not be misled into believing that such an endorsement may actively exist in the Commonwealth.

Businesses and entities affected. The proposed regulations affect the 132 school divisions, approximately 110,000 instructional personnel, 37 accredited institutions that offer education programs, and students in the Commonwealth.<sup>2</sup>

Localities particularly affected. The proposed regulations significantly affect all Virginia localities.

Projected impact on employment. The proposal to permit all individuals obtaining licensure through alternative routes to substitute experiential learning in lieu of coursework will enable these individuals to save the time and tuition associated with completing the exempted coursework. This reduction in cost for fees and time may be enough to encourage some individuals who are highly-knowledgeable in specific fields (say someone with graduate training in chemistry for example) to pursue teaching in their area of expertise who otherwise might not have chosen a teaching career.

The proposal to allow individuals who hold a teaching license to add an additional endorsement by passing a rigorous academic subject test prescribed by the board will potentially save candidates a significant amount of time and tuition. The reduction in cost for fees and time may be enough to encourage some individuals to seek an additional endorsement who otherwise may not have. This will likely produce an increase in the number of teachers technically qualified to teach in fields that have shortages.

Effects on the use and value of private property. Some individuals with out-of-state teaching experience will no longer be exempt from taking the professional teacher's assessments. These individuals will need to spend an additional \$210 to \$340 in examination fees plus time for preparation and testing.

The proposal to require that individuals seeking initial licensure demonstrate proficiency in the use of educational technology for instruction and to simultaneously eliminate the requirement that candidates for the early/primary education preK-3 and elementary education preK-6 endorsements have at least three semester hours of computer/technology coursework, will allow computer competent individuals to test out of the computer class requirement and save time and dollars.

The proposal to permit all individuals obtaining licensure through routes to substitute experiential learning in lieu of coursework will enable these individuals to save the time and tuition associated with completing the exempted coursework.

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<sup>2</sup> Number source: Department of Education

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The proposal to allow individuals who hold a teaching license to add an additional endorsement by passing a rigorous academic subject test prescribed by the board will potentially save candidates a significant amount of time and tuition.

The proposal to reduce the total semester hours of required coursework for the health and physical education preK-12 endorsement and the history and social science endorsement will enable candidate to save the associated fees and time.

The proposal to permit middle education endorsement with academic preparation in only one area allows candidates to save spending time and funds on preparation for a field for which they have no desire or intention to teach.

Small business: costs and other effects. The proposed regulations do not significantly affect small businesses.

Small businesses: alternative method that minimizes adverse impact. The proposed regulations do not significantly affect small businesses.

Cohen D and H Hill, (2000), "Instructional policy and classroom performance: The mathematics reform in California," Teachers College Record, 102(2), 294-343.

Figlio D, Getzler L, and M Lucas, (2005), "Differential Professional Development and Teacher Performance," working paper presented at the 2005 Association for Public Policy Analysis and Management conference in Washington, D.C.

## Agency's Response to the Department of Planning and Budget's Economic Impact Analysis:

The agency agrees with the economic impact analysis done by DPB. The agency will continue to examine the economic and administrative impact of the regulations as they progress through the Administrative Process Act process.

## Summary:

*The present action proposes substantive changes in the requirements for licensure of school personnel. In a concurrent action, the Board of Education proposes to repeal the text of the current regulations (8 VAC 20-21) and promulgate new regulations (8 VAC 20-22). Substantive new requirements are proposed in several areas, including: (i) conditions for licensure (including, but not limited to, a revision of the exemption experience criteria for testing requirements and requiring all teachers on provisionally issued licenses to meet testing requirements for licensure within one year of the contractual date of employment); (ii) types of licenses; (iii) designations of career paths to teaching; (iv) added endorsements by examination; (v) conditions for licensure by reciprocity; (vi) names of a few endorsements and requirements for some teaching areas; (vii) endorsement areas by adding the mathematics specialist, school*

*manager, and speech language assistant; and (viii) the administration and supervision endorsement.*

## CHAPTER 22. LICENSURE REGULATIONS FOR SCHOOL PERSONNEL.

### PART I. DEFINITIONS.

#### **8 VAC 20-22-10. Definitions.**

The following words and terms when used in this chapter shall have the meanings indicated unless the context clearly implies otherwise:

"Accredited institution" means an institution of higher education accredited by a regional accrediting agency recognized by the United States Department of Education.

"Alternate route to licensure" means a nontraditional route to licensure available to individuals who meet the criteria specified in 8 VAC 20-22-90.

"Approved program" means a professional education program recognized as meeting state standards for the content and operation of such programs so graduates of the program will be eligible for state licensure. The Board of Education has the authority to approve programs in Virginia.

"Cancellation" means the annulment, voiding, or invalidation of a teaching license following voluntary surrender of the license by the license holder.

"Certified provider" means a provider certified by the Department of Education to provide preparation and training for applicants seeking the Provisional License specified in 8 VAC 20-22-90.

"Collegiate Professional License" means a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including the professional teacher's assessments prescribed by the Board of Education.

"Content area coursework" means courses at the undergraduate level (i.e., two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social sciences, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts or sciences.

"Denial" means the refusal to grant a teaching license to a new applicant or to an applicant who is reapplying after the expiration of a license.

"Division Superintendent License" means a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited institution of higher education and meets the requirements specified in 8 VAC 20-22-600. The individual's name must be

listed on the Board of Education's list of eligible division superintendents.

"Experiential learning" means a process of applying for an initial license through the alternate route as prescribed by the Board of Education and meeting the criteria specified in 8 VAC 20-22-90 E to be eligible to request experiential learning credits in lieu of the coursework for the endorsement (teaching) content area.

"International Educator License" means a three-year cultural exchange opportunity for Virginia students and international teachers. The International Educator License is a professional, teaching license issued for no more than three years to an exchange educator with citizenship in a nation other than the United States of America, and employed as an educator in a Virginia public or accredited nonpublic school, to teach for up to three consecutive years.

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

"Local Eligibility License" means a license established by the Virginia General Assembly issued to an individual by a local school board based on specified criteria set forth by the Code of Virginia. The Local Eligibility License shall not be issued in the federal core teaching areas or special education. The license is valid for three years and is not transferable to another school division. The Local Eligibility License is a nonrenewable credential and is not reciprocal with other states.

"Mentor" means a classroom teacher hired by the local school division who has achieved continuing contract status or other instructional personnel including retired teachers who meets local mentor selection criteria. The mentor should work in the same building as the beginning teacher or be instructional personnel who is assigned solely as a mentor. A mentor should be assigned a limited number of teachers at any time. Instructional personnel who are not assigned solely as mentors should not be assigned to more than four teachers at any time. Mentors guide teachers in the program through demonstrations, observations, and consultations.

"Postgraduate Professional License" means a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from an accredited institution.

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

"Provisional License" means a nonrenewable license valid for a period not to exceed three years issued to an individual who has allowable deficiencies for full licensure as set forth in

these regulations. The individual must have a minimum of an undergraduate degree from an accredited college or university (with the exception of those individuals seeking the Technical Professional License). The Provisional License, with the exception of those individuals seeking licensure through a career switcher program, will be issued for three years if all testing requirements prescribed by the Board of Education have been completed. If the individual has not met testing requirements prescribed by the Board of Education, the license will be issued for one year from the contractual date of employment. Upon meeting the testing requirements in the first year of the license, the license may be extended for two years. Individuals must complete the requirements for the regular, five-year license within the validity period of the license.

"Pupil Personnel Services License" means a five-year, renewable license available to an individual who has earned an appropriate graduate degree from an accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, special education, speech-language disorder preK-12, or vocational evaluator. This license does not require teaching experience.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education regulations.

"Revocation" means the annulment by recalling, repealing, or rescinding of a teaching license.

"Suspension" means the temporary withdrawal of a teaching license.

"Technical Professional License" means a five-year, renewable license available to an individual who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and meets the requirements specified in 8 VAC 20-22-50.

## PART II. ADMINISTERING THE REGULATIONS.

### **8 VAC 20-22-20. Administering the regulations.**

A. In administering this chapter, modifications may be made in exceptional cases by the Superintendent of Public Instruction. Proposed modifications shall be made in writing to the Superintendent of Public Instruction, Commonwealth of Virginia, Virginia Department of Education, P.O. Box 2120, Richmond, Virginia 23218-2120.

B. In administering these regulations, competencies required for endorsement areas are outlined in the Regulations Governing the Review and Approval of Education Programs in Virginia (8 VAC 20-542). This document should be referenced for detailed information regarding coursework content for endorsements. Individuals must complete the

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semester hours required for endorsement areas or the equivalent that must be documented and receive approval by the Department of Education.

## PART III. LICENSURE.

### **8 VAC 20-22-30. Purpose and responsibility for licensure.**

The primary purpose for licensing teachers and other school personnel is to maintain standards of professional competence. The responsibility for licensure is set forth in § 22.1-298.1 of the Code of Virginia, which states that the Board of Education shall prescribe by regulation the requirements for licensure of teachers.

### **8 VAC 20-22-40. Conditions for licensure.**

A. Applicants for licensure must:

1. Be at least 18 years of age;
2. Pay the appropriate fees as determined by the Board of Education and complete the application process;
3. Have earned a baccalaureate degree (with the exception of the Technical Professional License) from a regionally accredited institution of higher education and meet requirements for the license sought. Persons seeking initial licensure who graduate from Virginia institutions of higher education shall only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such institutions have been assessed by a national accrediting agency or by a state approval process with final approval by the Board of Education; and
4. Possess good moral character (free of conditions outlined in Part VII (8 VAC 20-22-690 et seq.) of this chapter.

B. All candidates who hold at least a baccalaureate degree and who seek an initial Virginia teaching license must obtain passing scores on professional teacher's assessments prescribed by the Board of Education. With the exception of the career switcher program that requires assessments as prerequisites, individuals must complete the professional teacher's assessments within one year of the contractual date of employment. Candidates seeking a Technical Professional License or the Pupil Personnel Services License are not required to take the professional teacher's assessments. Individuals who hold a valid out-of-state license (full credential with no deficiencies) and who have completed a minimum of three years of full-time, successful teaching experience in a public or accredited nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the professional teacher's assessment requirements.

C. All individuals seeking an initial endorsement in early/primary education preK-3, elementary education preK-6, special education-general curriculum, special education-

hearing disorders, special education-visual impairments and individuals seeking an endorsement as a reading specialist must obtain passing scores on a reading instructional assessment prescribed by the Board of Education.

D. Licensure by reciprocity is set forth in 8 VAC 20-22-100. A school leader's assessment prescribed by the Board of Education must be met for all individuals who are seeking an initial endorsement authorizing them to serve as principals and assistant principals in the public schools. Individuals seeking an initial administration and supervision endorsement who are interested in serving as central office instructional personnel are not required to take and pass the school leaders assessment prescribed by the Board of Education.

Individuals seeking initial licensure must demonstrate proficiency in the use of educational technology for instruction, complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services, and receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments.

### **8 VAC 20-22-50. Types of licenses; dating of licenses.**

The following types of licenses are available:

1. Provisional License. The Provisional License is a nonrenewable license valid for a period not to exceed three years issued to an individual who has allowable deficiencies for full licensure as set forth in these regulations. The individual must have a minimum of an undergraduate degree from an accredited college or university (with the exception of those individuals seeking the Technical Professional License). The Provisional License, with the exception of those individuals seeking licensure through a career switcher program, will be issued for three years if all testing requirements prescribed by the Board of Education have been completed. If the individual has not met testing requirements prescribed by the Board of Education, the license will be issued for one year from the contractual date of employment. Upon meeting the testing requirements in the first year of the license, the license may be extended for two years. Individuals must complete the requirements for the regular, five-year license within the validity period of the provisional license.

2. Collegiate Professional License. The Collegiate Professional License is a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including an earned undergraduate degree from a regionally accredited college or university and the professional teacher's assessments prescribed by the Board of Education.

3. Postgraduate Professional License. The Postgraduate Professional License is a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from an accredited college or university.

4. Technical Professional License. The Technical Professional License is a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, skills in literacy and communication, technical competency, and occupational experience; and has completed nine semester hours of specialized professional studies credit from an accredited college or university. The nine semester hours of professional studies coursework must include human growth and development (three semester hours), curriculum and instructional procedures (three semester hours), and applications of instructional technology or classroom management (three semester hours). The Technical Professional License is issued at the recommendation of an employing educational agency in the areas of career and technical education, educational technology, and military science. Individuals seeking military science must have the appropriate credentials issued by the United States military. In addition to demonstrating competency in the endorsement area sought, the individual must:

- a. Hold a license issued by the appropriate Virginia board for those program areas requiring a license and a minimum of two years of satisfactory experience at the journeyman level or an equivalent;
- b. Have completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade; or
- c. Have four years of work experience at the management or supervisory level or equivalent or have a combination of four years of training and work experience at the management or supervisory level or equivalent.

Individuals holding the Technical Professional License who seek the Collegiate Professional or Postgraduate Professional License must meet the professional teacher's assessments requirement.

5. School Manager License. The school manager license is intended to provide for the differentiation of administrative responsibilities in a school setting. A school manager is licensed to administer noninstructional responsibilities in an educational setting. For example, a school manager is restricted from evaluating teachers, supervising instruction, developing and evaluating curriculum, and serving as a school's student disciplinarian. The license is available to a candidate who holds a baccalaureate degree from a

regionally accredited college or university; has three years successful managerial experience; and is recommended for the license by a Virginia school division superintendent.

6. Pupil Personnel Services License. The Pupil Personnel Services License is a five-year, renewable license available to an individual who has earned an appropriate graduate degree from an accredited college or university with an endorsement for guidance counselor, school psychologist, school social worker, special education, speech-language disorders preK-12, or vocational evaluator. This license does not require teaching experience.

7. Division Superintendent License. The Division Superintendent License is a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited college or university and meets the requirements specified in 8 VAC 20-22-600. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

8. International Educator License. The International Educator License provides a three-year cultural exchange opportunity for Virginia students and international teachers. The International Educator License is a professional, teaching license issued for no more than three years to an exchange educator with citizenship in a nation other than the United States of America, and employed as an educator in a Virginia public or accredited nonpublic school, to teach for up to three consecutive years. To be issued the International Educator License an individual must:

- a. Be employed by a Virginia public or accredited nonpublic school;
- b. Hold non-U.S. citizenship and be a nonpermanent resident;
- c. Serve as an exchange teacher for a time period not to exceed three consecutive years; and
- d. Meet the following requirements as verified by a state-approved, federally-designated Exchange Visitor Program (22 CFR Part 62):

- (1) Be proficient in written and spoken English;
- (2) Demonstrate competence in the appropriate academic subject area(s);
- (3) Hold the U.S. equivalent of a baccalaureate degree or higher as determined by an approved credential agency; and
- (4) Hold U.S. or foreign educator credentials and completed at least one year of successful teaching experience that:
  - (a) Enables the educator to fulfill a similar assignment in his home country; or



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(b) Is comparable to those requirements for Virginia teachers.

9. Local Eligibility License. The Local Eligibility License, established by the Virginia General Assembly, is a valid, three-year nonrenewable license issued by a local school board to an individual who has met specified criteria set forth in § 22.1-299.3 of the Code of Virginia. The Local Eligibility License shall not be issued in the federal core teaching areas or special education. The license is not transferable to another division. The Local Eligibility License is a nonrenewable credential and is not reciprocal with other states.

All licenses will be effective from July 1 in the school year in which the application is made except for the Provisional License when an individual needs to meet assessment requirements prescribed by the Board of Education. The Provisional License, with the exception of individuals in a career switcher program, will be dated one year from the contractual date of employment in a Virginia public or accredited nonpublic school if the individual has not met testing requirements prescribed by the Board of Education. A Virginia employing education division or agency is required to notify employees in writing at the time of employment of the need to meet appropriate assessment requirements for licensure within a year from the contractual date of employment.

## **8 VAC 20-22-60. Designations on licenses for career paths to teaching.**

A. Designations on licenses will reflect stages in the professional development of teachers and promote continuing growth and career paths as educators. Criteria and implementation of procedures will be set forth by the Virginia Department of Education.

B. Teaching licenses may be issued with one of the following designations. These designations will not apply to the Division Superintendent License or the Pupil Personnel Services License.

1. Career Teacher: This teacher designation will be issued on a renewable teaching license for individuals who have gained continuing contract status in Virginia.

2. Mentor Teacher: This voluntary teacher designation will be issued on a renewable teaching license for individuals who have achieved the career teacher designation, received a recommendation for the designation from an employing Virginia school division superintendent or designee or accredited nonpublic school head, served at least three years as a mentor teacher in Virginia, documented responsibilities as a mentor, and completed a local or state mentor teacher training program in accordance with the Board of Education requirements for mentor teachers.

3. Teacher as Leader: This voluntary teacher designation will be issued on a renewable teaching license for individuals who have achieved the career teacher designation; completed at least five years of successful, full-time teaching experience in a Virginia public school or accredited nonpublic school; received the recommendation from an employing Virginia school division superintendent or designee or accredited nonpublic school head; and completed one of the following:

a. National board certification or a nationally recognized certification program approved by the Board of Education and demonstrated skills and abilities as a school leader as verified by a Virginia school division superintendent or designee or accredited nonpublic school head; or

b. A recommendation from an employing Virginia school division superintendent or designee or accredited nonpublic school head and documentation in an approved Department of Education format verifying the individual's demonstrated skills and abilities as a school leader and direct contributions to school effectiveness and student achievement.

## **8 VAC 20-22-70. Additional endorsements.**

A. An individual who holds a teaching license may add an additional endorsement to the license by passing a rigorous academic subject test prescribed by the Board of Education. This testing option does not apply to individuals who are seeking an early/primary preK-3 or elementary education preK-6 endorsement or who hold a technical professional license, vocational evaluator license, pupil personnel services license, or division superintendent license.

B. One or more endorsements may be added to a license provided specific endorsement requirements have been met. Written requests may be made by the licensed professional and should be directed to the Virginia employing educational agency or college or university. If the request is not acted upon by the local educational agency or college or university within 30 days or is disputed, the license holder may make a written request for an additional endorsement directly to the Office of Professional Licensure, Virginia Department of Education. Written requests should be submitted by January 15 to be in effect by July 1 of the same year.

## **8 VAC 20-22-80. Deletion of an endorsement.**

An endorsement may be deleted from a license at the request of the licensed professional. Written requests are made by the licensed professional and should be directed to the employing educational agency. If the request is not acted upon by the local educational agency within 30 days, or is disputed, the license holder may make a written request for the deletion of an endorsement directly to the Office of Professional Licensure, Virginia Department of Education. Written requests should be submitted by January 15 to be in effect on

July 1 of that year. Individuals who wish to add an endorsement that has been deleted must meet requirements for that endorsement at the time it is requested.

**8 VAC 20-22-90. Alternate routes to licensure.**

A. Career switcher alternate route to licensure for career professions. An alternate route is available to career switchers who seek teaching endorsements preK through grade 12 with the exception of special education.

1. An individual seeking a Provisional License through the career switcher program must meet the following prerequisite requirements:

- a. An application process;
- b. A baccalaureate degree from a regionally accredited college or university;
- c. The completion of requirements for an endorsement in a teaching area or the equivalent through verifiable experience or academic study;
- d. At least five years of full-time work experience or its equivalent; and
- e. Virginia qualifying scores on the professional teacher's assessments as prescribed by the Board of Education.

2. The Provisional License is awarded at the end of Level I preparation. All components of the career switcher alternate route for career professions must be completed by the candidate.

3. The Level I requirements must be completed during the course of a single year and may be offered through a variety of delivery systems, including distance learning programs. If an employing agency recommends extending the Provisional License for a second year, the candidate will enter Level III of the program. Career switcher programs must be certified by the Virginia Department of Education.

a. Level I preparation. Intensive Level I preparation includes a minimum of 180 clock hours of instruction, including field experience. This phase includes, but is not limited to, curriculum and instruction, including technology, reading, and other specific course content relating to the Standards of Learning, differentiation of instruction, classroom/behavior management, instructional design based on assessment data, and human growth and development.

b. Level II preparation during first year of employment.

- (1) Candidate seeks employment in Virginia with the one-year Provisional License.
- (2) Continued Level II preparation during the first year of employment with a minimum of five seminars that expand the intensive preparation requirements listed in

subdivision 3 a of this subsection. The five seminars will include a minimum of 20 cumulative instructional hours. A variety of instructional delivery techniques will be utilized to implement the seminars.

(3) One year of successful, full-time teaching experience in a Virginia public or accredited nonpublic school under a one-year Provisional License. A trained mentor must be assigned to assist the candidate during the first year of employment. Responsibilities of the mentor include, but are not limited to, the following:

- (a) Collaborate with the beginning teacher in the development and implementation of an individualized professional development plan;
- (b) Observe, assess, coach, and provide opportunities for constructive feedback, including strategies for self-reflection;
- (c) Share resources and materials;
- (d) Share best instructional, assessment, and organizational practices; classroom management strategies; and techniques for promoting effective communication; and
- (e) Provide general support and direction regarding school policies and procedures.

(4) Upon completion of Levels I and II of the career switcher alternate route to licensure program and submission of a recommendation from the Virginia educational employing agency, the candidate will be eligible to apply for a five-year, renewable license. Renewal requirements for the regular license will be subject to current regulations of the Board of Education.

c. Level III preparation, if required.

- (1) Post preparation, if required, will be conducted by the Virginia employing educational agency to address the areas where improvement is needed as identified in the candidate's professional improvement plan; and
- (2) Upon completion of Levels I, II, and III of the career switcher alternate route to licensure program and submission of a recommendation from the Virginia educational employing agency, the candidate will be eligible to receive a five-year renewable license.

4. Verification of program completion will be documented by the certified program provider and the division superintendent or designee.

5. Certified providers implementing a career switcher program may charge a fee for participation in the program.

B. An alternate route is available to individuals employed by an educational agency who seek teaching endorsements preK

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through grade 12. If the individual has not met testing requirements prescribed by the Board of Education, the Provisional License will be issued for one year from the contractual date of employment. Upon meeting the testing requirements in the first year of the license, the license may be extended for two years. Individuals must complete the requirements for the regular, five-year license within the validity period of the license.

1. An individual seeking a license through this alternate route must have met the following requirements:

a. Are entering the teaching field through the alternate route to licensure upon the recommendation of the Virginia employing educational agency;

b. Hold a baccalaureate degree from a regionally accredited college or university with the exception of individuals seeking the Technical Professional License;

c. Have met requirements for the endorsement area; and

d. Need to complete an allowable portion of professional studies and licensure requirements.

2. The professional studies requirements for the appropriate level of endorsement sought must be completed. A Virginia educational agency may submit to the Superintendent of Public Instruction for approval an alternate program to meet the professional studies requirements. The alternate program must include training (seminar, internship, coursework, etc.) in human growth and development, curriculum and instructional procedures (including technology), instructional design based on assessment data, classroom management, and reading.

3. One year of successful, full-time teaching experience in the appropriate teaching area in a Virginia public or accredited nonpublic school must be completed. A fully licensed experienced teacher must be available in the school building to assist the beginning teacher employed through the alternate route.

C. Alternate route in special education. The Provisional License is a nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement. This alternate route to special education is not applicable to individuals employed as speech pathologists. The Provisional License will be initially issued for three years if all testing requirements prescribed by the Board of Education have been completed. If the individual has not met testing requirements prescribed by the Board of Education, the license will be issued for one year from the contractual date of employment; upon meeting the testing requirements in the first year of the license, the license may be extended for two years. Individuals must complete the requirements for the regular, five-year license within the validity period of the

license. To be issued the Provisional License through this alternate route, an individual must:

1. Be employed by a Virginia public or nonpublic school as a special educator and have the recommendation of the employing educational agency;

2. Hold a baccalaureate degree from an accredited college or university;

3. Have an assigned mentor endorsed in special education; and

4. Have a planned program of study in the assigned endorsement area, make progress toward meeting the endorsement requirements each of the three years of the license, and have completed coursework in the competencies of foundations for educating students with disabilities and an understanding and application of the legal aspects and regulatory requirements associated with identification, education, and evaluation of students with disabilities. A survey course integrating these competencies would satisfy this requirement. The Provisional License through this alternate route shall not be issued without the completion of these prerequisites.

D. Alternate programs at institutions of higher education or Virginia school divisions. Alternate programs developed by institutions of higher education (i) recognize the unique strengths of prospective teachers from nontraditional backgrounds and (ii) prepare these individuals to meet the same standards that are established for others who are granted a license through an alternate route.

E. Experiential learning. Individuals applying for an initial license through the alternate route as prescribed by the Board of Education must meet the following criteria to be eligible to request experiential learning credits in lieu of the coursework for the endorsement (teaching) content area:

1. Hold a baccalaureate degree from a regionally accredited college or university;

2. Have at least five years of documented full-time work experience that may include specialized training related to the endorsement sought; and

3. Have met the qualifying score on the content knowledge assessment prescribed by the Board of Education.

The criteria do not apply to teachers of special education and elementary education (preK-3 and preK-6); however, in administering this chapter, modifications may be made in exceptional cases by the Superintendent of Public Instruction or designee.

## **8 VAC 20-22-100. Conditions for licensure for out-of-state candidates by reciprocity.**

A. An individual coming into Virginia from any state may qualify for a Virginia teaching license with comparable

endorsement areas if the individual has completed a state-approved teacher preparation program through a regionally accredited four-year college or university, or if the individual holds a valid out-of-state teaching license full credential without deficiencies that must be in force at the time the application for a Virginia license is made. An individual seeking licensure must establish a file in the Department of Education by submitting a complete application packet, which includes official student transcripts. Professional teacher's assessments prescribed by the Board of Education must be satisfied.

B. An individual coming into Virginia will qualify for a Virginia teaching license with comparable endorsement areas if the individual holds national certification from the National Board for Professional Teaching Standards (NBPTS) or a nationally recognized certification program approved by the Board of Education.

C. Licensure by reciprocity is provided for individuals who have obtained a valid out-of-state license (full credential without deficiencies) that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.1 of the Code of Virginia and service requirements shall not be imposed for these licensed individuals; however, other licensure assessments as prescribed by the Board of Education shall be required.

D. Individuals who hold a valid out-of-state license (full credential without deficiencies) and who have completed a minimum of three years of full-time, successful teaching experience in a public or accredited nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the professional teacher's assessment requirements.

## **8 VAC 20-22-110. Requirements for renewing a license.**

A. The Division Superintendent, Postgraduate Professional, Collegiate Professional, Technical Professional, and Pupil Personnel Services Licenses may be renewed upon the completion of 180 professional development points within a five-year validity period based on an individualized professional development plan that includes ongoing, sustained, and high-quality professional development.

B. Virginia public school divisions and public education agencies must report annually to the Department of Education that instructional personnel have completed high quality professional development each year as set forth by the Virginia Department of Education.

C. Professional development points may be accrued by the completion of professional development activities to improve and increase instructional personnel's knowledge of the

academic subjects the teachers teach or the area assigned from one or more of the following eight options.

1. College credit. Acceptable coursework offers content that provides new information and is offered on-campus, off-campus, or through extension by any regionally accredited two- or four-year college or university. College coursework must develop further experiences in subject content taught, teaching strategies, uses of technologies, leadership, and other essential elements in teaching to high standards and increasing student learning. At least 90 points for each five-year renewal shall be in the content area(s) currently being taught if the license holder does not hold a graduate degree. Instructional personnel must complete coursework to improve and increase the knowledge of the academic subjects or endorsement areas in which they are assigned.

2. Professional conference. A professional conference is a workshop, institute, or seminar of four or more hours that contributes to ongoing, sustained, and high-quality professional development.

3. Curriculum development. Curriculum development is a group activity in which the license holder contributes to the improvement of the curriculum of a school, a school division, or an education institution in the teaching area assigned. This includes the alignment of curriculum frameworks, instructional materials, and assessments to provide a system with clear expectations of what is to be taught and learned.

4. Publication of article. The article must contribute to the education profession or to the body of knowledge of the license holder's teaching area or instructional position. Grant reports that present the results of educational research are acceptable provided the license holder had an active role in planning, analyzing, interpreting, demonstrating, disseminating, or evaluating the study or innovation. The article must be published in a recognized professional journal.

5. Publication of book. Books must be published for purchase and must contribute to the education profession or to the body of knowledge of the license holder's teaching area or instructional position. The published book must increase the field of content knowledge, planning and assessment for evaluating and providing students with feedback that encourages student progress and measures student achievement, instruction, safety and learning environment, communication and community relations working with students, parents, and members of the community to promote broad support for student learning. Points will not be awarded for books self-published.

6. Mentorship. Mentoring is the process by which an experienced professional, who has received mentorship training, provides assistance to one or more persons for the

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purpose of improving their performance. Assistance may involve role modeling, direct instruction, demonstration, observation with feedback, developing of plans, and consultation to promote instructional excellence and increased student achievement. Mentoring may include the supervision of a field experience of a preservice student teacher or an intern in an approved teacher/principal preparation program, as well as mentoring as part of the induction process for a beginning teacher or a first-year administrator. Individuals serving in this role and submitting documentation for license renewal based on the mentorship option shall receive training as a mentor prior to the assignment and at least once during the five-year renewal cycle.

7. Educational project. Educational projects must be planned, focused projects based on high standards of teaching and learning. Projects must result in a written report or other tangible product. Projects must contribute to the education profession or to the body of knowledge of the license holder's teaching area or instructional position. A project could include participation in new professional responsibilities, such as leading a school improvement initiative.

8. Professional development activity. Professional development activities must focus on student learning and achievement, schoolwide educational improvement, leadership, subject content, teaching strategies, and use of technologies and other essential elements in teaching to high standards. Activities must be planned, rigorous, systematic, and promote continuous inquiry and reflection. Local employing educational agencies are encouraged to design professional development activities that are conducted in school settings and linked to student learning and achievement.

D. A minimum of 90 points (three semester hours in a content area) at the undergraduate (two-year or four-year institution) or graduate level in the license holder's endorsement areas shall be required of license holders without a master's degree and may be satisfied at the undergraduate (two-year or four-year institution) or graduate level. Special education coursework designed to assist classroom teachers and other school personnel in working with students with disabilities, a course in gifted education, a course in educational technology, or a course in English as a second language may be completed to satisfy the content course requirement for one cycle of the renewal process. Professional development activities designed to support the Virginia Standards of Learning, Standards of Accreditation, and Assessments may be accepted in lieu of the content course for one renewal cycle. The substance of the activities must clearly support these initiatives and address one or more of the following areas: (i) new content knowledge to implement the Virginia Standards of Learning; (ii) curriculum development initiative designed to translate the standards from standards to

classroom objectives; (iii) teaching beginning reading skills including phonemic awareness and the structure of language (phonics); (iv) staff development activities in assessment to assist classroom teachers in the utilization of test results to improve classroom instruction; and (v) professional development designed to implement the technology standards in the schools. Technical Professional License holders without baccalaureate degrees may satisfy the requirement through career and technical education workshops, career and technical education institutes, or through undergraduate coursework at two-year or four-year institutions.

E. Content area courses are courses at the undergraduate level (two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social sciences, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts and sciences. License holders with elementary education, middle education, special education, or reading endorsements must satisfy the 90-point requirement through reading coursework or content coursework in one of the areas listed above. Courses available through the accredited college's or institution's department of education may be used to satisfy the content requirement for those license holders with endorsements in health and physical education, career and technical education, and library science education.

F. With prior approval of the division superintendent, the 90 points in a content area also may be satisfied through coursework taken to obtain a new teaching endorsement or coursework taken because of a particular need of a particular teacher.

G. The remaining 90 points may be accrued by activities drawn from one or more of the eight renewal options. Renewal work is designed to provide licensed personnel with opportunities for professional development relative to the grade levels or teaching fields to which they are assigned or for which they seek an added endorsement. Such professional development encompasses (i) responsible remediation of any area of an individual's knowledge or skills that fails to meet the standards of competency and (ii) responsible efforts to increase the individual's knowledge of new developments in his field and to respond to new curricular demands within the person's area of professional competence.

H. The proposed work toward renewal in certain options must be approved in advance by the chief executive officer or designee of the employing educational agency. Persons who are not employed by an educational agency may renew or reinstate their license by submitting to the Office of Professional Licensure, Department of Education, their individualized renewal record and verification of points, including official student transcripts of coursework taken at an accredited two-year or four-year college or university.

I. Accrual of professional development points shall be determined by criteria set forth by the Virginia Department of Education.

J. Persons seeking license renewal as teachers must demonstrate proficiency in the use of educational technology for instruction.

K. Virginia school divisions and nonpublic schools will recommend renewal of licenses using the renewal point system. The renewal recommendation must include verification of demonstrated proficiency in the use of educational technology for instruction.

L. Training in instructional methods tailored to promote academic progress and effective preparation for the Standards of Learning tests and end-of-grade assessments is required for licensure renewal.

M. Persons seeking licensure renewal as teachers for the first time after such date must complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes.

PART IV.  
LICENSURE REGULATIONS GOVERNING  
EARLY/PRIMARY EDUCATION, ELEMENTARY  
EDUCATION, AND MIDDLE EDUCATION  
ENDORSEMENTS.

**8 VAC 20-22-120. Early/primary education, elementary education, and middle education endorsements.**

Individuals seeking licensure with endorsements in early/primary education, elementary education, and middle education may meet requirements through the completion of an approved program or, if employed by a Virginia public or nonpublic school, through the alternate route to licensure. Components of the licensure program include a degree from an accredited college or university in the liberal arts and sciences (or equivalent), professional teacher's assessments requirement prescribed by the Board of Education, specific endorsement requirements, and professional studies requirements.

**8 VAC 20-22-130. Professional studies requirements.**

Professional studies requirements for early/primary education, elementary education, and middle education: 18 semester hours. These requirements may be taught in integrated coursework or modules.

1. Human growth and development (birth through adolescence): 3 semester hours. Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual

differences – economic, social, racial, ethnic, religious, physical, and mental – should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to attention deficit disorders, gifted education including the use of multiple criteria to identify gifted students, substance abuse, child abuse, and family disruptions.

2. Curriculum and instructional procedures: 3 semester hours.

a. Early/primary education preK-3 or elementary education preK-6 curriculum and instructional procedures: 3 semester hours. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for gifted and talented students and those students with disabling conditions, must be appropriate for the level of endorsement (preK-3 or preK-6) and be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Study in methods of improving communication between schools and families, ways of increasing family involvement in student learning at home and in school, and the Standards of Learning shall be included. Demonstrated proficiency in the use of educational technology for instruction shall be included. Persons seeking initial licensure as teachers and persons seeking licensure renewal as teachers for the first time shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes. Pre-student teaching experiences (field experiences) should be evident within these skills.

b. Middle education 6-8 curriculum and instructional procedures: 3 semester hours. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes, selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for gifted and talented students and students with disabling conditions, must be appropriate for the middle education endorsement and be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Study in methods of improving communication between schools and families, ways of increasing family involvement in student learning at home and in school, and the Standards of Learning shall be included. Demonstrated proficiency

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in the use of educational technology for instruction shall be included. Persons seeking initial licensure as teachers and persons seeking licensure renewal as teachers for the first time shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes. Pre-student teaching experiences (field experiences) should be evident within these skills.

3. Instructional design based on assessment data: 3 semester hours. Skills in this area shall contribute to an understanding of the relationship among assessment, instruction, and monitoring student progress to include student performance measures in grading practices, the ability to construct and interpret valid assessments using a variety of formats in order to measure student attainment of essential skills in a standards-based environment, and the ability to analyze assessment data to make decisions about how to improve instruction and student performance.

4. Classroom management: 3 semester hours. Skills in this area shall contribute to an understanding and application of classroom management techniques and individual interventions, including techniques that promote emotional well-being and teach and maintain behavioral conduct and skills consistent with norms, standards, and rules of the educational environment. This area shall address diverse approaches based upon behavioral, cognitive, affective, social and ecological theory and practice.

5. Reading: 6 semester hours.

a. Early/primary preK-3 and elementary education preK-6 – language acquisition and reading: 6 semester hours.

Skills listed for these endorsement areas represent the minimum competencies that a beginning teacher must be able to demonstrate. These skills are not intended to limit the scope of a beginning teacher's program. Additional knowledge and skills that add to a beginning teacher's competencies to deliver instruction and improve student achievement should be included as part of a quality learning experience.

Skills in this area shall be designed to impart a thorough understanding of the complex nature of language acquisition and reading, to include phonemic awareness, concept of print, phonics, fluency, vocabulary development, and comprehension strategies. Additional skills shall include proficiency, in writing strategies, as well as the ability to foster appreciation of a variety of literature and independent reading.

b. Middle education – language acquisition: 3 semester hours and reading in the content areas: 3 semester hours. Skills in this area shall be designed to impart an understanding of comprehension skills in all content

areas, including a repertoire of questioning strategies, summarizing and retelling skills, and strategies in literal, interpretive, critical, and evaluative comprehension, as well as the ability to foster appreciation of a variety of literature and independent reading.

6. Supervised classroom experience. The student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 500 clock hours (including pre- and post-clinical experiences) with at least 300 clock hours spent supervised in direct teaching activities (providing direct instruction) at the level of endorsement. One year of successful full-time teaching experience in the endorsement area in a public or accredited nonpublic school may be accepted in lieu of the supervised teaching experience. A fully licensed, experienced teacher must be available in the school building to assist a beginning teacher employed through the alternate route.

## **8 VAC 20-22-140. Early/primary education preK-3.**

### Endorsement requirements.

1. The candidate must have graduated from an approved teacher preparation program in early/primary education preK-3; or

2. The candidate for the early/primary education preK-3 endorsement must have a degree from an accredited college or university in the liberal arts and sciences (or equivalent) and completed coursework that covers the early/primary education preK-3 competencies and fulfills the following 48 semester-hour requirements:

a. English (must include composition, oral communication, and literature): 12 semester hours;

b. Mathematics: 9 semester hours;

c. Science (including a laboratory course): 9 semester hours (in at least two science disciplines);

d. History (must include American history and world history): 6 semester hours;

e. Social science (must include geography and economics): 6 semester hours; and

f. Arts and humanities: 6 semester hours.

## **8 VAC 20-22-150. Elementary education preK-6.**

### Endorsement requirements.

1. The candidate shall have graduated from an approved teacher preparation program in elementary education preK-6; or

2. The candidate for the elementary education preK-6 endorsement must have a bachelor's degree or higher from a regionally accredited college or university majoring in the

liberal arts and sciences (or equivalent) and fulfill the following 57 semester-hour requirements:

- a. English (must include composition, oral communication, and literature): 12 semester hours;
- b. Mathematics: 12 semester hours;
- c. Science (including a laboratory course): 12 semester hours in at least two science disciplines;
- d. History (must include American history and world history): 9 semester hours;
- e. Social science (must include geography and economics): 6 semester hours; and
- f. Arts and humanities: 6 semester hours.

## **8 VAC 20-22-160. Middle education 6-8.**

Endorsement requirements.

1. The candidate must have graduated from an approved teacher preparation discipline-specific program in middle education 6-8 with at least one area of academic preparation from the areas of English, mathematics, science, and history and social sciences; or

2. An applicant seeking the middle education 6-8 endorsement must have earned a degree from an accredited college or university in the liberal arts and sciences (or equivalent); and completed a minimum of 21 semester hours in at least one area of academic preparation (concentration) that will be listed on the license; and completed minimum requirements for those areas (English, mathematics, science, and history and social sciences) in which the individual is not seeking an area of academic preparation. The applicant will be restricted to teaching only in the area(s) of concentration listed on the teaching license.

- a. English. English concentration (must include coursework in language, e.g., history, structure, grammar, literature, advanced composition, and interpersonal communication or speech): 21 semester hours.
- b. Mathematics. Mathematics concentration (must include coursework in algebra, geometry, probability and statistics, and applications of mathematics): 21 semester hours.
- c. Science. Science concentration (must include courses in each of the following: biology, chemistry, physics, and Earth and space science; a laboratory course is required in two of the four areas): 21 semester hours.
- d. History and social sciences. History and social sciences concentration (must include a course in American history, world history, economics, American

government (including state and local government), and geography: 21 semester hours.

## PART V.

### LICENSURE REGULATIONS GOVERNING PREK-12 ENDORSEMENTS, SPECIAL EDUCATION, SECONDARY GRADES 6-12 ENDORSEMENTS, AND ADULT EDUCATION.

## **8 VAC 20-22-170. PreK-12 endorsements, special education, secondary grades 6-12 endorsements, and adult education.**

Individuals seeking licensure with preK-12 endorsements, special education, secondary grades 6-12 endorsements, or adult education may meet requirements through the completion of an approved program or, if employed by a Virginia public or nonpublic school, through the alternate route to licensure. Components of the licensure program include a degree from an accredited college or university in the liberal arts and sciences (or equivalent), professional teacher's assessment requirements prescribed by the Board of Education, specific endorsement requirements, and professional studies requirements.

## **8 VAC 20-22-180. Professional studies requirements.**

Professional studies requirements for adult education, preK-12 endorsements, special education, and secondary grades 6-12 endorsements: 15 semester hours. These requirements may be taught in integrated coursework or modules.

1. Human growth and development (birth through adolescence): 3 semester hours. Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual differences – economic, social, racial, ethnic, religious, physical, and mental – should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to attention deficit disorders, gifted education including the use of multiple criteria to identify gifted students, substance abuse, child abuse, and family disruptions.

2. Curriculum and instructional procedures: 3 semester hours. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; selection and use of materials, including media and computers; and evaluation of pupil performance. Teaching methods appropriate for exceptional students, including gifted and talented and those with disabling conditions, and appropriate for the level of endorsement sought shall be included. Teaching methods shall be tailored to promote student academic progress and effective preparation for the Standards of



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Learning assessments. Methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and in school and the Standards of Learning shall be included. Demonstrated proficiency in the use of educational technology for instruction shall be included. Persons seeking initial licensure as teachers and persons seeking licensure renewal as teachers for the first time shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes. Curriculum and instructional procedures for secondary grades 6-12 endorsements must include middle and secondary education. Pre-student teaching experiences (field experiences) should be evident within these skills. For preK-12, field experiences must be at the elementary, middle, and secondary levels.

3. Instructional design based on assessment data: 3 semester hours. Skills in this area shall contribute to an understanding of the relationship among assessment, instruction, and monitoring student progress to include student performance measures in grading practices, the ability to construct and interpret valid assessments using a variety of formats in order to measure student attainment of essential skills in a standards-based environment, and the ability to analyze assessment data to make decisions about how to improve instruction and student performance.

4. Classroom management: 3 semester hours. Skills in this area shall contribute to an understanding and application of classroom management techniques and individual interventions, including techniques that promote emotional well-being and teach and maintain behavioral conduct and skills consistent with norms, standards, and rules of the educational environment. This area shall address diverse approaches based upon behavioral, cognitive, affective, social and ecological theory and practice.

## 5. Reading.

a. Adult education, preK-12, and secondary grades 6-12 – reading in the content area: 3 semester hours. Skills in this area shall be designed to impart an understanding of comprehension skills in all content areas, including a repertoire of questioning strategies, summarizing and retelling skills, and strategies in literal, interpretive, critical, and evaluative comprehension, as well as the ability to foster appreciation of a variety of literature and independent reading.

b. Special education – Language acquisition and reading: 6 semester hours.

Skills listed for these endorsement areas represent the minimum competencies that a beginning teacher must be able to demonstrate. These skills are not intended to limit

the scope of a beginning teacher's program. Additional knowledge and skills that add to a beginning teacher's competencies to deliver instruction and improve student achievement should be included as part of a quality learning experience.

Skills in this area shall be designed to impart a thorough understanding of the complex nature of language acquisition and reading, to include phonemic awareness, concept of print, phonics, fluency, vocabulary development, and comprehension strategies. Additional skills shall include proficiency, in writing strategies, as well as the ability to foster appreciation of a variety of literature and independent reading.

6. Supervised classroom experience. The student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 500 clock hours (including pre- and post-clinical experiences) with at least 300 clock hours spent supervised in direct teaching activities (providing direct instruction) in the endorsement area sought. If a preK-12 endorsement is sought, teaching activities must be at the elementary and middle or secondary levels. Individuals seeking the endorsement in library media must complete the supervised experience in a school library media setting. Individuals seeking an endorsement in an area of special education must complete the supervised classroom experience requirement in the area of special education for which the endorsement is sought. One year of successful full-time teaching experience in the endorsement area in a public or accredited nonpublic school may be accepted in lieu of the supervised teaching experience. A fully licensed, experienced teacher must be available in the school building to assist a beginning teacher employed through the alternate route.

## **8 VAC 20-22-190. Adult education.**

Endorsement requirements. The candidate must have:

1. A baccalaureate degree from an accredited college or university or hold a Collegiate Professional License; and

2. A minimum of 15 semester hours in adult education that must include the following competencies and one semester of supervised successful full-time (or an equivalent number of hours of part-time experience) teaching of adults:

a. Understanding of the nature or psychology of the adult learner or adult development;

b. Understanding of the knowledge, skills, and processes needed for the selection, evaluation, and instructional applications of the methods and materials for adult basic skills including:

(1) Curriculum development in adult basic education or GED instruction;

- (2) Beginning reading for adults;
- (3) Beginning mathematics for adults;
- (4) Reading comprehension for adult education;
- (5) Foundations of adult education; and
- (6) Other adult basic skills instruction.

Individuals not holding a Collegiate Professional License or a Postgraduate Professional License must meet the professional teacher's assessment requirements prescribed by the Board of Education.

**8 VAC 20-22-200. Adult English as a second language (add-on endorsement).**

Endorsement requirements. The candidate must have:

- 1. Graduated from an approved teacher preparation program in adult English as a second language; or
- 2. A baccalaureate degree and an endorsement in a teaching area and completed 21 semester hours of coursework distributed in the following areas:
  - a. Methods for teaching English as a second language to adults: 3 semester hours;
  - b. English linguistics: 3 semester hours;
  - c. Cross-cultural education: 3 semester hours;
  - d. Modern foreign language: 3 semester hours; and
  - e. Electives from the following areas: 6 semester hours
    - (1) Cross-cultural communication;
    - (2) Second language acquisition;
    - (3) General linguistics;
    - (4) Teaching reading to adults;
    - (5) Adult English as a second language instruction;
    - (6) Adult English as a second language curriculum development.

**8 VAC 20-22-210. Career and technical education – agricultural education.**

A. Endorsement requirements. The candidate must have:

- 1. Graduated from an approved teacher preparation program in agricultural education; or
- 2. Completed a major in agricultural education or 39 semester hours of coursework in agriculture, including at least three semester hours in each of the following:
  - a. Plant science;
  - b. Animal science;
  - c. Agricultural mechanics;

- d. Agricultural economics and management;
- e. Forestry/wildlife management; and
- f. Horticulture.

B. Technical Professional License. An endorsement in horticulture or agricultural machinery may be granted to individuals who have:

- 1. Been recommended by an employing Virginia educational agency;
- 2. Completed four years of occupational experience in the area sought; and
- 3. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in career and technical education: 3 semester hours; and applications of instructional technology or classroom management: 3 semester hours).

**8 VAC 20-22-220. Career and technical education – business and information technology.**

A. Endorsement requirements. The candidate must have:

- 1. Graduated from an approved teacher preparation program in business and information technology; or
- 2. Completed 39 hours of coursework in business and information technology, including:
  - a. Accounting: 6 semester hours;
  - b. Economics: 3 semester hours;
  - c. Business law, business principles, management, marketing, or finance: 9 semester hours;
  - d. Communications: 3 semester hours;
  - e. Information systems and technology to include computer software applications (word processing, spreadsheet, database, and presentation) information technology fundamentals, database management, programming, and networking: 12 semester hours;
  - f. Input technologies to include touch keyboarding (required), speech recognition, handwriting recognition, Personal Digital Assistants (PDAs) and other held-held devices, touch screen or mouse, scanning, and other emerging input technologies: 3 semester hours; and
  - g. Supervised business experience: 3 semester hours.

B. Technical Professional License. An endorsement in a specialized business and information technology area, such as networking, administration, communications systems, programming, database management, Internet application development, medical office procedures, legal office procedures, network administration and other emerging

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highly specialized areas may be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;
2. Completed two years of occupational experience in the endorsement area sought;
3. Completed a business program equivalent to a two-year associate degree in the area sought; and
4. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in career and technical education: 3 semester hours; and applications of instructional technology or classroom management: 3 semester hours).

## **8 VAC 20-22-230. Career and technical education – family and consumer sciences.**

A. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in family and consumer sciences; or
2. Completed 39 semester hours of coursework distributed in the following areas:
  - a. Development of individual and family: 9 semester hours;
  - b. Management, family finance, and consumer economics: 6 semester hours;
  - c. Food and nutrition: 6 semester hours;
  - d. Housing, home furnishing, and equipment: 6 semester hours;
  - e. Clothing and textiles: 3 semester hours;
  - f. Health: 3 semester hours;
  - g. Occupational program management: 3 semester hours; and
  - h. Documented work experience related to family and consumer sciences: 3 semester hours.

B. Technical Professional License. An endorsement in a specialized family and consumer sciences area, such as child care occupations, consumer services, family and human services, fashion design occupations, food occupations, hospitality occupations, interior design occupations, and home furnishings occupations, and home and institutional services, may be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;
2. A license or are certified as a professional practitioner in the area in which one is to be teaching, if applicable, or

demonstrate competency in the specialized area of family and consumer sciences;

3. In the area of occupational experience, evidence of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which they are seeking endorsement.
4. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in career and technical education: 3 semester hours; and applications of instructional technology or classroom management: 3 semester hours).

## **8 VAC 20-22-240. Career and technical education – health and medical sciences.**

A. Endorsement requirements. The candidate must have:

1. Graduated from an approved program of study for the preparation of health care professionals;
2. A license or be certified as a professional practitioner in the area in which one is to be teaching; and
3. Completed two years of occupational experience in an area related to the area to be taught.

B. Technical Professional License. An endorsement in a specialized health occupations area may be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;
2. A license or be certified as a professional practitioner in the area in which one is to be teaching;
3. Completed two years of occupational experience in the area sought;
4. Completed a health occupations' certificate or associate degree program; and
5. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in career and technical education: 3 semester hours; and applications of instructional technology or classroom management: 3 semester hours.

## **8 VAC 20-22-250. Career and technical education – industrial cooperative training (add-on endorsement).**

Endorsement requirements.

1. The candidate must have graduated from an approved teacher preparation program in industrial cooperative training (ICT); or
2. The candidate must have:

a. A Virginia Collegiate Professional or Postgraduate Professional License;

b. Completed two years or more of successful, full-time teaching experience;

c. Completed 15 semester hours in trade and industrial education coursework distributed in the following areas:

(1) Administration and coordination of ICT or equivalent cooperative education course;

(2) Methods and development of competency-based related instructional materials for ICT and implementation of a competency-based (CBE) curriculum;

(3) Vocational student organizations; and

(4) Development and utilization of directly related occupational materials; and

d. In the area of occupational experience, evidence of a minimum of two years or 4,000 hours of acceptable employment in a trade, technical, or industrial education subject area.

**8 VAC 20-22-260. Career and technical education – marketing education.**

A. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in marketing education; or

2. Completed the following educational and occupational requirements:

a. A major in marketing or 30 semester hours of coursework distributed in the following areas: marketing process and management, economics, merchandising and operations, advertising/sales promotion, personal selling, marketing math, communication theory and techniques, business ethics, human resources/training and development, international business/marketing, and marketing technology; and

b. Supervised marketing internship: 3 semester hours or one year of successful work experience in the field of marketing.

B. Technical Professional License. An endorsement in a specialized marketing area, such as apparel and accessories, financial services, hotel/motel operations, international marketing, real estate, or restaurant, may be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;

2. A license or are certified as a professional practitioner in the area in which one is to be teaching;

3. Completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade;

4. Completed four years of work experience at the management or supervisory level or equivalent or have a combination of four years of training and work experience at the management or supervisory level or equivalent; and

5. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in career and technical education: 3 semester hours; and applications of instructional technology or classroom management: 3 semester hours)

**8 VAC 20-22-270. Career and technical education – technology education.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in technology education;

2. Completed a major in technology education or 39 semester hours in technology education distributed in the following areas:

a. Technology and culture (experiences shall include the historical development of technology and its present and future impact on the individual, society and the environment): 6 semester hours;

b. Technological foundations (experiences shall include technical design and illustration, energy and power, electronics, and materials science): 12 semester hours;

c. Technological processes (experiences shall include technical design, material processing, manufacturing, construction, and graphic communication): 12 semester hours; and

d. Technological systems (experiences shall include communication, production, and transportation systems): 9 semester hours; or

3. Earned a baccalaureate degree from an accredited college or university with a major in one of the following fields of study: architecture, design, engineering, industrial technology, or physics; and completed 12 semester hours of technology education content coursework, including at least 3 semester hours in each of the following areas: technology and culture, technological foundations, technological processes, and technological systems.

**8 VAC 20-22-280. Career and technical education – trade and industrial education.**

A. Endorsement requirements.

1. The candidate must have graduated from an approved teacher preparation program in the trade and industrial

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education program subject area for which the candidate is seeking endorsement; or

2. A candidate who has graduated from an approved teacher preparation program that is not in the trade and industrial education program subject area for which the candidate is seeking endorsement must have:

a. A current state licensure or industry certification based upon the prescribed standard or examination, if applicable; and

b. Evidence of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which they are seeking endorsement. A candidate whose occupational experience has not been within the last five years must participate in a supervised technical update related to the teaching specialty or area of endorsement or complete a supervised internship of work experience of not less than six weeks related to the area of endorsement or teaching specialty.

B. Technical Professional License. An endorsement in a specialized trade and industrial education area will be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;

2. A license or are certified as a professional practitioner in the area in which one is to be teaching, if applicable, or can demonstrate competency in the area of trade and industrial education one is to be teaching;

3. Evidence of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which they are seeking endorsement. Candidates whose occupational experience has not been within the last five years must participate in a supervised technical update related to the teaching specialty or area of endorsement or complete a supervised internship of work experience of not less than six weeks related to the area of endorsement or teaching specialty; and

4. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in career and technical education: 3 semester hours; and applications of instructional technology or classroom management: 3 semester hours).

C. Add-on endorsement requirements. A candidate must:

1. Hold a Collegiate Professional or Postgraduate Professional License with a teaching endorsement;

2. Demonstrate competency in the trade or technology to be taught;

3. Hold licensure for the trade or industrial area for which endorsement is sought based upon the prescribed standard or examination;

4. Have completed two years or 4,000 clock hours of satisfactory, full-time employment experience at the journeyman level or an equivalent level in the occupation within the last five years. Candidates whose occupational experience has not been within the last five years must participate in a supervised technical update related to the teaching specialty or area of endorsement or complete a supervised internship of work experience of not less than six weeks related to the area of endorsement or teaching specialty; and

5. Have completed 3 semester hours in curriculum and instructional procedures specific to vocational industrial education.

## **8 VAC 20-22-290. Career and technical education – vocational special needs (add-on endorsement).**

Endorsement requirements:

1. The candidate must have graduated from an approved teacher preparation program in vocational special needs; or

2. The candidate must have:

a. A baccalaureate degree with an endorsement in one area of career and technical education or special education preK-12;

b. Twelve semester hours distributed in the following areas:

(1) Overview of vocational special needs programs and services: 3 semester hours;

(2) Instructional methods, curriculum and resources: 3 semester hours;

(3) Career/life planning, transitioning, occupational information, and delivery of cooperative education programs: 3 semester hours; and

(4) Purposes and practices and characteristics of special populations: 3 semester hours; and

c. Evidence of at least two years or 4,000 clock hours of satisfactory occupational experience in business or industry, or both, or complete a work experience internship under the supervision of an institution of higher education.

## **8 VAC 20-22-300. Computer science.**

A. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in computer science; or

2. Completed 36 semester hours of coursework to include each of the following areas:

- a. Mathematics;
- b. Statistics;
- c. Data structures and algorithm analysis;
- d. Introduction to computer systems;
- e. Application of computer technology; and
- f. Programming.

B. Add-on endorsement requirements in computer science. The candidate must have:

- 1. A baccalaureate degree and an endorsement in a teaching area; and
- 2. Completed 18 semester hours of coursework to include each of the following areas:
  - a. Data structures and algorithm analysis;
  - b. Programming;
  - c. Introduction to computer systems;
  - d. Application of computer technology; and
  - e. Computer science.

### **8 VAC 20-22-310. Dance arts preK-12.**

A. Endorsement requirements. The candidate must have:

- 1. Graduated from an approved teacher preparation program in dance arts; or
- 2. Completed a major in dance arts or 24 semester hours with course distribution in the following areas:
  - a. Development of movement language: 9 semester hours.
    - (1) A course in each area – ballet, folk, jazz, and modern dance: 6 semester hours; and
    - (2) Area of concentration in one area – ballet, folk, jazz, or modern dance beyond the entry level: 3 semester hours;
  - b. Composition, improvisation, and dance arts production (may include stage lighting, stage costuming, or stage makeup): 3 semester hours;
  - c. Scientific foundations, including human anatomy, kinesiology, and injury prevention and care for dance arts: 9 semester hours; and
  - d. Cultural understanding, including cultural context and dance history: 3 semester hours.

B. Add-on endorsement requirements in dance arts. The candidate must have:

1. A baccalaureate degree and an endorsement in a teaching area; and

2. Completed 15 semester hours of coursework in the following areas:

- a. Development of movement language: 9 semester hours.
  - (1) A course in each area – ballet, folk, jazz, and modern: 6 semester hours; and
  - (2) Area of concentration in one area – ballet, folk, jazz, or modern beyond the entry level: 3 semester hours;
- b. Composition, improvisation, and dance arts production (may include stage lighting, stage costuming, or stage makeup): 3 semester hours; and
- c. Cultural understanding, including cultural context and dance history: 3 semester hours.

### **8 VAC 20-22-320. Driver education (add-on endorsement).**

Endorsement requirements. The candidate must have:

- 1. Completed an approved teacher preparation program in driver education; or
- 2. Completed 6 semester hours of coursework distributed in the following areas:
  - a. Driver Task Analysis: 3 semester hours; and
  - b. Principles and methodologies of classroom and in-car instruction, including a minimum of 14 hours of actual behind-the-wheel supervised teaching experience and 2 hours of basic evasive maneuvers: 3 semester hours.

### **8 VAC 20-22-330. English.**

Endorsement requirements. The candidate must have:

- 1. Graduated from an approved teacher preparation program in English; or
- 2. Completed a major in English or a minimum of 36 semester hours of coursework distributed in the following areas:
  - a. Literature: 12 semester hours. Courses must include:
    - (1) Survey of British literature;
    - (2) Survey of American literature;
    - (3) World literature; and
    - (4) Literary theory/criticism.
  - b. Language: 6 semester hours. Experiences shall include:

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(1) The development and nature of the English language, including some attention to comparative English grammar; and

(2) A grammar course integrating grammar and writing.

c. Composition: 6 semester hours. Experiences shall include:

(1) The teaching of writing, based on current knowledge and most effective practices, including the use of technology for this purpose; and

(2) An advanced composition course – expository and informational writing.

d. Oral language: 3 semester hours. Experiences shall include the teaching of oral language in groups, as well as attention to oral language as used in both formal and informal presentations.

e. Electives from the areas listed above: 9 semester hours.

## **8 VAC 20-22-340. English as a second language preK-12.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in English as a second language; or

2. Completed 24 semester hours of coursework distributed in the following areas:

a. Teaching of reading (the courses must include the five areas of reading instruction: phonemic awareness, phonics, fluency, vocabulary and text comprehension as well as the similarities and differences between reading in a first language and reading in a second language; one course must address reading instruction to English language learners): 6 semester hours;

b. English linguistics (including phonology, morphology, syntax of English): 3 semester hours;

c. Cross-cultural education: 3 semester hours;

d. Modern foreign languages (if an applicant's primary language is other than English, all 6 hours must be in English): 6 semester hours;

e. Electives in second language acquisition, general linguistics, applied linguistics, psycholinguistics, sociolinguistics, ESL assessment, or ESL curriculum development: 3 semester hours; and

f. Methods of teaching English as a second language at the elementary and secondary levels: 3 semester hours.

## **8 VAC 20-22-350. Foreign language preK-12.**

A. The specific language of the endorsement will be noted on the license.

B. Foreign language preK-12 – languages other than Latin. Endorsement requirements:

1. The candidate must have (i) graduated from an approved teacher preparation program in a foreign language; or (ii) completed 30 semester hours above the intermediate level in the foreign language. (Endorsement in a second language may be obtained with 24 semester hours of coursework above the intermediate level.) The program shall include (i) courses in advanced grammar and composition, conversation, culture and civilization, and literature and (ii) a minimum of 3 semester hours of methods of teaching foreign languages at the elementary and secondary levels.

2. Native speakers or candidates who have learned a foreign language without formal academic credit in an accredited college or university must complete the following requirements:

a. Achieved a minimum score of 600 on the Test of English as a Foreign Language, if English is not the native language. Native speakers of English are exempt from this test;

b. Achieved a qualifying score on a foreign language assessment in the appropriate language as prescribed by the Board of Education; and

c. Earned a minimum of 3 semester hours of methods of teaching foreign languages at the elementary and secondary levels from an accredited college or university in the United States.

C. Foreign language preK-12 – Latin. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in Latin; or

2. Completed 24 semester hours of Latin above the intermediate level. Up to six hours of Roman history, Roman life, mythology, or archaeology may be included in the total hours and 3 semester hours of methods of teaching Latin at the elementary and secondary levels are required.

D. Foreign language preK-12 – American Sign Language. Endorsement requirements:

1. The candidate must have (i) graduated from an approved teacher preparation program in a foreign language – American Sign Language or (ii) completed a major in American Sign Language or 24 semester hours above the intermediate level in American Sign Language. The program shall include (i) courses in advanced grammar and syntax, conversation, and culture and (ii) a minimum of 3 semester hours of methods of teaching foreign languages at the elementary and secondary levels.

2. Native users or candidates who have learned American Sign Language without formal academic credit in an

accredited college or university must complete the following requirements:

a. Competency in American Sign Language demonstrated by written documentation of one of the following:

(1) Hold a current, valid qualified or professional certification by the American Sign Language Teachers Association; or

(2) Hold a current, valid Virginia Quality Assurance Screening Level III Interpreting certification or higher issued by the Virginia Department for the Deaf and Hard-of-Hearing; or

(3) Hold a current, valid Registry of Interpreters for Deaf certification in at least one of the following: Certificate of Interpretation (CI), Certificate of Deaf Interpretation (CDI), Reverse Skills Certification (RSC), or Comprehensive Skills Certificate (CSC); or

(4) Hold a current, valid National Association for the Deaf Level IV certification or higher; or

(5) Complete requirements of an assessment demonstrating proficiency in American Sign Language prescribed by the Board of Education.

b. Earned a minimum of 3 semester hours of methods of teaching foreign languages at the elementary and secondary levels from an accredited college or university in the United States.

## **8 VAC 20-22-360. Gifted education (add-on endorsement).**

Endorsement requirements. The candidate must have:

1. Completed an approved teacher preparation program in gifted education; or

2. Completed the following:

a. Graduated with a baccalaureate degree with an endorsement in a teaching area;

b. Completed 12 hours of graduate-level coursework in gifted education; and

c. Completed a practicum of at least 45 instructional hours. This practicum shall include a minimum of 45 instructional hours of successful teaching experiences with gifted students in a heterogeneously grouped (mixed ability) classroom or a homogeneously grouped (single ability) classroom. One year of successful, full-time teaching experience in a public or accredited nonpublic school may be accepted in lieu of the practicum. A mentor holding a valid license with an endorsement in gifted education must be assigned to the teacher.

## **8 VAC 20-22-370. Health and physical education preK-12.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in health, and physical education; or

2. Completed a major in health and physical education or 45 semester hours of coursework distributed in the following areas:

a. Personal health and safety: 6 semester hours;

b. Human anatomy, physiology, and kinesiology: 9-12 semester hours;

c. General health and physical education theory, including planning, administration, and assessment principles: 6 semester hours;

d. Physical education methodology courses, including team, individual, adaptive, cooperative activities, rhythms and dance: 9 semester hours;

e. Health methods course: 3 semester hours; and

f. Health and physical education electives: 3-6 semester hours.

## **8 VAC 20-22-380. History and social sciences.**

A. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in history and social sciences; or

2. Completed 42 semester hours of coursework distributed in the following areas:

a. History: a major in history or 18 semester hours in history (must include coursework in American history, Virginia history, and world history);

b. Political science: 12 semester hours in political science to include coursework in American government (state and local government);

c. Geography: 6 semester hours; and

d. Economics: 6 semester hours.

B. Add-on endorsement requirements in history, political science, geography, and economics. The candidate must have:

1. An endorsement in history, political science, geography, or economics; and

2. Completed 21 semester hours of coursework in the additional social science area (history, political science, geography, or economics) sought.

## **8 VAC 20-22-390. Journalism (add-on endorsement).**

Endorsement requirements. The candidate must have:

1. A baccalaureate degree and an endorsement in a teaching area; and

2. A minimum of 15 semester hours in journalism.



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## **8 VAC 20-22-400. Keyboarding (add-on endorsement).**

Endorsement requirements. The candidate must have:

1. An endorsement in a teaching area; and
2. Completion of 6 semester hours in keyboarding. Three of the hours must be from formal keyboarding instruction (or documented demonstrated mastery of the touch keyboarding skill), and three hours must include document formatting skills/word processing/computer applications).

## **8 VAC 20-22-410. Library media preK-12.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved preparation program in library media; or
2. Completed 24 semester hours distributed in each of the following areas:
  - a. Selection and utilization of library-media materials and equipment, including the various technologies of up-to-date libraries (computers, instructional software, and the Internet in the teaching/learning process);
  - b. Production of media and instructional materials;
  - c. Organization, administration, and evaluation of a library-media center, including ethical issues;
  - d. Theory and management of reference and bibliography;
  - e. Selection of print-media materials for children and adolescents;
  - f. Organization and technical processing of materials; and
  - g. The role of the library-media specialist as a resource person for students and professional staff in curriculum design and the integration of library-media services in instruction; and
3. Participated in a clinical experience to give the applicant an opportunity to apply the skills, understandings, and competencies required for the endorsement. One year of successful, full-time experience as a school librarian in a public or accredited nonpublic school may be accepted to meet this requirement.

## **8 VAC 20-22-420. Mathematics.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in mathematics; or
2. Completed a major in mathematics or 36 semester hours of coursework distributed in each of the following areas:
  - a. Algebra – Experience shall include linear (matrices, vectors, and linear transformations) and abstract algebra (ring, group, and field theory). A college or university

may integrate the competencies within specified coursework and document the completion of these competencies;

- b. Geometry – Experience shall include Euclidean and non-Euclidean geometries;
- c. Analytic geometry;
- d. Probability and statistics;
- e. Discrete mathematics – Experience shall include the study of mathematical properties of finite sets and systems and linear programming;
- f. Computer science – Experience shall include computer programming; and
- g. Calculus – Experience shall include multivariable calculus.

## **8 VAC 20-22-430. Mathematics – Algebra I (add-on endorsement).**

Endorsement requirements. The candidate must have:

1. Completed an approved teacher preparation program in Algebra I; or
2. Completed the following requirements. The candidate must have:
  - a. A baccalaureate degree from an accredited college or university and an endorsement in a teaching area; and
  - b. Completed 24 semester hours that include coursework in each of the following areas:
    - (1) Elementary functions and introductory college algebra;
    - (2) Trigonometry;
    - (3) Linear algebra;
    - (4) Calculus;
    - (5) Euclidean geometry;
    - (6) Probability and statistics;
    - (7) Discrete mathematics; and
    - (8) Computer science.

## **8 VAC 20-22-440. Music education – instrumental preK-12.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in music education – instrumental; or
2. Completed 42 semester hours of coursework in the following areas:

a. Basic music knowledge (experiences shall be related to music theory, music history, and literature): 18 semester hours.

b. Musical performance (experiences shall consist of developing competency in a primary performance medium (band or orchestral instrument), and in a secondary performance medium (band, orchestral, or keyboard instrument), and in teaching, rehearsing, and conducting ensembles): 18 semester hours.

c. Electives (with coursework selected from either of the two areas above): 6 semester hours.

**8 VAC 20-22-450. Music education – vocal/choral preK-12.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in music education – vocal/choral; or

2. Completed 42 semester hours of coursework distributed in the following areas:

a. Basic music knowledge (experiences shall be related to music theory, music history, and literature): 18 semester hours.

b. Musical performance (experiences shall consist of developing competency in a primary and secondary medium, selected from voice or keyboard; and in teaching, rehearsing, and conducting ensembles): 18 semester hours.

c. Electives (with coursework selected from either of the two areas above): 6 semester hours.

**8 VAC 20-22-460. Science – biology.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in biology;

2. Completed a major in biology or 32 semester hours in biology, including genetics/molecular biology, botany, zoology, anatomy/physiology, ecology and other preparation consistent with the competencies for the endorsement; or

3. Earned an endorsement in another science discipline and at least 18 credits in biology, including preparation in each of the following areas: genetics/molecular biology, botany, zoology, anatomy/physiology, and ecology.

**8 VAC 20-22-470. Science – chemistry.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in chemistry;

2. Completed a major in chemistry or 32 semester hours in chemistry, including inorganic chemistry, organic chemistry, physical chemistry, and analytical chemistry and other preparation consistent with the competencies required for the endorsement; or

3. Earned an endorsement in another science discipline and at least 18 credits in chemistry, including preparation in each of the following areas: inorganic chemistry, organic chemistry, physical chemistry, and analytical chemistry.

**8 VAC 20-22-480. Science – Earth science.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in Earth science;

2. Completed a major in geology or environmental science with at least one course in each of the following: oceanography, meteorology, and astronomy, or 32 semester hours in Earth sciences, including geology (18 semester hours), oceanography, meteorology, and astronomy and other preparation consistent with the competencies required for the endorsement; or

3. Earned an endorsement in another science discipline and at least 18 credits in Earth sciences, including preparation in each of the following areas: geology, oceanography, meteorology, and astronomy.

**8 VAC 20-22-490. Science – physics.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in physics;

2. Completed a major in physics or 32 semester hours in physics, including mechanics, electricity and magnetism, and optics and other preparation consistent with the competencies required for the endorsement; or

3. Earned an endorsement in another science discipline and at least 18 credits in physics, including preparation in each of the following areas: mechanics, electricity and magnetism, and optics.

**8 VAC 20-22-500. Special education early childhood (birth-age 5).**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in early childhood special education; or

2. Completed a major in early childhood special education or 27 semester hours in early childhood special education, including at least one course in each of the following: foundations and legal aspects of special education, assessment techniques for young children with disabling and at-risk conditions, instructional programming, speech/language development and intervention, medical

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aspects, behavior management, consultation, child growth and development, and family-centered intervention.

## **8 VAC 20-22-510. Special education hearing impairments preK-12.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in special education hearing impairments; or
2. Completed a major in special education hearing impairments or 27 semester hours in education of the hearing impaired, including at least one course in foundations/legal aspects of special education, characteristics of individuals with hearing impairments, psycho-educational assessment, instructional programming, speech-language development, behavior management, audiology, speech and hearing science, and communication modalities.

## **8 VAC 250-22-520. Special education – adapted curriculum K-12.**

Endorsement requirements: The candidate must:

1. Have graduated from an approved program in special education – adapted curriculum; or
2. Have completed a major in special education – adapted curriculum or 27 semester hours in the education of students with disabilities distributed in the following areas:
  - a. Core coursework: 12 semester hours distributed among the following areas:
    - (1) Foundations – characteristics that include knowledge of the foundation for educating students with disabilities;
    - (2) Foundations – legal aspects that include an understanding and application of the legal aspects, regulatory requirements, and expectations associated with identification, education, and evaluation of students with disabilities;
    - (3) Assessment and management of instruction and behavior that include an understanding and application of the foundation of assessment and evaluation related to best special education practice; of service delivery, curriculum, and instruction of students with disabilities; and of classroom management techniques and individual interventions; and
    - (4) Collaboration that includes skills in consultation, case management, and collaboration.
  - b. Adapted curriculum coursework: 15 semester hours distributed in the following areas:
    - (1) Characteristics: 6 semester hours. Skills in this area include the ability to demonstrate knowledge of

the characteristics, learning and support needs of students with disabilities (K-12), whose cognitive impairments or adaptive skills require adaptations to the general curriculum, including, but not limited to, students with moderate to severe mental retardation or developmental delay; autism; multiple disabilities; traumatic brain injury; and sensory impairments as an additional disability to those referenced above.

(2) Individualized education program implementation: 6 semester hours. Skills in this area include the ability to apply knowledge of assessment and evaluation throughout the K-12 grade levels to construct, use, and interpret a variety of standardized and nonstandardized data collection techniques; to make decisions about student progress, instruction, program modifications, accommodations, placement, and teaching methodology; and to demonstrate the use of assessment, evaluation, and other information to develop and implement individual educational planning and group instruction with students with disabilities in an adapted curriculum across the K-12 grade levels; and

(3) Transitioning: 3 semester hours. Skills in this area include the ability to prepare students and work with families to provide successful student transitions throughout the educational experience to include postsecondary training, employment, and independent living that addresses an understanding of long-term planning, career development, life skills, community experiences and resources, self-advocacy, and self-determination, guardianship and legal considerations.

## **8 VAC 20-22-530. Special education – general curriculum K-12.**

Endorsement requirements: The candidate must:

1. Have graduated from an approved program in special education – general curriculum; or
2. Have completed a major in special education – general curriculum or 27 semester hours in the education of students with disabilities distributed in the following areas:
  - a. Core coursework: 12 semester hours distributed among the following areas:
    - (1) Foundations – characteristics that include knowledge of the foundation for educating students with disabilities;
    - (2) Foundations – legal aspects that include an understanding and application of the legal aspects, regulatory requirements, and expectations associated with identification, education, and evaluation of students with disabilities;

(3) Assessment and management of instruction and behavior that includes an understanding and application of the foundation of assessment and evaluation related to best special education practice; of service delivery, curriculum, and instruction of students with disabilities; and of classroom management techniques and individual interventions; and

(4) Collaboration that includes skills in consultation, case management, and collaboration.

b. General curriculum coursework: 15 semester hours distributed in the following areas:

(1) Characteristics: 6 semester hours. Skills in this area shall include the ability to demonstrate knowledge of definitions, characteristics, and learning and behavioral support needs of students with disabilities who are accessing the general education curriculum at the elementary, middle, and high school levels, including but not limited to, students with learning disabilities, emotional disturbance, mental retardation; developmental delay; autism; other health impaired; traumatic brain injury; and multiple disabilities;

(2) Individualized Education Program Implementation: 6 semester hours. Skills in this area include the ability to apply knowledge of assessment and evaluation throughout the K-12 grade levels to construct, use, and interpret a variety of standardized and nonstandardized data collection techniques; to make decisions about student progress, instruction, program, accommodations, placement, and teaching methodology for students with disabilities who are accessing the general education curriculum and the standards of learning; and to demonstrate the use of assessment, evaluation, and other information to develop and implement individual educational planning and group instruction with students with disabilities who are accessing the general education curriculum across the K-12 grade levels.

(3) Transitioning: 3 semester hours. Skills in this area include the ability to prepare students and work with families to provide successful student transitions throughout the educational experience to include postsecondary training, employment, and independent living which addresses an understanding of long-term planning, career development, life skills, community experiences and resources, self-advocacy, and self-determination, guardianship and legal considerations.

**8 VAC 20-22-540. Special Education – Speech-language pathology assistant preK-12.**

A. The speech-language pathology assistant will provide speech-language pathology support under the direction and supervision of a speech-language pathologist.

B. Endorsement Requirements. The candidate must have:

1. Completed a baccalaureate degree in speech-language pathology or communication disorders from an accredited college or university; and

2. Completed a minimum of 500 clock hours in supervised education experiences for the job responsibilities and workplace behaviors of the speech-language pathology assistant. Two hundred and fifty clock hours of the supervised education experiences must be direct, on-site observation of an ASHA-certified speech-language pathologist. The remaining 250 clock hours of the supervised education experiences must be fieldwork experiences in a public school setting supervised by an ASHA-certified speech-language pathologist. One full year of successful, full-time experience as a speech-language pathology assistant under the supervision of a licensed speech-language pathologist will be accepted in lieu of the 500 clock hours of supervised education experience.

**8 VAC 20-22-550. Special education visual impairments preK-12.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in special education visual impairments preK-12; or

2. Completed a major in special education visual impairments or 27 semester hours in education of students with visual impairments, including at least one course in foundations/legal aspects of special education; characteristics of persons with visual impairments; psycho-educational assessment and assessment for visual impairment; language/literacy skill development; Braille reading and writing; behavior management; transition; consultation; anatomy, physiology, and diseases of the eye; and instructional programming and methods.

**8 VAC 20-22-560. Speech communication (add-on endorsement).**

Endorsement requirements. The candidate must have:

1. A baccalaureate degree and an endorsement in a teaching area; and

2. A minimum of 15 semester hours in speech communication.

**8 VAC 20-22-570. Theatre arts preK-12.**

A. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in theatre arts; or

2. Completed a major in theatre or 33 semester hours distributed among the following areas:

a. Directing: 6 semester hours;

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- b. Technical theatre: 9 semester hours;
- c. Cultural context and theatre history: 3 semester hours;
- d. Performance: 6 semester hours; and
- e. Dramatic literature: 9 semester hours.

**B. Add-on endorsement requirements in theatre arts preK-12.**  
The candidate must have:

1. A baccalaureate degree and an endorsement in a teaching area; and
2. Completed 15 semester hours distributed in the following areas:
  - a. Directing: 3 semester hours;
  - b. Technical theatre: 3 semester hours;
  - c. Cultural context and theatre history: 3 semester hours; and
  - d. Performance: 6 semester hours.

**8 VAC 20-22-580. Visual arts preK-12.**

Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in visual arts; or
2. Completed a major in visual arts or 36 semester hours in art with course distribution in the following areas:
  - a. Two-dimensional media: 12 semester hours;
  - b. Three-dimensional media: 12 semester hours;
  - c. Cultural context and art history, judgment and criticism, and aesthetics: 9 semester hours; and
  - d. Related areas of the fine arts: 3 semester hours.

**PART VI.**

**LICENSURE REGULATIONS GOVERNING SUPPORT PERSONNEL.**

**8 VAC 20-22-590. Administration and supervision preK-12.**

A. An endorsement in administration and supervision preK-12 consists of Level I, which is required to serve as a building-level administrator or central office supervisor, and Level II, which is an optional endorsement to which an experienced building-level administrator may aspire. Individuals must meet the requirements for the administration and supervision preK-12 endorsement through one of the three options listed in this section. A school leader's assessment prescribed by the Board of Education must be met for all individuals who are seeking an initial endorsement authorizing them to serve as principals and assistant principals in the public schools. Individuals seeking an initial administration and supervision endorsement who are

interested in serving as central office instructional personnel are not required to take and pass the school leaders assessment prescribed by the Board of Education.

**B. Approved program route to Level I administration and supervision preK-12 endorsement.**  
To become eligible for a Level I endorsement under this option, the candidate must have:

1. A master's degree from a regionally accredited college or university;
2. Completed three years of successful, full-time experience as a classroom teacher in a public school or accredited nonpublic school;
3. Completed an approved program in administration and supervision from a regionally accredited college or university;
4. Completed a minimum of 320 clock hours of a deliberately structured and supervised internship that provides exposure to multiple sites (elementary, middle, high, central office, agency) with diverse student populations. These experiences shall be an integral component of a Virginia Board of Education approved preparation program. The internship must be focused on learning for all students and must occur in a public school or accredited nonpublic school; and
5. Satisfied the requirements for the school leaders licensure assessment prescribed by the Board of Education. Individuals seeking an initial administration and supervision endorsement who are interested in serving as central office instructional personnel are not required to take and pass the school leaders assessment prescribed by the Board of Education.

**C. Alternate route to Level I administration and supervision preK-12 endorsement.**  
In order to be eligible for Level I endorsement under this option, the candidate must have:

1. A master's degree from a regionally accredited college or university;
2. Completed graduate coursework addressing competencies in school law, evaluation of instruction, and other areas of study as required by an employing Virginia school superintendent;
3. Satisfied the requirements for the school leaders licensure assessment specified by the Board of Education; and
4. Been recommended by a superintendent in an employing Virginia school division.

**D. Out-of-state administration and supervision endorsement.**  
The candidate must have:

- 1. A master's degree from a regionally accredited college or university; and
- 2. A current, valid out-of-state license (full credential with an endorsement in administration and supervision).

E. Level II endorsement in administration and supervision preK-12. A building-level administrator may seek Level II endorsement in administration and supervision preK-12 after successfully serving as a building-level administrator for at least five years in a public school or accredited nonpublic school and successfully completing a formal induction program as a principal or assistant principal. In order to earn Level II endorsement, the candidate must meet two or more of the following criteria as specified by the Board of Education:

- 1. Evidence of improved student achievement;
- 2. Evidence of instructional leadership;
- 3. Evidence of positive effect on school climate or culture;
- 4. Earned doctorate in educational leadership or evidence of formal professional development in the areas of school law, school finance, supervision, human resource management, and instructional leadership; or
- 5. Evidence of a completion of a high-quality professional development project designed by the division superintendent.

**8 VAC 20-22-600. Division Superintendent License.**

An individual may be a candidate for the list of eligible division superintendents and the renewable Division Superintendent License through the completion of the requirements in one of the following four options:

- 1. Option one. The individual must:
  - a. Hold an earned doctorate degree in educational administration or educational leadership from an accredited college or university; and
  - b. Have completed five years of educational experience in a public or accredited nonpublic school, two of which must be teaching experience at the preK-12 level and two of which must be in administration/supervision at the preK-12 level.
- 2. Option two. The individual must:
  - a. Hold an earned master's degree from an accredited college or university plus 30 completed hours beyond the master's degree;
  - b. Have completed requirements for administration and supervision preK-12 endorsement that includes the demonstration of competencies in the following areas:
    - (1) Knowledge and understanding of student growth and development, including:

- (a) Applied learning and motivational theories;
- (b) Curriculum design, implementation, evaluation and refinement;
- (c) Principles of effective instruction, measurement, evaluation and assessment strategies;
- (d) Diversity and its meaning for educational programs; and
- (e) The role of technology in promoting student learning.
- (2) Knowledge and understanding of systems and organizations, including:
  - (a) Systems theory and the change process of systems, organizations and individuals;
  - (b) The principles of developing and implementing strategic plans;
  - (c) Information sources and processing, including data collection and data analysis strategies;
  - (d) Learning goals in a pluralistic society; and
  - (e) Effective communication, including consensus building and negotiation skills.
- (3) Knowledge and understanding of theories, models, and principles of organizational development, including:
  - (a) Operational procedures at the school and division/district level;
  - (b) Principles and issues of school safety and security;
  - (c) Human resources management and development, including adult learning and professional development models;
  - (d) Principles and issues related to fiscal operations of school management;
  - (e) Principles and issues related to school facilities and use of space;
  - (f) Legal issues impacting school operations and management; and
  - (g) Technologies that support management functions.
- (4) Knowledge and understanding of the values and ethics of leadership, including:
  - (a) The role of leadership in modern society;
  - (b) Emerging issues and trends that impact the school community;

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(c) Community resources and partnerships of school, family, business, government and higher education institutions;

(d) Community relations and marketing strategies and processes; and

(e) Conditions and dynamics of the diverse school community.

(5) Knowledge and understanding of the purpose of education and its role in a modern society, including:

(a) The philosophy and history of education; and

(b) Various ethical frameworks and professional ethics.

(6) Knowledge and understanding of principles of representative governance that undergird the system of American schools, including:

(a) The role of public education in developing and renewing a democratic society and an economically productive nation;

(b) The law as related to education and schooling;

(c) The political, social, cultural and economic systems and processes that impact schools;

(d) Models and strategies of change and conflict resolution as applied to the larger political, social, cultural and economic contexts of schooling;

(e) Global issues and forces affecting teaching and learning; and

(f) The importance of diversity and equity in a democratic society.

c. Have completed five years of educational experience in a public or accredited nonpublic school, two of which must be teaching experience at the preK-12 level and two of which must be in administration/supervision at the preK-12 level.

3. Option three. The individual must:

a. Hold an earned master's degree from an accredited college or university;

b. Hold a current, valid out-of-state license with an endorsement as a division/district superintendent; and

c. Have completed five years of educational experience in a public or accredited nonpublic school, two of which must be teaching experience at the preK-12 level and two of which must be in administration/supervision.

4. Option four. The individual must:

a. Hold a master's degree, or its equivalent, from an accredited college or university;

b. Have held a senior leadership position such as Chief Executive Officer or senior military officer; and

c. Be recommended by a school board interested in employing the individual as superintendent.

## **8 VAC 20-22-610. Mathematics specialist for elementary and middle education.**

Endorsement requirements. The candidate must have:

1. Completed at least three years of successful classroom teaching experience in which the teaching of mathematics was an important responsibility; and

2. Graduated from an approved mathematics specialist preparation program (master's level); or completed a master's level program in mathematics, mathematics education, or related education field with 30 semester hours of graduate coursework in the competencies listed below, including at least 21 hours of coursework in undergraduate or graduate-level mathematics.

a. Understanding of the knowledge, skills, and processes of the Virginia Mathematics Standards of Learning and how curriculum may be organized to teach these standards to diverse learners;

b. Understanding of a core knowledge base of concepts and procedures within the discipline of mathematics, including the following strands: number systems and number theory; geometry and measurement; statistics and probability; and functions and algebra;

c. Understanding of the sequential nature of mathematics and the mathematical structures inherent in the content strands;

d. Understanding of the connections among mathematical concepts and procedures and their practical applications;

e. Understanding of and the ability to use the five processes – becoming mathematical problem solvers, reasoning mathematically, communicating mathematically, making mathematical connections, and using mathematical representations – at different levels of complexity;

f. Understanding of the history of mathematics, including the contributions of different individuals and cultures toward the development of mathematics and the role of mathematics in culture and society;

g. Understanding of major current curriculum studies and trends in mathematics;

h. Understanding of the role of technology and the ability to use graphing utilities and computers in the teaching and learning of mathematics;

i. Understanding of and the ability to select, adapt, evaluate and use instructional materials and resources, including professional journals and technology;

j. Understanding of and the ability to use strategies for managing, assessing, and monitoring student learning, including diagnosing student errors;

k. Understanding of and the ability to use strategies to teach mathematics to diverse learners;

l. Understanding of leadership skills needed to improve mathematics programs at the school and division levels, including the needs of high and low-achieving students and of strategies to challenge them at appropriate levels; child psychology, including personality and learning behaviors; educational measurement and evaluation; and effective professional development approaches; and

m. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

**8 VAC 20-22-620. Reading specialist.**

Endorsement requirements. The candidate must have completed an approved graduate-level reading specialist approved preparation program (master's degree required) that includes course experiences of at least 30 semester hours of graduate coursework in the competencies for the endorsement, as well as a practicum experience in the diagnosis and remediation of reading difficulties. The individual also must have at least three years of successful classroom teaching experience in which the teaching of reading was an important responsibility.

**8 VAC 20-22-630. School counselor preK-12.**

Endorsement requirements:

1. Option I. The candidate must have:

a. An earned master's degree from an approved counselor education program that shall include at least 100 clock hours of clinical experiences in the preK-6 setting and 100 clock hours of clinical experiences in the grades 7-12 setting; and

b. Two years of successful, full-time teaching experience or two years of successful experience in guidance and counseling in a public or accredited nonpublic school. Two years of successful, full-time experience in guidance and counseling under an alternate route license may be accepted to meet this requirement.

2. Option II. The candidate must have:

a. An earned master's degree from an accredited college or university and certification from an approved counselor education program; and

b. Two years of successful, full-time teaching experience or two years of successful, full-time experience in

guidance and counseling in a public or accredited nonpublic school. Two years of successful, full-time experience in guidance and counseling under a nonrenewable license may be accepted to meet this requirement.

**8 VAC 20-22-640. School manager license.**

A. The school manager license is intended to provide for the differentiation of administrative responsibilities in a school setting. A school manager is licensed to administer noninstructional responsibilities in an educational setting. For example, a school manager is restricted from evaluating teachers, supervising instruction, developing and evaluating curriculum, and serving as a school's student disciplinarian.

B. To earn a school manager license, the candidate must:

1. Hold a baccalaureate degree from a regionally accredited college or university;

2. Have three years successful managerial experience; and

3. Be recommended for the license by a Virginia school division superintendent.

**8 VAC 20-22-650. School psychology.**

Endorsement requirements:

1. Option I. The candidate must complete:

a. An approved program in school psychology; and

b. Sixty graduate hours that culminate in at least a master's degree; and

c. An internship that is documented by the degree granting institution. No more than 12 hours of internship can be counted toward the 60 graduate semester hours required for licensure. The internship experience shall occur on a full-time basis over a period of one year or on a half-time basis over a period of two consecutive years. The internship shall occur under conditions of appropriate supervision, i.e., school-based supervisor shall hold a valid credential as a school psychologist and nonschool based supervisor shall be an appropriately credentialed psychologist. The internship shall include experiences at multiple age levels, at least one half of which shall be in an accredited schooling setting.

2. Option II. The candidate must hold a certificate issued by the National School Psychology Certification Board.

**8 VAC 20-22-660. School social worker.**

Endorsement requirements:

1. Option I. The candidate must have:

a. An earned master's of social work from an accredited college or university school of social work with a minimum of 60 graduate semester hours;



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- b. A minimum of six graduate semester hours in education; and
- c. Completed a supervised practicum or field experience of a minimum of 400 clock hours in a public or accredited nonpublic school discharging the duties of a school social worker.

**2. Option II. The candidate must have:**

- a. An earned master's of social work from an accredited college or university school of social work with a minimum of 60 graduate semester hours;
- b. A minimum of six graduate semester hours in education; and
- c. One year of successful full-time supervised experience as a school social worker in a public or accredited nonpublic school.

**8 VAC 20-22-670. Special education: speech-language pathologist preK-12.**

Endorsement requirements. The candidate must have:

- 1. An earned master's degree in speech-language pathology from an accredited institution; or
- 2. A current license in speech pathology issued by the Virginia Board of Examiners for Audiology and Speech Pathology.

**8 VAC 20-22-680. Vocational evaluator.**

Endorsement requirements:

- 1. Option I. The candidate must be certified as a Vocational Evaluation Specialist (CVE), meeting all standards and criteria of the Commission on Certification of Work Adjustment and Vocational Evaluation Specialist (CCWAVES).
- 2. Option II. The candidate must have a master's degree in vocational evaluation, career and technical education, special education, or rehabilitation counseling and completed 15 graduate semester hours distributed in the following areas:
  - a. Tests and measurements: 3 semester hours;
  - b. Medical and educational aspects of disability: 3 semester hours;
  - c. Occupational information and job analysis: 3 semester hours;
  - d. Purposes/practices of vocational evaluation: 3 semester hours; and
  - e. Career/life planning/transition services: 3 semester hours.

**PART VII.**  
**REVOCATION, CANCELLATION, SUSPENSION,**  
**DENIAL, AND REINSTATEMENT OF TEACHING**  
**LICENSES.**

**8 VAC 20-22-690. Revocation.**

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

- 1. Obtaining or attempting to obtain such license by fraudulent means or through misrepresentation of material facts;
- 2. Falsification of school records, documents, statistics, or reports;
- 3. Conviction of any felony;
- 4. Conviction of any misdemeanor involving moral turpitude;
- 5. Conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of the Commonwealth of Virginia;
- 6. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted;
- 7. Acts related to secure mandatory tests as specified in § 22.1-292.1 of the Code of Virginia;
- 8. Knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by § 22.1-279.3:1 of the Code of Virginia. Any person whose administrative or teaching license is suspended or revoked by the board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth; or
- 9. Other good and just cause of a similar nature.

B. Procedures.

- 1. Submission of complaints. A complaint may be filed by anyone, but it shall be the duty of a division superintendent, principal or other responsible school employee to file a complaint in any case in which he has knowledge that a holder of a license is guilty of any offense set forth in subsection A of this section. The person making the complaint shall submit it in writing to the appropriate division superintendent.
- 2. Action by division superintendent; investigation. Upon receipt of the complaint against the holder of a license, a

division superintendent or his duly authorized representative shall investigate the charge. If, on the basis of such investigation, the division superintendent finds the complaint to be without merit, he shall so notify the complaining party or parties in writing and then close his file on the matter. This action shall be final unless the local school board, on its own motion, votes to proceed to a hearing on the complaint or unless circumstances are present making subsection A of this section applicable.

C. Petition for revocation. Should the division superintendent or local school board conclude that there is reasonable cause to believe that a complaint against the holder of a license is well founded, the teacher shall be notified of the complaint by a written petition for revocation of a license signed by the division superintendent. A copy of such petition shall be sent by certified mail, return receipt requested, to the teacher's last known address. If not otherwise known, the last known address shall be the address shown in the records of the Department of Education.

D. Form of petition. The petition for the revocation of a license shall set forth:

1. The name and last known address of the person against whom the petition is being filed;
2. The social security number of and the type of license held by the person against whom the petition is being filed;
3. The offenses alleged and the specific actions that comprise the alleged offenses;
4. The name and address of the party filing the original complaint against the license holder;
5. A copy of the regulations containing a statement of the rights of the person charged under this chapter; and
6. Any other pertinent information.

E. Filing of petition. The original petition shall be entered in the files of the local school board where the license holder is employed.

F. Response to petition. The license holder shall present his written answer to the petition, if any, within 14 days after the date of service of the petition as certified by the United States Postal Service.

1. If the teacher responding to the petition states that he does not wish to contest the charges, he may voluntarily return the license to the division superintendent with a written, signed statement requesting cancellation. The Superintendent of Public Instruction is authorized, upon receipt of the license holder's written, signed request from the division superintendent, to cancel the license.

2. If the license holder files a written answer admitting the charges, or refuses to accept the copy of the petition from the postal authorities, or fails to file a written answer within

14 days after service of the petition or has failed to provide postal authorities with a forwarding address so that the petition can be delivered, the local school board shall proceed to a hearing as described in subdivisions 3 and 4 of this subsection.

3. If the license holder files his written answer denying the charges in the petition, the local school board shall provide a hearing at the time and place of its regular meeting or at such other reasonable time and place it may specify. The license holder or his representative, if any, shall be given at least 14 days' notice of the hearing.

4. Following the hearing, the local school board shall receive the recommendation of the division superintendent and then either dismiss the charges or make such recommendations as it deems appropriate relative to revocation of a license. A decision to dismiss the charges shall be final, except as specified in subsection G of this section, and the investigative file on the charges shall be closed and destroyed or maintained as a separate sealed file under provision of the Code of Virginia. Any record or material relating to the charges in any other file shall be removed or destroyed. Should the local school board recommend the revocation or suspension of a license, this recommendation, along with the investigative file, shall promptly be forwarded by the division superintendent to the Superintendent of Public Instruction.

G. Revocation on motion of the Board of Education. The Board of Education reserves the right, in situations not covered by this chapter, to act directly in revoking a license. No such revocation will be ordered without the involved license holder being given the opportunity for the hearing specified in 8 VAC 20-22-740 B.

H. Reinstatement of license. A license that has been revoked may be reinstated by the Board of Education after five years if the board is satisfied that reinstatement is in the best interest of the former license holder and the public schools of the Commonwealth of Virginia. The individual must apply to the board for reinstatement. Notification to all appropriate parties will be communicated in writing by the state agency.

## **8 VAC 20-22-700. Cancellation.**

A. A license may be canceled by voluntary return by the individual, or for reasons listed under 8 VAC 20-22-690 A or for the following reason:

The teacher in his answer to the petition, as described in 8 VAC 20-22-690 F 1, states that he does not wish to contest the charges. Reasons for cancellation are the same as those listed under 8 VAC 20-22-690 A.

B. Procedures. The individual may voluntarily return the license to the division superintendent with a written, signed statement requesting cancellation. The Superintendent of Public Instruction is authorized upon receipt of the license

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holder's written and signed request from the division superintendent to cancel the license. However, no such cancellation will be made without the involved license holder being given the opportunity for a hearing, as specified in 8 VAC 20-22-750.

C. Reinstatement of license. A license that has been returned for cancellation may be reissued using the normal procedure for application if the board is satisfied that reinstatement is in the best interest of the former license holder and the public schools of the Commonwealth of Virginia. The individual must apply to the board for reinstatement. Notification to all appropriate parties will be communicated in writing by the Department of Education.

## **8 VAC 20-22-710. Suspension.**

A. A license may be suspended for the following reasons:

1. Physical, mental, or emotional incapacity as shown by a competent medical authority;
2. Incompetence or neglect of duty;
3. Failure or refusal to comply with school laws and regulations, including willful violation of contractual obligations;
4. Acts related to secure mandatory tests as specified in § 22.1-292.1 of the Code of Virginia;
5. Knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by § 22.1-279.3:1 of the Code of Virginia. Any person whose administrative or teaching license is suspended or revoked by the board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth; or
6. Other good and just cause of a similar nature.

B. Procedures.

1. Submission of complaints. A complaint may be filed by anyone, but it shall be the duty of a division superintendent, principal, or other responsible school employee to file a complaint in any case in which he has knowledge that a holder of a license is guilty of any offense set forth in subsection A of this section. The person making the complaint shall submit it in writing to the appropriate division superintendent.
2. Action by division superintendent; investigation. Upon receipt of the complaint against the holder of a license, a division superintendent or his duly authorized representative shall investigate the charge. If, on the basis

of such investigation, the division superintendent finds the complaint to be without merit, he shall so notify the complaining party or parties in writing and then close his file on the matter. This action shall be final unless the local school board on its own motion votes to proceed to a hearing on the complaint or unless circumstances are present making subsection C of this section applicable.

C. Petition for suspension. Should the division superintendent or local school board conclude that there is reasonable cause to believe that a complaint against the holder of a license is well founded, the teacher shall be notified of the complaint by a written petition for suspension of a license signed by the division superintendent. A copy of such petition shall be sent by certified mail, return receipt requested, to the teacher's last known address. If not otherwise known, the last known address shall be the address shown in the records of the Department of Education.

D. Form of petition. The petition for the suspension of a license shall set forth:

1. The name and last known address of the person against whom the petition is being filed;
2. The social security number and the type of license held by the person against whom the petition is being filed;
3. The offenses alleged and the specific actions that comprise the alleged offenses;
4. The name and address of the party filing the original complaint against the license holder;
5. A statement of the rights of the person charged under this chapter; and
6. Any other pertinent information.

E. Filing of petition. The original petition shall be entered in the files of the local school board where the license holder is employed.

F. Response to petition. The license holder shall present his written answer to the petition, if any, within 14 days after the date of service of the petition as certified by the United States Postal Service.

1. If the teacher responding to the petition states that he does not wish to contest the charges, he may voluntarily return his license to the division superintendent with a written and signed statement requesting suspension. The Superintendent of Public Instruction is authorized, upon receipt of the license holder's written, signed request from the division superintendent, to cancel the license.
2. If the license holder files a written answer admitting the charges, or refuses to accept the copy of the petition from the postal authorities, or fails to file a written answer within 14 days after service of the petition, or has failed to provide postal authorities with a forwarding address so that the

petition can be delivered, the local school board shall proceed to a hearing as described in subdivisions 3 and 4 of this subsection.

3. If the license holder files his written answer denying the charges in the petition, the local school board shall provide a hearing at the time and place of its regular meeting or at such other reasonable time and place it may specify. The license holder or his representative, if any, shall be given at least 14 days' notice of the hearing.

4. Following its hearing, the local school board shall receive the recommendation of the division superintendent and then either dismiss the charges or make such recommendations relative to suspension of a license as it deems appropriate. A decision to dismiss the charges shall be final, except as specified in subsection G of this section, and the file on the charges shall be closed and all materials expunged. Should the local school board recommend the suspension of a license, this recommendation, along with supporting evidence, shall promptly be forwarded by the division superintendent to the Superintendent of Public Instruction.

G. Suspension on motion of Board of Education. The Board of Education reserves the right, in situations not covered by this chapter, to act directly in suspending a license. No such suspension will be ordered without the involved license holder being given the opportunity for the hearing as specified in 8 VAC 20-22-740 B.

H. Reinstatement of license. A license may be suspended for a period of time not to exceed five years. The license may be reinstated by the Department of Education, upon request, with verification that all requirements for license renewal have been satisfied. The individual must apply to the board for reinstatement. Notification to all appropriate parties will be communicated in writing by the Department of Education.

### **8 VAC 20-22-720. Denial.**

A. A license may be denied for the following reasons:

1. Attempting to obtain such license by fraudulent means or through misrepresentation of material facts;
2. Falsification of records or documents;
3. Conviction of any felony;
4. Conviction of any misdemeanor involving moral turpitude;
5. Conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of the Commonwealth of Virginia;
6. Revocation, suspension, or invalidation of the license by another state or territory; or
7. Other good and just cause of a similar nature.

B. Expired license. The holder of a license that has expired may be denied renewal or reinstatement by the Superintendent of Public Instruction for any of the reasons specified in 8 VAC 20-22-690 A. No such denial will be ordered unless the license holder is given the opportunity for the hearing specified in 8 VAC 20-22-740 B.

### **8 VAC 20-22-730. Right to counsel and transcript.**

A license holder shall have the right, at his own expense, to be represented by counsel of choice at the local school board hearing provided for in 8 VAC 20-22-690 F or in the proceedings before the Board of Education, as specified in 8 VAC 20-22-740 A and B. Counsel may, but need not, be an attorney. Any such hearing before a local school board and any hearing before the Board of Education shall be recorded; and, upon written request, the party charged shall be provided a hearing transcript without charge.

### **8 VAC 20-22-740. Action by the State Superintendent of Public Instruction and the Board of Education.**

A. Upon receipt of the complaint from the local school division, the Superintendent of Public Instruction will ensure that an investigative panel at the state level reviews the petition. The panel shall consist of three to five members selected by the Assistant Superintendent of Teacher Education and Licensure of the Virginia Department of Education. The license holder should be notified within 14 days of the receipt of the complaint to the Department of Education as to the date, time, and location of the hearing. Both parties, the local school division and the license holder, are entitled to be present with counsel if so desired. Individuals requesting a license or the continuation of a license must appear before the Superintendent's Investigative Panel. The recommendation of the state-level panel is made to the State Superintendent of Public Instruction for presentation to the State Board of Education. The superintendent shall then present his report to the Board of Education or its duly designated committee at one of its duly scheduled meetings. The license holder shall be given at least 14 days' notice (in the manner specified in 8 VAC 20-22-690 F) of the date on which the Superintendent of Public Instruction's report will be continued, where necessary, from one meeting of the Board of Education or committee to another.

B. The State Superintendent of Public Instruction is authorized to approve the issuance of licenses for individuals who have misdemeanor convictions related to drugs based on a review of the cases. No individual would be denied a license without a hearing of the Board of Education as required in 8 VAC 20-22-740 B.

C. Hearing. The Board of Education, or its duly designated committee, shall receive and consider the report of the Superintendent of Public Instruction and such relevant and material evidence as the license holder may desire to present

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at the hearing. At the conclusion of the hearing, the Superintendent of Public Instruction may recommend the action – revocation or suspension – that should be taken by the Board of Education. The Board of Education will then enter its order within 14 days after the hearing has concluded. This order will contain findings of fact either sustaining or dismissing the complaint.

D. Decision not to revoke or suspend. If the decision of the Board of Education is not to revoke or suspend the license, the license holder and the principal complainants will be so notified and the Board of Education's file and any other record or material will be removed or destroyed.

E. Decision to revoke or suspend. If the decision of the Board of Education is to revoke or suspend the license, a written order will be entered in the minutes of the meeting at which the matter was decided. A copy of this order will be sent to the license holder and the principal complainants.

## **8 VAC 20-22-750. Right of license holder to appear at hearing.**

A license holder shall have the right to appear in person at the hearings held by the local school board, Board of Education, or board committee described in this part unless he is confined to jail or a penal institution. The local school board or Board of Education, at its discretion, may continue such hearings for a reasonable time if the license holder is prevented from appearing in person for reasons such as documented medical or mental impairment.

## **8 VAC 20-22-760. Notification.**

Notification of the revocation, denial, or reinstatement of a license shall be made by the Superintendent of Public Instruction, or his designee, to division superintendents in Virginia and to chief state school officers of the other states and territories of the United States.

VA.R. Doc. No. R05-141; Filed September 27, 2006, 11:05 a.m.

## **Proposed Regulation**

**Titles of Regulations: 8 VAC 20-541. Regulations Governing Approved Programs for Virginia Institutions of Higher Education (repealing 8 VAC 20-541-10 through 8 VAC 20-541-60).**

**8 VAC 20-542. Regulations Governing the Review and Approval of Education Programs in Virginia (adding 8 VAC 20-542-10 through 8 VAC 20-542-600).**

**Statutory Authority: §§ 22.1-16 and 22.1-298.1 of the Code of Virginia.**

**Public Hearing Date: November 29, 2006 - 11 a.m.**

Public comments may be submitted until 5 p.m. on December 15, 2006.

(See Calendar of Events section for additional information)

**Agency Contact: Dr. Margaret N. Roberts, Office of Policy and Communications, Department of Education, Post Office Box 2120, 101 N. 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, or email margaret.roberts@doe.virginia.gov.**

**Basis: Section 22.1-16 of the Code of Virginia allows the Board of Education to adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.**

Section 22.1-298.1 of the Code of Virginia provides that persons seeking initial licensure who graduate from a Virginia institution of higher education shall, on or after July 1, 2002, only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such institution have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education.

Section 22.1-305.2 of the Code of Virginia requires the Advisory Board on Teacher Education and Licensure to advise the Board of Education and submit recommendations on policies applicable to teacher education and licensure.

**Purpose: As stipulated in § 22.1-298.1 of the Code of Virginia, the Board of Education prescribes the requirements for the licensure of teachers and establishes other requirements for teacher preparation.**

The program approval process in Virginia is designed to ensure an alignment between approved education programs and the needs of preK-12 schools. The proposed regulation is essential to the welfare of Virginia's citizens because the regulation will help ensure that programs of teacher education are of high quality and, therefore, our schools will be staffed with qualified teachers.

During recent years, national, state, and local educators as well as members of the general public have placed increased emphasis on the need to ensure in our nation's schools the provision of highly qualified teachers who in turn make a positive impact on preK-12 student achievement. Federal legislation such as the 2001 No Child Left Behind Act (NCLB) and the 1998 Reauthorization of the Title II Higher Education Act (Title II HEA) clearly express the need for increased accountability from states and institutions of higher education in the preparation, certification, and licensure of teachers and other school personnel.

**Substance: Selected definitions are revised to conform with changes in Part III of the proposed regulations.**

The following modifications are incorporated in the section on administering the regulation:

1. Professional education programs shall obtain national accreditation from the National Council for the Accreditation of Teacher Education (NCATE), the Teacher

Education Accreditation Council (TEAC), or a process approved by the Board of Education.

2. Teacher candidates shall complete academic degrees in the arts and sciences (or equivalent), except in health, physical, and career and technical education. Candidates in early/primary education (preK-6), middle education (6-8), and special education programs may complete a major in interdisciplinary studies or its equivalent.

3. Professional studies coursework and methodology, excluding field experiences, are limited to 24 semester hours for any baccalaureate degree program (or equivalent thereof) in early/primary education (preK-3), elementary education (preK-6), and special education. All other baccalaureate degree programs (or equivalent thereof) shall not exceed 18 semester hours of professional coursework and methodology, excluding field experiences.

4. Institutions of higher education seeking approval of an education program shall be accredited by a regional accrediting agency.

5. If a professional education program fails to maintain accreditation, enrolled candidates shall be permitted to complete their programs of study. Professional education programs shall not admit new candidates. Candidates shall be notified of program approval status.

6. Education programs shall ensure that candidates demonstrate proficiency in the use of educational technology for instruction and complete study in child abuse recognition and intervention.

7. Standards and procedures for the review and approval of each education program shall adhere to procedures for administering the regulations as defined in 8 VAC 20-542-20, 8 VAC 20-542-40, 8 VAC 20-542-50, and 8 VAC 20-542-70. These procedures shall result in biennial recommendations to the Board of Education for one of the following three ratings: “approved,” “approved with stipulations,” or “approval denied.”

8. Education programs shall be approved under these regulations biennially based on compliance with the criteria described in 8 VAC 20-542-40.

9. Education programs shall submit to the Department of Education, on behalf of each education program under consideration, a Program Compliance Certification Affidavit in accordance with department procedures and timelines.

10. The education program administrator shall maintain copies of approved programs and required reports.

11. The Department of Education may conduct on-site visits to review programs and verify data.

The following changes are made to the accreditation process:

1. Each professional education program shall obtain and maintain national accreditation from the National Council for the Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education.

2. Each professional education program seeking accreditation through a process approved by the Board of Education shall be reviewed. A report of the review shall be submitted to the Board of Education in accordance with established timelines and procedures and shall include one of the following recommendations: (i) accredited, (ii) accredited with stipulations, or (iii) accreditation denied.

3. Professional education programs seeking accreditation through a process approved by the Board of Education shall adhere to the accreditation standards in 8 VAC 20-542-60 and competencies for endorsement areas in 8 VAC 20-542-70.

The changes in the standards for biennial approval of education programs include:

Approved education programs in Virginia shall have national accreditation or be accredited by a process approved by the Board of Education and demonstrate achievement biennially of (i) candidate progress and performance on prescribed Board of Education licensure assessments, (ii) candidate progress and performance on an assessment of basic skills as prescribed by the Board of Education for individuals seeking entry into an approved education preparation program, (iii) structured and integrated field experiences to include directed student teaching requirements, (iv) evidence of opportunities for candidates to participate in hard-to-staff schools throughout the field experiences, (v) evidence of contributions to preK-12 student achievement by candidates completing and exiting the program, (vi) evidence of employer job satisfaction with candidates completing and exiting the program, and (vii) partnerships and collaborations based on preK-12 school needs.

The regulation as it applies to application of standards for biennial approval of education programs is changed as follows:

1. As a prerequisite to program approval, the professional education program shall have national accreditation or be accredited by a process approved by the Board of Education as prescribed in 8 VAC 20-542-30 and 8 VAC 20-542-60. Failure to do so will result in the education program being designated as “Approval Denied.”

2. The education program’s candidate passing rates shall not fall below 70% biennially for individuals completing and exiting the program. Achievement of an 80% biennial passing rate for individuals completing and exiting the program shall be required by July 1, 2010.

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3. The education program is responsible to certify documented evidence that standards as set forth in 8 VAC 20-542-40 have been met.

4. The education program shall develop biennial accountability measures to be reviewed and approved by the Board of Education for partnerships and collaborations based on preK-12 school needs. The education program shall meet or provide documented evidence of progress made toward meeting the biennial accountability measures approved for these standards.

5. After submitting to the Department of Education the information contained in 8 VAC 20-542-50, the education program shall receive the rating of Approved, Approved with Stipulations or Approval Denied.

The competencies in 8 VAC 20-21, Licensure Regulations for School Personnel, were modified and moved to this proposed new chapter.

Professional studies requirements for early/primary education, elementary education, and middle education and for preK-12 endorsements, special education, secondary grades 6-12 endorsements, and adult education are amended to (i) remove coursework on foundations of education; (ii) add coursework on instructional design based on assessment data and coursework on classroom management; (iii) add language regarding second language learners; and (iv) revise student teaching experience to require a minimum of 500 clock hours with at least 300 clock hours in direct teaching activities.

The section on special education adapted curriculum K-12 and special education general curriculum K-12 is amended to (i) remove endorsements in special education-emotional disturbances, special education-mental retardation, special education-severe disabilities, and special education-specific learning disabilities and (ii) establish new endorsements in special education adapted curriculum K-12 and special education general curriculum K-12.

A new endorsement for speech-language pathology assistants is established.

The section on administration and supervision preK-12 (i) adds the requirement of a school leaders assessment as prescribed by the Board of Education for individuals seeking an initial endorsement for administration and supervision as a principal or an assistant principal and (ii) adds a requirement for completion of an internship, to include 440 clock hours, with a minimum of 320 clock hours of a deliberately structured and supervised experience.

An endorsement in mathematics specialist for elementary and middle education is established.

The special education speech-language disorders preK-12 endorsement is moved to the pupil personnel services support section of the regulations.

Issues: The Code of Virginia requires that the Board of Education prescribe the requirements for the licensure of teachers and establishes other requirements for teacher preparation. New regulations are needed to respond to enactments of federal and state laws, thereby ensuring that Virginia's teacher training programs are in compliance with state and federal laws. The primary advantage is that the proposed new regulations will be aligned with federal and state laws and recommendations to improve the preparation of instructional personnel in Virginia. There are no known disadvantages of the regulation to the state, to the regulated entities, or to the citizens.

Department of Planning and Budget's Economic Impact Analysis:

Revised:<sup>1</sup> July 24, 2006

Original: January 6, 2006

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board of Education (board) proposes to concurrently repeal the text of the current regulations, Regulations Governing Approved Programs for Virginia Institutions of Higher Education (8 VAC 20-541), and promulgate new regulations (8 VAC 20-542) with the title Regulations Governing the Review and Approval of Education Programs in Virginia. The board's proposed amendments include: 1) exempting professional education units that obtain national accreditation from state review, and 2) rating individual education programs for approval. Also, the board proposes to add text on endorsement/education program competencies to these regulations and repeal this language from the Licensure Regulations for School Personnel in a concurrent action.

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<sup>1</sup> This Economic Impact Analysis was revised to reflect amendments to the board's proposals that were made in July 2006.

Estimated economic impact. Under the current regulations the Department of Education (department) visits and evaluates the professional education unit every 5 years for all 37 institutions in Virginia that have a professional education unit. The professional education unit is defined as “the institution, college, school, department, or other administrative body within the institution that is primarily responsible for the initial and advanced preparation of teachers and other professional school personnel.” Current department staff are not aware of any Virginia professional education unit having ever been denied approval.

Under the proposed regulations the department will no longer evaluate professional education units<sup>2</sup> if the professional education unit has obtained and maintained national accreditation from the National Council for the Accreditation of Teacher Education (NCATE) or the Teacher Education Accreditation Council (TEAC). This will save these units preparation and meeting time as well as the cost of materials. There are 27 professional education units in the Commonwealth that currently have or are seeking national accreditation from NCATE or TEAC.<sup>3</sup> The remaining 10 professional education units will continue to be evaluated by the department.

Additionally under the proposed regulations, the department will rate individual education programs. Education programs are defined as “a planned sequence of courses and experiences leading to a degree, a state license, or preparation to provide professional education services in schools.” Education programs coincide with endorsement categories.<sup>4</sup> Every two years the department will rate each education program as either approved, approved with stipulations, or approval denied.

In order to receive an approved rating, education programs will be required to be part of a professional education unit that is accredited by NCATE, TEAC, or by a process approved by the board, and demonstrate achievement of the following seven accountability measures: #1) candidate progress and performance on prescribed board licensure assessments, #2) candidate progress and performance on an assessment of basic skills as prescribed by the board for individuals seeking entry into an approved education preparation program, #3) structured and integrated field experiences to include student teaching requirements, #4) evidence of opportunities for candidates to participate in hard-to-staff schools throughout the program experiences, #5) evidence of contributions to preK-12 student achievement by candidates completing and exiting the program, #6) evidence of employer job satisfaction with candidates completing and

exiting the program, and #7) partnerships and collaborations based on preK-12 school needs.

Accountability measure #1 is specified to require that candidate passing rates, reported by percentages, shall not fall below 70 percent biennially for individuals completing and exiting the program. Achievement of an 80 percent biennial passing rate shall be required by July 1, 2010. Education programs will be denied approval if these concrete pass rates are not met. This represents a very significant change from the current regulations. As stated earlier, current department staff are not aware of any professional education unit (and thus education program) having been denied approval at any time in the past. The introduction of a credible threat to state approval of education programs will give professional education units much greater incentive to make changes to try to achieve state minimum requirements. The current (8 VAC 20-21) and proposed (8 VAC 20-22) Licensure Regulations for School Personnel both state that individuals seeking licensure with endorsements in early/primary education, elementary education, middle education, preK-12, special education, secondary grades 6-12, or adult education “may meet requirements through the completion of an approved program or, if employed by a Virginia public or nonpublic school, through the alternative route to licensure.” Thus, completing education programs that are not approved by the state will not enable students of those programs to obtain a license to teach in those education program fields. To the extent that increased compliance with the Commonwealth’s minimum requirements for education programs leads to better teachers, the proposal to introduce this binding credible threat will be beneficial.

If the education program is part of a professional education unit that is accredited and accountability measure #1 is met, and the education program is making documented progress toward meeting accountability measures #2 thru #7, then the program is rated approved with stipulations. If the education program is either part of a professional education unit that is not accredited, or accountability measure #1 is not met, then the program is rated approval denied. The proposed regulations do not address the situation where an education program is part of a professional education unit that is accredited and accountability measure #1 is met, but the education program is not making documented progress toward meeting all of or a subset of accountability measures #2 thru #8.

Since according to the department the education program ratings will be posted on the Internet, the proposal to rate individual education programs will also be beneficial in that the public will become better informed concerning the performance of education programs. College and program applicants and perhaps their parents can use this information to potentially make superior choices on which colleges and programs to apply to and ultimately attend.

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<sup>2</sup> In the proposed regulations professional education units are called professional education programs. In order to avoid confusion with education programs, this report continues to use the term professional education unit.

<sup>3</sup> Source: Department of Education

<sup>4</sup> Ibid



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Businesses and entities affected. The proposed regulations affect Virginia's 37 professional education units, other institutions considering offering education programs, 132 school divisions, approximately 110,000 instructional personnel, and students in the Commonwealth.<sup>5</sup>

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. The proposal to deny approval for education programs that cannot meet concrete requirements such as accountability measure #1 may reduce employment at institutions that have programs that are unable to meet these requirements.

Effects on the use and value of private property. Private institutions that have education programs that do not meet concrete requirements such as accountability measure #1 will likely take new actions to meet these requirements. Those that cannot meet the requirements will likely no longer offer those programs. The value of these private institutions may moderately decrease as a result. Other institutions that have education programs that are approved may obtain students that other wise would have attended one of the programs that cannot obtain approval. The value of these institutions would moderately increase commensurately.

Small businesses: costs and other effects. The proposed regulations do not significantly affect small businesses.

Small businesses: alternative method that minimizes adverse impact. The proposed regulations do not significantly affect small businesses.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency agrees with the economic impact analysis done by DPB. The agency will continue to examine the economic and administrative impact of the regulations as they progress through the Administrative Process Act process.

## Summary:

*The program approval process in Virginia is designed to ensure an alignment between approved education programs and the needs of preK-12 schools. Due to significant proposed revisions to 8 VAC 20-541, Regulations Governing Approved Programs for Virginia Institutions of Higher Education, the Board of Education is proposing a new regulation, 8 VAC 20-542, Regulations Governing the Review and Approval of Education Programs in Virginia.*

*The proposed new regulations are outlined in detail under the "Substance" section. Substantive elements of the proposed new regulations focus on revision of selected definitions to conform with changes in the proposed new regulations;*

*modifications in administration of the proposed new regulations, including separation of the accreditation process from the program approval process; the development of regulations focused on biennial measures of accountability; and inclusion and modification of competencies for preparation programs for school personnel contained in 8 VAC 20-21, Licensure Regulations for School Personnel.*

## CHAPTER 542. REGULATIONS GOVERNING THE REVIEW AND APPROVAL OF EDUCATION PROGRAMS IN VIRGINIA.

### PART I. DEFINITIONS.

#### 8 VAC 20-542-10. Definitions.

The following words and terms when used in this chapter shall have the meanings indicated unless the context implies otherwise:

"Accreditation" means a process for assessing and improving academic and educational quality through voluntary peer review. This process informs the public that an institution has a professional education unit that has met national standards of educational quality.

"Accredited institution" means an institution of higher education accredited by a regional accrediting agency recognized by the United States Department of Education.

"Accredited program" means a professional education program accredited by the National Council for the Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education.

"Biennial accountability measures" means those specific benchmarks set forth in 8 VAC 20-542-40 to meet the standards required to obtain or maintain program approval status.

"Biennial report" means the report submitted to the Virginia Department of Education every two years by approved education programs.

"Candidates" means individuals enrolled in education programs.

"Candidates completing a program" means individuals who have successfully completed all coursework, required assessments, including those prescribed by the Board of Education, and supervised student teaching or required internship.

"Candidates exiting a program" means individuals who have successfully completed all coursework, regardless of whether the individuals attempted, passed, or failed required assessments, including those prescribed by the Board of

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<sup>5</sup> Number source: Department of Education

Education, and/or who may not have completed supervised student teaching or required internship.

“Distance learning” means a formal educational process in which the majority of the instruction occurs when the learner and the instructor are not in the same place at the same time. In this process, information or distributed learning technology is the likely connector between the learner, the instructor, or the site of program origin.

“Diversity” means the wide range of differences among groups of people and individuals based on ethnicity, race, socioeconomic status, gender, exceptionalities, language, religion, and geographical area.

“Education program” means a planned sequence of courses and experiences leading to a degree, a state license, or preparation to provide professional education services in schools.

“Exceptionalities” means physical, mental, sensory, and emotional disabilities or differences, including gifted/talented abilities.

“Field experiences” means program components that are conducted in off-campus settings. They include classroom observations, tutoring, assisting teachers and school administrators, student teaching, and internships.

“Full-time faculty” means employees of a higher education institution with full-time assignments within the education program as instructors, professors, administrators, or other professional support personnel (e.g., student teaching supervisor or advisor).

“General education” means courses and other learning experiences in the liberal arts and sciences that candidates in baccalaureate programs typically complete in the first two or three years of their programs for the purpose of becoming liberally educated college students.

“Governance” means the system and structure for defining policy and administering procedures for the professional education program.

“Indicators” means operational definitions that suggest the kinds of evidence that professional education programs shall provide to demonstrate that a standard is met.

“Instructional technology” means the theory and practice of design, development, utilization, management, and evaluation of processes and resources for learning and the use of computers and other technologies.

“Licensing” means the official recognition by a state governmental agency that an individual has met state requirements and is, therefore, approved to practice as a licensed professional.

“Part-time faculty” means employees of a higher education institution who have less than a full-time assignment in the

education program. Some part-time faculty are full-time employees of the college or university with a portion of their assignments in the education program. Other part-time faculty are not full-time employees of the institution and are commonly considered adjunct faculty.

“Pedagogical studies” means courses and other learning experiences in which candidates study and apply concepts, theories, and research about effective teaching.

“Professional education faculty” means those individuals who teach one or more courses meeting essential competencies in endorsement areas, provide services to education students (e.g., advising or supervising student teaching) or administer some portion of the education program.

“Professional education program” means the institution, college, school, department, or other administrative body within a Virginia institution of higher education, or another entity for a defined educator preparation program that is primarily responsible for the preparation of teachers and other professional school personnel.

“Professional studies” means courses and other learning experiences to teach candidates the historical, economic, sociological, philosophical, and psychological foundations of schooling and education.

“Program approval” means the process by which a state governmental agency reviews an education program to determine if it meets the state’s standards for the preparation of school personnel.

“Regional accrediting agency” means one of the six accrediting associations, including New England Association of Schools and Colleges, Middle States Association of Colleges and Schools, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges, recognized by the United States Department of Education.

“Scholarly activities” means the active involvement in an individual’s area of specialization as demonstrated through such faculty activities as research, articles published in refereed journals, program evaluation studies, documentation of ongoing activities, grant-seeking, and presentations at professional meetings.

“School faculty” means licensed practitioners in preK-12 schools who provide on-site instruction, supervision, and direction for candidates during field-based assignments.

“Standards of Learning for Virginia public schools” means the commonwealth’s expectations for student learning and achievement in grades K-12 in English, mathematics, science, history/social science, technology, the fine arts, foreign language, health, and physical education, and driver education.

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## PART II. ADMINISTERING THE REGULATIONS.

### **8 VAC 20-542-20. Administering the regulations.**

A. Professional education programs shall obtain national accreditation from the National Council for the Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education.

B. Teacher candidates shall complete academic degrees in the arts and sciences (or equivalent), except in health, physical, and career and technical education. Candidates in early/primary education (preK-6), middle education (6-8), and special education programs may complete a major in interdisciplinary studies or its equivalent.

C. Professional studies coursework and methodology, excluding field experiences, are limited to 24 semester hours for any baccalaureate degree program (or equivalent thereof) in early/primary education (preK-3), elementary education (preK-6), and special education. All other baccalaureate degree programs (or equivalent thereof) shall not exceed 18 semester hours of professional coursework and methodology, excluding field experiences.

D. Institutions of higher education seeking approval of an education program shall be accredited by a regional accrediting agency.

E. If a professional education program fails to maintain accreditation, enrolled candidates shall be permitted to complete their programs of study. Professional education programs shall not admit new candidates. Candidates shall be notified of program approval status.

F. Education programs shall ensure that candidates demonstrate proficiency in the use of educational technology for instruction and complete study in child abuse recognition and intervention.

G. Standards and procedures for the review and approval of each education program shall adhere to procedures for administering the regulations as defined in this section and in 8 VAC 20-542-40, 8 VAC 20-542-50, and 8 VAC 20-542-70. These procedures shall result in biennial recommendations to the Board of Education for one of the following three ratings: "approved," "approved with stipulations," or "approval denied."

H. Education programs shall be approved under these regulations biennially based on compliance with the criteria described in 8 VAC 20-542-40.

I. Education programs shall submit to the Department of Education, on behalf of each education program under consideration, a Program Compliance Certification Affidavit in accordance with department procedures and timelines.

J. The education program administrator shall maintain copies of approved programs and required reports.

K. The Department of Education may conduct on-site visits to review programs and verify data.

L. The Advisory Board on Teacher Education and Licensure (ABTEL) is authorized to review and make recommendations to the Board of Education on approval of programs for school personnel. The Board of Education has final authority on program approval.

M. Modifications may be made by the Superintendent of Public Instruction in the administration of these regulations. Proposed modifications shall be made in writing to the Superintendent of Public Instruction, Commonwealth of Virginia.

## PART III. ACCREDITATION OR A PROCESS APPROVED BY THE BOARD OF EDUCATION.

### **8 VAC 20-542-30. Options for accreditation or a process approved by the Board of Education.**

A. Each professional education program shall obtain and maintain national accreditation from the National Council for the Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education.

B. Each professional education program seeking accreditation through a process approved by the Board of Education shall be reviewed. A report of the review shall be submitted to the Board of Education in accordance with established timelines and procedures and shall include one of the following recommendations:

1. Accredited. The professional education program meets standards outlined in 8 VAC 20-542-60.

2. Accredited with stipulations. The professional education program has met the standards minimally, but significant weaknesses have been identified. Within a two-year period, the professional education program shall fully meet standards as set forth in 8 VAC 20-542-60.

3. Accreditation denied. The professional education program has not met standards as set forth in 8 VAC 20-542-60. The State Council of Higher Education for Virginia (SCHEV) shall be notified of this action by the Department of Education.

C. Professional education program accreditation that has been denied may be considered by the Board of Education after two years if a written request for review is submitted to the Department of Education.

D. Professional education programs seeking accreditation through NCATE, TEAC, or an accreditation process

approved by the Board of Education shall adhere to the following requirements:

1. Accredited professional education programs shall be aligned with standards in 8 VAC 20-542-60; and
2. Accredited professional education programs shall be aligned with competencies in 8 VAC 20-542-70 through 8 VAC 20-542-600.

E. Professional education programs seeking accreditation through a process approved by the Board of Education shall follow procedures and timelines as prescribed by the Department of Education.

PART IV.  
STANDARDS FOR BIENNIAL APPROVAL OF  
EDUCATION PROGRAMS.

**8 VAC 20-542-40. Standards for biennial approval of education programs.**

Approved education programs in Virginia shall have national accreditation or be accredited by a process approved by the Board of Education and demonstrate achievement biennially of the following accountability measures:

1. Candidate progress and performance on prescribed Board of Education licensure assessments. Candidate passing rates, reported by percentages, shall not fall below 70% biennially for individuals completing and exiting the program. Achievement of an 80% biennial passing rate shall be required by July 1, 2010. Candidates completing a program shall have successfully completed all coursework, required assessments, including those prescribed by the Board of Education, and supervised student teaching or internship. Candidates exiting a program shall have successfully completed all coursework, regardless of whether the individuals attempted, passed, or failed required assessments, including those prescribed by the Board of Education, and/or who may not have completed supervised student teaching or required internship.

2. Candidate progress and performance on an assessment of basic skills as prescribed by the Board of Education for individuals seeking entry into an approved education preparation program. Indicators of the achievement of this standard shall include the following:

- a. Results on Board of Education prescribed entry-level assessments; and
- b. Documentation of tutorial assistance.

3. Structured and integrated field experiences to include student teaching requirements. Indicators of the achievement of this standard shall include the following:

- a. Evidence that candidates receive quality structured and integrated field experiences that prepare them to work in diverse educational environments; and

b. Evidence that at least 500 clock hours of field experiences for initial programs (including early exposure to preK-12 classroom experiences) to include a minimum of 300 clock hours of directed student teaching requirements are provided. Programs in administration and supervision shall provide at least 440 clock hours of field experiences with a minimum of 320 clock hours as part of a deliberately structured internship over the duration of a preparation program. The majority of the school level supervised experience shall take place during the school day in concentrated blocks of time when preK-12 students are present.

4. Evidence of opportunities for candidates to participate in hard-to-staff schools throughout the program experiences. The indicator of the achievement of this standard shall include evidence that the professional education programs provide opportunities for candidates to have program experiences in hard-to-staff schools within each biennial period.

5. Evidence of contributions to preK-12 student achievement by candidates completing and exiting the program. Indicators of the achievement of this standard shall include the following:

- a. Evidence to show that candidates know about, create, and use appropriate and effective assessments in teaching that shall provide dependable information about student achievement;
- b. Evidence to document faculty have made provisions for evaluating effects that candidates have on preK-12 student learning in the context of teaching as they design unit assessment systems and assessments for each program; and
- c. Evidence that the education program assesses candidates' mastery of exit criteria and performance proficiencies, including the ability to affect student learning, through the use of multiple sources of data such as a culminating experience, portfolios, interviews, videotaped and observed performance in schools, standardized tests, and course grades.

6. Evidence of employer job satisfaction with candidates completing and exiting the program. The indicator of the achievement of this standard shall include documentation that the education program has two years of evidence regarding candidate performance based on employer surveys.

7. Partnerships and collaborations based on preK-12 school needs. Indicators of the achievement of this standard shall include the following:

- a. Documented evidence that the education program has established partnerships reflecting collaboratively

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designed program descriptions based on identified needs of the preK-12 community.

b. Documented evidence that the administration and supervision program collaborates with partnering schools to identify and select candidates for school leadership programs who meet local needs, demonstrate both potential for and interest in school leadership, and meet the qualifications for admission to advanced programs.

## PART V.

### APPLICATION OF STANDARDS FOR BIENNIAL APPROVAL OF EDUCATION PROGRAMS.

#### **8 VAC 20-542-50. Application of the standards.**

A. As a prerequisite to program approval, the professional education program shall have national accreditation or be accredited by a process approved by the Board of Education as prescribed in 8 VAC 20-542-30 and 8 VAC 20-542-60. Failure to do so will result in the education program being designated as “approval denied.”

B. The education program’s candidate passing rates shall not fall below 70% biennially for individuals completing and exiting the program. Achievement of an 80% biennial passing rate for individuals completing and exiting the program shall be required by July 1, 2010.

C. The education program is responsible to certify documented evidence that the following standards as set forth in 8 VAC 20-542-40 have been met:

1. The education program shall demonstrate candidate progress and performance on an assessment of basic skills as prescribed by the Board of Education for individuals seeking entry into an approved education preparation program.

2. The education program shall provide structured and integrated field experiences.

3. The education program shall provide evidence of opportunities for candidates to participate in hard-to-staff schools throughout the program experiences.

4. The education program shall provide evidence of contributions to preK-12 student achievement by candidates completing and exiting the program.

5. The education program shall provide evidence of employer job satisfaction with candidates completing and exiting the program.

D. The education program shall develop biennial accountability measures to be reviewed and approved by the Board of Education for partnerships and collaborations based on preK-12 school needs.

E. After submitting to the Department of Education the information contained in 8 VAC 20-542-50, the education program shall receive one of the following three ratings:

1. Approved. The education program has met all standards set forth in 8 VAC 20-542-40.

2. Approved with stipulations. The education program has met standards in subsections A and B of this section and is making documented progress toward meeting standards in subsections C and D of this section.

3. Approval denied. The education program has not met standards in subsections A and B of this section. The program shall be denied and the public notified. The program may resubmit a request for approval at the end of the next biennial period.

## PART VI.

### STANDARDS FOR BOARD OF EDUCATION APPROVED ACCREDITATION PROCESS.

#### **8 VAC 20-542-60. Standards for Board of Education approved accreditation process.**

A. Standard 1: Program Design. The professional education program shall develop and maintain high quality programs that are collaboratively designed and based on identified needs of the preK-12 community. Indicators of the achievement of this standard shall include the following:

1. The program design includes a statement of program philosophy, purposes and goals.

2. The program design incorporates the specific knowledge and skills that are necessary for competence at the entry level for educational professionals.

3. The program design includes a knowledge base that reflects current research, best educational practice and the Virginia Standards of Learning.

4. The program is designed from a framework that is knowledge-based, evidenced-based and articulated and that has been collaboratively developed with various stakeholders.

5. The professional education programs for teachers, school leaders, and other school personnel shall develop the essential entry-level competencies needed for success in preK-12 schools by demonstrating alignment among the general, content, and professional courses and experiences. Indicators of the achievement of this standard shall include the following:

a. The professional education program develops, implements, and evaluates programs, courses, and activities that enable entry-level candidates to develop the knowledge, skills, and dispositions identified in the program design framework.

b. The professional education program assesses candidates' attainment of the knowledge, skills, and dispositions identified in the program design framework.

c. The professional education program provides evidence that candidates have achieved the knowledge, skills, and dispositions identified in the program design framework.

6. The professional education program shall have multiple well-planned, sequenced, and integrated field experiences that include observations, practica, student teaching, internships, and other opportunities to interact with students and the school environment. Indicators of the achievement of this standard shall include the following:

a. Field experiences provide opportunities for candidates to relate theory to actual practice in classrooms and schools, to create meaningful learning experiences for a variety of students, and to practice in settings with students of diverse backgrounds.

b. Field experiences provide opportunities for candidates to demonstrate competence in the professional teaching or administrative roles for which they are preparing, including opportunities to interact and communicate effectively with parents, community and other stakeholders.

c. Student teaching and other field experiences include a minimum of 500 clock hours, with at least 300 hours of that time spent in directed teaching activities at the level of endorsement. Programs in administration and supervision provide at least 440 clock hours of field experiences with a minimum of 320 clock hours as part of a deliberately structured internship over the duration of a preparation program.

d. Candidates in education programs complete field experiences, internships, or other supervised activities that allow them to develop and apply the new knowledge and skill gained in their programs.

e. Candidate performance in field experiences is evaluated and documented using multiple assessments, including feedback from education and arts and sciences faculty, school faculty, and peers, as well as self-reflection by candidates.

7. Professional education faculty collaborate with arts and sciences faculty, school personnel, and other members of the professional community to design, deliver, assess, and renew programs for the preparation and continuing development of school personnel and to improve the quality of education in preK-12 schools. Indicators of the achievement of this standard shall include the following:

a. Professional education faculty collaborate with the faculty who teach general and content courses to design and evaluate programs that shall prepare candidates to teach the Standards of Learning.

b. Partnership agreements ensure that professional education faculty collaborate with personnel in partnering schools and school divisions to design and evaluate programs, teaching methods, field experiences, and other activities.

c. Partnership agreements ensure that professional education faculty collaborate with personnel in partnering schools to assess candidates during observations, practica, student teaching, internships, and other field experiences.

d. Opportunities exist for professional education faculty, school personnel, and other members of the professional community to collaborate on the development and refinement of knowledge bases, conduct research, and improve the quality of education.

B. Standard 2: Candidate Performance on Competencies for Endorsement Areas. Candidates in education programs shall demonstrate the knowledge, skills, and dispositions to meet professional, state, and institutional standards to ensure student success. Candidates shall demonstrate the competencies specified in 8 VAC 20-542-70 through 8 VAC 20-542-600.

1. Candidates in education programs have completed general education courses and experiences in the liberal arts and sciences and demonstrate the broad theoretical and practical knowledge necessary for teaching and preK-12 student achievement. Indicators of the achievement of this standard shall include the following:

a. Candidates demonstrate that they have a full command of the English language, use standard English grammar, have rich speaking and writing vocabularies, are knowledgeable of exemplary authors and literary works, and communicate effectively in educational, occupational, and personal areas.

b. Candidates demonstrate that they can solve mathematical problems, communicate and reason mathematically, and make mathematical connections.

c. Candidates demonstrate that they develop and use experimental design in scientific inquiry, use the language of science to communicate understanding of the discipline, investigate phenomena using technology, understand the history of scientific discovery, and make informed decisions regarding contemporary issues in science, including science-related careers.

d. Candidates demonstrate that they know and understand our national heritage; and have knowledge and skills in American and world history, geography, government/political science, and economics that create informed and responsible citizens who can understand, discuss, and participate in democratic processes.

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e. Candidates demonstrate that they have supporting knowledge in fine arts, communications, literature, foreign language, health, psychology, philosophy and/or other disciplines that contribute to a broad-based liberal education.

f. Candidates pass basic entry-level competency assessments prescribed by the Virginia Board of Education.

g. Candidates achieve passing scores on professional content assessments for licensure prescribed by the Board of Education prior to completing their programs.

2. Candidates in education programs shall demonstrate the knowledge, skills, and dispositions to work with a variety of students, including those from diverse backgrounds, and to have a positive effect on student learning. Indicators of the achievement of this standard shall include the following:

a. Candidates demonstrate the ability to apply knowledge and skills related to the physical, neurological, social, emotional, intellectual, and cognitive development of children and youth; the complex nature of language acquisition and reading; and an understanding of contemporary educational issues including the prevention of child abuse, appropriate use of technology, and diversity.

b. Candidates demonstrate the ability to apply the principles of learning, methods for teaching reading, methods for teaching the content area, classroom management, selection and use of teaching materials, and evaluation of student performance.

c. Candidates demonstrate the ability to have a positive effect on student learning through judging prior student learning; planning instruction; teaching; and assessing, analyzing, and reflecting on student performance.

d. Candidates demonstrate the ability to use educational technology to enhance student learning, including the use of computers and other technologies in instruction, assessment, and professional productivity.

e. Candidates demonstrate the ability to analyze and use various types of data to plan and assess student learning.

3. Candidates in graduate programs for other school personnel demonstrate competencies for educational leadership roles as school superintendents, principals and/or assistant principals, central office administrators and supervisors, school counselors, reading specialists, mathematics specialists, or school psychologists. They demonstrate the knowledge and understanding to lead schools that use effective educational processes, achieve increased student learning, and make strong and positive

connections to the community. Indicators of the achievement of this standard shall include the following:

a. Candidates demonstrate understanding of the Virginia Standards of Learning and standards of appropriate specialty organizations, including how these standards relate to the leadership roles for which they are being prepared.

b. Candidates demonstrate the competencies specified in their intended licensure/endorsement areas as defined in 8 VAC 20-542-70 through 8 VAC 20-542-600.

c. Candidates achieve passing scores on the professional content assessments for licensure prescribed by the Board of Education prior to completing their programs.

d. Candidates demonstrate understanding of research, research methods, issues, trends, and research-based best practices that shall enhance the academic achievement of all preK-12 students and reduce academic achievement gaps among diverse preK-12 student groups.

e. Candidates demonstrate the ability to use educational technology, including computers and other technologies, in instruction, assessment, and professional development activities.

f. Candidates demonstrate the ability to use test data to revise instruction and enhance student achievement.

g. Candidates understand emerging issues that impact the school community and demonstrate the ability to collaborate with families, community members and other stakeholders.

h. Candidates demonstrate mastery of administration/supervision competencies through multiple sources of data such as internships, portfolios, and interviews, including employer satisfaction surveys.

C. Standard 3: Faculty in Professional Education Programs. Faculty in the professional education program represent well-qualified education scholars who are actively engaged in teaching and learning.

1. The full-time and part-time professional education faculty, including school faculty, adjunct faculty and others, represent diverse backgrounds, are qualified for their assignments and are actively engaged in the professional community. Indicators of the achievement of this standard shall include the following:

a. Professional education faculty have completed formal advanced study; have earned doctorates or the equivalent, or exceptional expertise in their field.

b. Professional education faculty have demonstrated competence in each field of endorsement area specialization.

- c. Professional education faculty demonstrate understanding of current practice related to the use of computers and technology and integrate technology into their teaching and scholarship.
  - d. Professional education faculty demonstrate understanding of Virginia's Standards of Learning.
  - e. Professional education faculty demonstrate understanding of cultural differences and exceptionalities and their instructional implications.
  - f. Professional education faculty who supervise field experiences have had professional teaching experiences in preK-12 school settings.
  - g. Professional education faculty are actively involved with the professional world of practice and the design and delivery of instructional programs in preK-12 schools.
  - h. Professional education faculty are actively involved in professional associations and participate in education-related services at the local, state, national, and international levels in areas of expertise and assignment.
2. Teaching in the professional education program is of high quality and is consistent with the program design and knowledge derived from research and sound professional practice. Indicators of the achievement of this standard shall include the following:
- a. Professional education faculty use instructional teaching methods that reflect an understanding of different models and approaches to learning and student achievement.
  - b. The teaching of professional education faculty encourages candidates to reflect, think critically and solve problems.
  - c. The teaching of professional education faculty reflects knowledge and understanding of cultural diversity and exceptionalities.
  - d. The teaching of professional education faculty is continuously evaluated, and the results are used to improve teaching and learning within the program.
3. The professional education program ensures that policies and assignments are in keeping with the character and mission of the institution or other education program entity and allows professional education faculty to be involved effectively in teaching, scholarship, and service. Indicators of the achievement of this standard shall include the following:
- a. Workload policies and assignments accommodate and support the involvement of professional education faculty in teaching, scholarship, and service, including working in preK-12 schools, curriculum development, advising, administration, institutional committee work, and other internal service responsibilities.
  - b. Policies governing the teaching loads of professional education faculty, including overloads and off-site teaching, are mutually agreed upon and allow faculty to engage effectively in teaching, scholarship, and service.
  - c. Recruitment and retention policies for professional education faculty include an explicit plan with adequate resources to hire and retain a qualified and diverse faculty. The plan is evaluated annually for its effectiveness in meeting recruitment goals.
4. The professional education program ensures that there are systematic and comprehensive activities to enhance the competence and intellectual vitality of the professional education faculty. Indicators of the achievement of this standard shall include the following:
- a. Policies and practices encourage professional education faculty to be continuous learners.
  - b. Support is provided for professional education faculty and others who may contribute to professional education programs to be regularly involved in professional development activities.
  - c. Professional education faculty are actively involved in scholarly activities that are designed to enhance professional skills and practice.
  - d. Regular evaluation of professional education faculty includes contributions to teaching, scholarship, and service.
  - e. Evaluations are used systematically to improve teaching, scholarship, and service of the professional education faculty.
- D. Standard 4: Governance and Capacity. The professional education program demonstrates the governance and capacity to prepare candidates to meet professional, state, and institutional standards.
1. The professional education program is clearly identified and has the responsibility, authority, and personnel to develop, administer, evaluate, and revise all education programs. Indicators of the achievement of this standard shall include the following:
- a. The professional education program has responsibility and authority in the areas of education faculty selection, tenure, promotion, and retention decisions; recruitment of candidates; curriculum decisions; and the allocation of resources for professional education program activities.
  - b. The program has a long-range plan that is regularly monitored to ensure the ongoing vitality of the professional education programs as well as the future capacity of its physical facilities.



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c. Candidates, school faculty in partnering school divisions, adjunct faculty, and other members of the professional community are actively involved in the policy-making and advisory bodies that organize and coordinate programs of the professional education program.

d. Policies and practices of the professional education program are nondiscriminatory and guarantee due process to faculty and candidates.

2. The professional education program has adequate resources to offer quality programs that reflect the mission of the professional education program and support teaching and scholarship by faculty and candidates. Indicators of achievement of this standard shall include the following:

a. The size of the professional education program, the number of candidates, and the number of faculty, administrators, clerical and technical support staff support the consistent delivery and quality of each program offered.

b. Facilities, equipment, technology, and other budgetary resources are sufficient for the operation and accountability of the professional education program.

c. Resources are allocated to programs in a manner that allows each program to meet its anticipated outcomes.

d. The institution provides training in and access to education-related electronic information, video resources, computer hardware, software, related technologies, and other similar resources to higher education faculty and candidates.

3. The professional education program shall ensure that full, part-time, and adjunct faculty are provided with appropriate resources such as office space, access to technology, teaching aids, materials and other resources necessary to ensure quality preparation of school personnel.

## PART VII.

### COMPETENCIES FOR ENDORSEMENT AREAS.

#### Article 1.

##### General Competencies.

#### **8 VAC 20-542-70. Competencies for endorsement areas.**

The professional education program develops, maintains, and continuously evaluates high quality professional education programs that are collaboratively designed and based on identified needs of the preK-12 community. Candidates in education programs for teachers demonstrate competence in the core academic content areas that they plan to teach. The indicator of the achievement of this standard shall include the following:

Candidates demonstrate an understanding of competencies including the core concepts and facts of the disciplines and

the Virginia Standards of Learning for the content areas they plan to teach.

#### Article 2.

##### Early/Primary Education, Elementary Education, and Middle Education.

#### **8 VAC 20-542-80. Professional studies requirements for early/primary education, elementary education, and middle education.**

Professional studies requirements for early/primary education, elementary education, and middle education:

1. Human growth and development (birth through adolescence). Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual differences – economic, social, racial, ethnic, religious, physical, and mental – should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to attention deficit disorders, gifted education including the use of multiple criteria to identify gifted students, substance abuse, child abuse, and family disruptions.

2. Curriculum and instructional procedures.

a. Early/primary education preK-3 or elementary education preK-6 curriculum and instructional procedures. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for second language learners, gifted and talented students and those students with disabling conditions, shall be appropriate for the level of endorsement (preK-3 or preK-6) and be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Study in methods of improving communication between schools and families, ways of increasing family involvement in student learning at home and in school and the Standards of Learning, and demonstrated proficiency in the use of educational technology for instruction shall be included. Persons seeking initial licensure as teachers and persons seeking licensure renewal as teachers for the first time shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes. Pre-student teaching

experiences (field experiences) should be evident within these skills.

b. Middle education 6-8 curriculum and instructional procedures. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for second language learners, gifted and talented students and students with disabling conditions, shall be appropriate for the middle education endorsement and be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Study in methods of improving communication between schools and families, ways of increasing family involvement in student learning at home and in school, and the Standards of Learning shall be included. Demonstrated proficiency in the use of educational technology for instruction also shall be included. Persons seeking initial licensure as teachers and persons seeking licensure renewal as teachers for the first time shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes. Pre-student teaching experiences (field experiences) should be evident within these skills.

c. Instructional design based on assessment data. Skills in this area shall contribute to an understanding of the relationship among assessment, instruction and monitoring student progress to include student performance measures in grading practices, the ability to construct and interpret valid assessments using a variety of formats in order to measure student attainment of essential skills in a standards-based environment, and the ability to analyze assessment data to make decisions about how to improve instruction and student performance.

d. Classroom management. Skills in this area shall contribute to an understanding and application of classroom management techniques and individual interventions, including techniques that promote emotional well-being and teach and maintain behavioral conduct and skills consistent with norms, standards, and rules of the educational environment. This area shall address diverse approaches based upon behavioral, cognitive, affective, social and ecological theory and practice.

e. Reading.

(1) Early/primary preK-3 and elementary education preK-6 – language acquisition and reading. Skills

listed for these endorsement areas represent the minimum competencies that a beginning teacher shall be able to demonstrate. These skills are not intended to limit the scope of a beginning teacher's program. Additional knowledge and skills that add to a beginning teacher's competencies to deliver instruction and improve student achievement should be included as part of a quality learning experience.

Skills in this area shall be designed to impart a thorough understanding of the complex nature of language acquisition and reading, to include: phonemic awareness, concept of print, phonics, fluency, vocabulary development, and comprehension strategies. Additional skills shall include proficiency in writing strategies, as well as the ability to foster appreciation of a variety of literature and independent reading.

(2) Middle education – language acquisition and reading in the content areas. Skills in this area shall be designed to impart an understanding of comprehension skills in all content areas, including a repertoire of questioning strategies, summarizing and retelling skills, and strategies in literal, interpretive, critical, and evaluative comprehension, as well as the ability to foster appreciation of a variety of literature and independent reading.

3. Supervised classroom experience. The student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 500 clock hours (including pre- and post-clinical experiences) with at least 300 clock hours spent supervised in direct teaching activities (providing direct instruction) at the level of endorsement. One year of successful full-time teaching experience in the endorsement area in any public school or accredited nonpublic school may be accepted in lieu of the supervised teaching experience. A fully licensed, experienced teacher shall be available in the school building to assist a beginning teacher employed through the alternate route.

## **8 VAC 20-542-90. Early/primary education preK-3.**

The program for early/primary education preK-3 shall ensure that the candidate has demonstrated the following competencies:

### 1. Methods.

a. Understanding of the knowledge, skills, and processes to support learners in achievement of the Virginia Standards of Learning in English, mathematics, history and social science, science, and computer/technology;

b. The ability to integrate English, mathematics, science, health, history and social sciences, art, music, drama, movement, and technology in learning experiences;

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c. The use of differentiated instruction and flexible groupings to meet the needs of learners at different stages of development, abilities, and achievement;

d. The use of appropriate methods, to help learners develop knowledge and basic skills, sustain intellectual curiosity, and problem solve;

e. The ability to utilize effective classroom management skills through methods that shall build responsibility and self-discipline and maintain a positive learning environment;

f. The ability to modify and manage learning environments and experiences to meet the individual needs of children, including children with disabilities, gifted children, children with limited proficiency in English, and children with diverse cultural needs;

g. The ability to use formal and informal assessments to diagnose needs, plan and modify instruction, and record student progress;

h. A commitment to professional growth and development through reflection, collaboration, and continuous learning;

i. The ability to analyze, evaluate, apply quantitative and qualitative research; and

j. The ability to use technology as a tool for teaching, learning, research, and communication.

## 2. Knowledge and skills.

a. Reading/English. Understanding of the content, knowledge, skills, and processes for teaching the Virginia Standards of Learning for English including: oral language (speaking and listening), reading, and writing, and how these standards provide the core for teaching English in grades preK-3 (early/primary licensure).

(1) Assessment and diagnostic teaching. The individual shall:

(a) Be proficient in the use of both formal and informal assessment and screening measures for the component of reading: phoneme awareness, letter recognition, decoding, fluency, vocabulary, reading levels, and comprehension; and

(b) Be proficient in the ability to use diagnostic data to tailor instruction for acceleration, intervention, remediation, and flexible skill-level groupings.

(2) Oral communication. The individual shall:

(a) Be proficient in the knowledge, skills, and processes necessary for teaching oral language (speaking and listening);

(b) Be proficient in developing students' phonological awareness skills;

(c) Demonstrate effective strategies for facilitating the learning of standard English by speakers of other languages and dialects;

(d) Demonstrate the ability to promote creative thinking and expression, as through storytelling, drama, choral/oral reading, etc.

(3) Reading/literature. The individual shall:

(a) Be proficient in explicit phonics instruction, including an understanding of sound/symbol relationships, syllables, phonemes, morphemes, decoding skills, and word attack skills;

(b) Be proficient in strategies to increase vocabulary/concept development;

(c) Be proficient in the structure of the English language, including an understanding of syntax;

(d) Be proficient in reading comprehension strategies for both fiction and nonfiction text predicting, retelling, summarizing and guiding students to make connections beyond the text;

(e) Demonstrate the ability to develop comprehension skills in all content areas;

(f) Demonstrate the ability to foster the appreciation of a variety of literature; and

(g) Understand the importance of promoting independent reading by selecting fiction and nonfiction books, at appropriate reading levels.

(4) Writing. The individual shall:

(a) Be proficient in the knowledge, skills, and processes necessary for teaching writing, including the domains of composing, written expression, and usage and mechanics and the writing process of planning, drafting, revising, editing, and sharing;

(b) Be proficient in systematic spelling instruction, including awareness of the purpose and limitations of "invented spelling," orthographic patterns, and strategies for promoting generalization of spelling study to writing; and

(c) Demonstrate the ability to teach the writing process: plan, draft, revise, edit, and share in the narrative, descriptive, and explanative modes.

(5) Technology. The individual shall demonstrate the ability to guide students in their use of technology for both process and product as they work with reading and writing.

b. Mathematics.

(1) Understanding of the mathematics relevant to the content identified in the Virginia Standards of Learning and how the standards provide the foundation for teaching mathematics in grades preK-3. Experiences with practical applications and the use of appropriate technology and manipulatives should be used within the following content:

(a) Number systems, their structure, basic operations, and properties;

(b) Elementary number theory, ratio, proportion and percent;

(c) Algebra: operations with monomials and polynomials; algebraic fractions; linear and quadratic equations and inequalities, linear systems of equations and inequalities; radicals and exponents; arithmetic and geometric sequences and series; algebraic and trigonometric functions; and transformations among graphical, tabular, and symbolic form of functions;

(d) Geometry: geometric figures, their properties, relationships, Pythagorean Theorem; deductive and inductive reasoning; perimeter, area, and surface area of two- and three-dimensional figures; coordinate and transformational geometry; and constructions;

(e) Probability and statistics: permutations and combinations; experimental and theoretical probability; prediction; graphical representations including box-and-whisker plots; measures of central tendency, range, and normal distribution; and

(f) Computer science: terminology, simple programming, and software applications.

(2) Understanding of the sequential nature of mathematics.

(3) Understanding of the multiple representations of mathematical concepts and procedures.

(4) Understanding of and the ability to use the five processes – reasoning mathematically, solving problems, communicating mathematics effectively, making mathematical connections, and using mathematical representations at different levels of complexity.

(5) Understanding of the contributions of different cultures toward the development of mathematics, and the role of mathematics in culture and society.

(6) Understanding of the role of technology and the ability to use calculators and computers in the teaching and learning of mathematics.

## c. History and social sciences.

(1) Understanding of the knowledge, skills, and processes of history and the social science disciplines as defined in the Virginia Standards of Learning and how the standards provide the necessary foundation for teaching history and social sciences, including in:

### (a) History.

(i) The contributions of ancient civilizations to American social and political institutions;

(ii) Major events in Virginia history from 1607 to the present;

(iii) Key individuals, documents, and events in United States history; and

(iv) The evolution of American's constitutional republic, its ideas, institutions, and practices.

### (b) Geography.

(i) The use of maps and other geographic representations, tools, and technologies to acquire, process, and report information;

(ii) The relationship between human activity and the physical environment in the community and the world; and

(iii) Physical processes that shape the surface of the earth.

### (c) Civics.

(i) The privileges and responsibilities of good citizenship and the importance of the rule of law for the protection of individual rights;

(ii) The process of making laws in the United States and the fundamental ideals and principles of a republican form of government; and

(iii) The understanding that Americans are a people of diverse ethnic origins, customs, and traditions, who are united by the basic principles of a republican form of government and a common identity as Americans.

### (d) Economics.

(i) The basic economic principles that underlie the United States market economy;

(ii) The role of the individual and how economic decisions are made in the market place; and

(iii) The role of government in the structure of the United States economy.

(2) Understanding of the nature of history and the social sciences, and how the study of the disciplines assists students in developing critical thinking skills in helping them to understand:

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- (a) The relationship between past and present;
- (b) The use of primary sources such as artifacts, letters, photographs, and newspapers;
- (c) How events in history are shaped both by the ideas and actions of people;
- (d) Diverse cultures and shared humanity;
- (e) Civic participation in a democracy; and
- (f) The relationship between history, literature, art, and music.

## d. Science.

(1) Understanding of the knowledge, skills, and processes of the earth, life, and physical sciences as defined in the Virginia Science Standards of Learning and how these standards provide a sound foundation for teaching science in the elementary grades.

(2) Understanding of the nature of science and scientific inquiry, including:

- (a) The role of science in explaining and predicting events and phenomena; and
- (b) The science skills of data analysis, measurement, observation, prediction, and experimentation.

(3) Understanding of the knowledge, skills, and processes for an active elementary science program, including the ability to:

- (a) Design instruction reflecting the goals of the Virginia Science Standards of Learning;
- (b) Conduct research projects and experiments in a safe environment;
- (c) Organize key science content into meaningful units of instruction;
- (d) Adapt instruction to diverse learners using a variety of techniques;
- (e) Evaluate instructional materials, instruction, and student achievement; and
- (f) Incorporate instructional technology to enhance student performance in science.

(4) Understanding of the content, processes, and skills of the Earth sciences, biology, chemistry, and physics supporting the teaching of elementary school science as defined by the Virginia Science Standards of Learning and equivalent to academic course work in each of these core science areas.

(5) Understanding of the core scientific disciplines to ensure:

(a) The ability to teach the processes and organizing concepts common to the natural and physical sciences; and

(b) Student achievement in science.

(6) Understanding of the contributions and significance of science, including:

(a) Its social and cultural significance;

(b) The relationship of science to technology; and

(c) The historical development of scientific concepts and scientific reasoning.

## **8 VAC 20-542-100. Elementary education preK-6.**

The program in elementary education preK-6 may require that the candidate has completed an undergraduate major in interdisciplinary studies (focusing on the areas of English, mathematics, history and social sciences, and science) or in Virginia's core academic areas of English, mathematics, history and social sciences (i.e., history, government, geography and economics), or science and demonstrated the following competencies:

### 1. Methods.

a. Understanding of the needed knowledge, skills, and processes to support learners in achievement of the Virginia Standards of Learning in English, mathematics, history and social science, science, and computer/technology;

b. The ability to integrate English, mathematics, science, health, history and social sciences, art, music, drama, movement, and technology in learning experiences;

c. The use of differentiated instruction and flexible groupings to meet the needs of learners at different stages of development, abilities, and achievement;

d. The use of appropriate methods to help learners develop knowledge and basic skills, sustain intellectual curiosity, and problem solve;

e. The ability to utilize effective classroom management skills through methods that shall build responsibility and self-discipline and maintain a positive learning environment;

f. The ability to modify and manage learning environments and experiences to meet the individual needs of children, including children with disabilities, gifted children, and children with limited proficiency in English, and children with diverse cultural needs;

g. The ability to use formal and informal assessments to diagnose needs, plan and modify instruction, and record student progress;

h. A commitment to professional growth and development through reflection, collaboration, and continuous learning;

i. The ability to analyze, evaluate, and apply, quantitative and qualitative research; and

j. The ability to use technology as a tool for teaching, learning, research, and communication.

## 2. Knowledge and skills.

a. Reading/English. Understanding of the content, knowledge, skills, and processes for teaching the Virginia Standards of Learning for English including: oral language (speaking and listening), reading, writing, and literature, and how these standards provide the core for teaching English in grades preK-6 (elementary licensure).

(1) Assessment and diagnostic teaching. The individual shall:

(a) Be proficient in the use of both formal and informal assessment and screening measures for the components of reading: phoneme awareness, letter recognition, decoding, fluency, vocabulary, reading level, and comprehension; and

(b) Be proficient in the ability to use diagnostic data to tailor instruction, for acceleration, intervention, remediation and flexible skill-level groupings.

(2) Oral communication. The individual shall:

(a) Be proficient in the knowledge, skills, and processes necessary for teaching oral language (speaking and listening);

(b) Be proficient in developing students' phonological awareness skills;

(c) Demonstrate effective strategies for facilitating the learning of standard English by speakers of other languages and dialects; and

(d) Demonstrate the ability to promote creative thinking and expression, as through storytelling, drama, choral/oral reading, etc.

(3) Reading/literature. The individual shall:

(a) Be proficient in explicit phonics instruction, including an understanding of sound/symbol relationships, syllables, phonemes, morphemes, decoding skills, and word attack skills;

(b) Be proficient in strategies to increase vocabulary/concept development;

(c) Be proficient in the structure of the English language, including an understanding of syntax and semantics;

(d) Be proficient in reading comprehension strategies for both fiction and nonfiction text, including questioning, predicting, summarizing, clarifying, and associating the unknown with what is known;

(e) Demonstrate the ability to develop comprehension skills in all content areas;

(f) Demonstrate the ability to foster appreciation of a variety of literature; and

(g) Understand the importance of promoting independent reading by selecting fiction and nonfiction books, at appropriate reading levels.

(4) Writing. The individual shall:

(a) Be proficient in the knowledge, skills, and processes necessary for teaching writing, including the domains of composing, written expression, and usage and mechanics and the writing process of planning, drafting, revising, editing, and sharing;

(b) Be proficient in systematic spelling instruction, including awareness of the purpose and limitations of "invented spelling," orthographic patterns, and strategies for promoting generalization of spelling study to writing; and

(c) Demonstrate the ability to teach the writing process: plan draft, revise, edit, and share in the narrative, descriptive, and explanative modes.

(5) Technology. The individual shall demonstrate the ability to guide students in their use of technology for both process and product as they work with reading, writing, and research.

## b. Mathematics.

(1) Understanding of the mathematics relevant to the content identified in the Virginia Standards of Learning and how the standards provide the foundation for teaching mathematics in grades preK-6. Experiences with practical applications and the use of appropriate technology and manipulatives should be used within the following content:

(a) Number systems, their structure, basic operations, and properties;

(b) Elementary number theory, ratio, proportion and percent;

(c) Algebra: operations with monomials and polynomials; algebraic fractions; linear and quadratic equations and inequalities, linear systems of equations and inequalities; radicals and exponents; arithmetic and geometric sequences and series; algebraic and trigonometric functions; and

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transformations among graphical, tabular, and symbolic form of functions;

(d) Geometry: geometric figures, their properties, relationships, Pythagorean Theorem; deductive and inductive reasoning; perimeter, area, and surface area of two- and three-dimensional figures; coordinate and transformational geometry; and constructions;

(e) Probability and statistics: permutations and combinations; experimental and theoretical probability; prediction; graphical representations including box-and-whisker plots; measures of central tendency, range, and normal distribution; and

(f) Computer science: terminology, simple programming, and software applications.

(2) Understanding of the sequential nature of mathematics.

(3) Understanding of the multiple representations of mathematical concepts and procedures.

(4) Understanding of and the ability to use the five processes – reasoning mathematically, solving problems, communicating mathematics effectively, making mathematical connections, and using mathematical representations at different levels of complexity.

(5) Understanding of the contributions of different cultures toward the development of mathematics, and the role of mathematics in culture and society.

(6) Understanding of the role of technology and the ability to use calculators and computers in the teaching and learning of mathematics.

## c. History and social sciences.

(1) Understanding of the knowledge, skills, and processes of history and the social sciences disciplines as defined in the Virginia Standards of Learning and how the standards provide the necessary foundation for teaching history and social sciences, including in:

### (a) History.

(i) The contributions of ancient civilizations to American social and political institutions;

(ii) Major events in Virginia history from 1607 to the present;

(iii) Key individuals, documents, and events in United States history; and

(iv) The evolution of America's constitutional republic, its ideas, institutions, and practices.

### (b) Geography.

(i) The use of maps and other geographic representations, tools, and technologies to acquire, process, and report information;

(ii) The relationship between human activity and the physical environment in the community and the world; and

(iii) Physical processes that shape the surface of the earth;

### (c) Civics.

(i) The privileges and responsibilities of good citizenship and the importance of the Rule of Law for the protection of individual rights;

(ii) The process of making laws in the United States and the fundamental ideals and principles of a republican form of government; and

(iii) The understanding that Americans are a people of diverse ethnic origins, customs, and traditions, who are united by basic principles of a republican form of government and a common identity as Americans.

### (d) Economics.

(i) The basic economic principles that underlie the United States market economy;

(ii) The role of the individual and how economic decisions are made in the market place; and

(iii) The role of government in the structure of the United States economy.

(2) Understanding of the nature of history and social sciences and how the study of the disciplines assists students in developing critical thinking skills in helping them to understand:

(a) The relationship between past and present;

(b) The use of primary sources such as artifacts, letters, photographs, and newspapers;

(c) How events in history are shaped both by the ideas and actions of people;

(d) Diverse cultures and shared humanity;

(e) Civic participation in a democracy; and

(f) The relationship between history, literature, art, and music.

## d. Science.

(1) Understanding of the knowledge, skills, and processes of the earth, life, and physical sciences as defined in the Virginia Science Standards of Learning

and how these standards provide a sound foundation for teaching science in the elementary grades:

(2) Understanding of the nature of science and scientific inquiry, including:

- (a) The role of science in explaining and predicting events and phenomena; and
- (b) The science skills of data analysis, measurement, observation, prediction, and experimentation.

(3) Understanding of the knowledge, skills, and processes for an active elementary science program including the ability to:

- (a) Design instruction reflecting the goals of the Virginia Science Standards of Learning;
- (b) Conduct research projects and experiments in a safe environment;
- (c) Organize key science content into meaningful units of instruction;
- (d) Adapt instruction to diverse learners using a variety of techniques;
- (e) Evaluate instructional materials, instruction, and student achievement; and
- (f) Incorporate instructional technology to enhance student performance in science.

(4) Understanding of the content, processes, and skills of the Earth sciences, biology, chemistry, and physics supporting the teaching of elementary school science as defined by the Virginia Science Standards of Learning and equivalent course work reflecting each of these core science areas.

(5) Understanding of the core scientific disciplines to ensure:

- (a) The ability to teach the processes and organizing concepts common to the natural and physical sciences; and
- (b) Student achievement in science.

(6) Understanding of the contributions and significance of science including:

- (a) Its social and cultural significance;
- (b) The relationship of science to technology; and
- (c) The historical development of scientific concepts and scientific reasoning.

**8 VAC 20-542-110. Middle education 6-8.**

The program in middle education 6-8 with at least one area of academic preparation shall ensure that the candidate has demonstrated the following competencies:

1. Methods.

- a. Understanding of the required knowledge, skills, and processes to support learners in achievement of the Virginia Standards of Learning for grades 6-8;
- b. The use of appropriate methods, including direct instruction, to help learners develop knowledge and skills, sustain intellectual curiosity, and solve problems;
- c. The ability to plan and teach collaboratively to facilitate interdisciplinary learning;
- d. The use of differentiated instruction and flexible groupings to meet the needs of preadolescents at different stages of development, abilities, and achievement;
- e. The ability to utilize effective classroom management skills through methods that shall build responsibility and self-discipline and maintain a positive learning environment;
- f. The ability to modify and manage learning environments and experiences to meet the individual needs of preadolescents, including children with disabilities, gifted children, and children with limited proficiency in the English language;
- g. The ability to use formal and informal assessments to diagnose needs, plan and modify instruction, and record student progress;
- h. A commitment to professional growth and development through reflection, collaboration, and continuous learning;
- i. The ability to analyze, evaluate, apply, and conduct quantitative and qualitative research;
- j. The ability to use technology as a tool for teaching, learning, research, and communication;
- k. An understanding of how to apply a variety of school organizational structures, schedules, groupings, and classroom formats appropriately for middle level learners;
- l. Skill in promoting the development of all students' abilities for academic achievement and continued learning; and
- m. The ability to use reading in the content area strategies appropriate to text and student needs.

2. English.

- a. Possession of the skills necessary to teach the writing process, to differentiate among the forms of writing (narrative, descriptive, informational, and persuasive), and to use computers and other available technology;
- b. Understanding of and knowledge in grammar, usage, and mechanics and its integration in writing;



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c. Understanding and the nature and development of language and its impact on vocabulary development and spelling;

d. Understanding of and knowledge in techniques and strategies to enhance reading comprehension and fluency;

e. Understanding of and knowledge in the instruction of speaking, and listening, and note taking; and

f. Knowledge of varied works from current and classic young adult literature appropriate for English instruction of fiction, nonfiction, and poetry.

### 3. History and social sciences.

a. Understanding of the knowledge, skills, and processes of history and the social science disciplines as defined by the Virginia History and Social Sciences Standards of Learning and how the standards provide the foundation for teaching history and social sciences, including in:

#### (1) United States history.

(a) The evolution of the American constitutional republic and its ideas, institutions, and practices from the colonial period to the present; the American Revolution, including ideas and principles preserved in significant Virginia and United States historical documents as required by § 22.1-201 of the Code of Virginia (Declaration of American Independence, the general principles of the Constitution of the United States, the Virginia Statute of Religious Freedom, the charters of April 10, 1606, May 23, 1609, and March 12, 1612, of The Virginia Company, and the Virginia Declaration of Rights), and historical challenges to the American political system (i.e., slavery, the Civil War, emancipation, and civil rights);

(b) The influence of religious traditions on the American heritage and on contemporary American society;

(c) The changing role of America around the world; the relationship between domestic affairs and foreign policy; global political and economic interactions;

(d) The influence of immigration on American political, social, and economic life;

(e) Origins, effects, aftermath and significance of the two world wars, the Korean and Vietnam conflicts, and the Post-Cold War Era;

(f) Social, political, and economic transformations in American life during the 20th century; and

(g) Tensions between liberty and equality, liberty and order, region and nation, individualism and the

common welfare, and between cultural diversity and civic unity.

#### (2) World history.

(a) The political, philosophical, and cultural legacies of ancient, American, Asian, African, and European civilizations;

(b) Origins, ideas, and institutions of Judaism, Christianity, Hinduism, Confucianism and Taoism, and Shinto, Buddhist and Islamic religious traditions;

(c) Medieval society and institutions; relations with Islam; feudalism and the evolution of representative government;

(d) The social, political, and economic contributions of selected civilizations in Africa, Asia, Europe, and the Americas;

(e) The culture and ideas of the Renaissance and the Reformation, European exploration, and the origins of capitalism and colonization;

(f) The cultural ideas of the Enlightenment and the intellectual revolution of the 17th and 18th centuries;

(g) The sources, results, and influence of the American and French revolutions;

(h) The social consequences of the Industrial Revolution and its impact on politics and culture;

(i) The global influence of European ideologies of the 19th and 20th centuries (liberalism, republicanism, social democracy, Marxism, nationalism, Communism, Fascism, and Nazism); and

(j) The origins, effects, aftermath, and significance of the two world wars.

#### (3) Civics and economics.

(a) Essential characteristics of limited and unlimited governments;

(b) Importance of the Rule of Law for the protection of individual rights and the common good;

(c) Rights and responsibilities of American citizenship;

(d) Nature and purposes of constitutions and alternative ways of organizing constitutional governments;

(e) American political culture;

(f) Values and principles of the American constitutional republic;

(g) Structures, functions, and powers of local and state government;

(h) Importance of citizen participation in the political process in local and state government;

(i) Structures, functions, and powers of the national government; and

(j) The structure and function of the United States market economy as compared with other economies.

b. Understanding of the nature of history and social sciences and how the study of these disciplines helps students go beyond critical thinking skills to help them appreciate:

(1) The significance of the past to their lives and to society;

(2) Diverse cultures and shared humanity;

(3) How things happen, how they change, and how human intervention matters;

(4) The interplay of change and continuity;

(5) Historical cause and effect;

(6) The importance of individuals who have made a difference in history and the significance of personal character to the future of society;

(7) The relationship among history, geography, civics, and economics; and

(8) The difference between fact and conjecture, evidence and assertion, and the importance of framing useful questions.

#### 4. Mathematics.

a. Understanding of the knowledge and skills necessary to teach the Virginia Mathematics Standards of Learning and how curriculum may be organized to teach these standards to diverse learners;

b. Understanding of a core knowledge base of concepts and procedures within the discipline of mathematics, including the following strands: number and number sense; computation and estimation; geometry and measurement; statistics and probability; patterns, functions, and algebra;

c. Understanding of the sequential nature of mathematics and the mathematical structures inherent in the content strands;

d. Understanding of and the ability to use the five processes—becoming mathematical problem solvers, reasoning mathematically, communicating mathematically, making mathematical connections, and representing and describing mathematical ideas,

generalizations, and relationships using a variety of methods—at different levels of complexity;

e. Understanding of the history of mathematics, including the contributions of various individuals and cultures toward the development of mathematics, and the role of mathematics in culture and society;

f. Understanding of the major current curriculum studies and trends in mathematics;

g. Understanding of the role of technology and the ability to use graphing utilities and computers in the teaching and learning of mathematics;

h. Understanding of and the ability to select, adapt, evaluate and use instructional materials and resources, including professional journals and technology;

i. Understanding of and the ability to use strategies for managing, assessing, and monitoring student learning, including diagnosing student errors; and

j. Understanding of and the ability to use strategies to teach mathematics to diverse learners.

#### 5. Science.

a. Understanding of the knowledge, skills, and processes of the Earth, life, and physical sciences as defined in the Virginia Science Standards of Learning and how these provide a sound foundation for teaching science in the middle grades.

b. Understanding of the nature of science and scientific inquiry, including:

(1) Function of research design and experimentation;

(2) Role of science in explaining and predicting events and phenomena; and

(3) Science skills of data analysis, measurement, observation, prediction, and experimentation.

c. Understanding of the knowledge, skills, and processes for an active middle school science program, including the ability to:

(1) Design instruction reflecting the goals of the Virginia Science Standards of Learning;

(2) Conduct research projects and experiments;

(3) Implement safety rules/procedures and ensure that students take appropriate safety precautions;

(4) Organize key science content into meaningful units of instruction;

(5) Adapt instruction to diverse learners using a variety of techniques;

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(6) Evaluate instructional materials, instruction, and student achievement; and

(7) Incorporate instructional technology to enhance student performance in science.

d. Understanding of the content, processes, and skills of the Earth sciences, biology, chemistry, and physics supporting the teaching of middle school science as defined by the Virginia Science Standards of Learning and equivalent to academic course work in each of these core science areas.

e. Understanding of the core scientific disciplines to ensure:

(1) The placement of science in an appropriate interdisciplinary context;

(2) The ability to teach the processes and organize concepts common to the natural and physical sciences; and

(3) Student achievement in science.

f. Understanding of the contributions and significance of science to include:

(1) Its social and cultural significance;

(2) The relationship of science to technology; and

(3) The historical development of scientific concepts and scientific reasoning.

## Article 3.

PreK-12 Endorsements, Special Education, Secondary Grades 6-12 Endorsements, and Adult Education.

### **8 VAC 20-542-120. Professional studies requirements for preK-12 endorsements, special education, secondary grades 6-12 endorsements, and adult education.**

Professional studies requirements for preK-12 endorsements, special education, secondary grades 6-12 endorsements, and adult education:

1. Human growth and development (birth through adolescence). Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual differences – economic, social, racial, ethnic, religious, physical, and mental – should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to attention deficit disorders, gifted education including the use of multiple criteria to identify gifted students, substance abuse, child abuse, and family disruptions.

2. Curriculum and instructional procedures. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; selection and use of materials, including media and computers; and evaluation of pupil performance. Teaching methods appropriate for exceptional students, including for second language learners, gifted and talented and those with disabling conditions, and appropriate for the level of endorsement sought shall be included. Teaching methods shall be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and in school and the Standards of Learning shall be included. Demonstrated proficiency in the use of educational technology for instruction also shall be included. Persons seeking initial licensure as teachers and persons seeking licensure renewal as teachers for the first time shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes. Curriculum and instructional procedures for secondary grades 6-12 endorsements shall include middle and secondary education. Pre-student teaching experiences (field experiences) should be evident within these skills. For preK-12, field experiences shall be at the elementary, middle, and secondary levels.

3. Instructional design based on assessment data. Skills in this area shall contribute to an understanding of the relationship among assessment, instruction and monitoring student progress to include student performance measures in grading practices, the ability to construct and interpret valid assessments using a variety of formats in order to measure student attainment of essential skills in a standards-based environment, and the ability to analyze assessment data to make decisions about how to improve instruction and student performance.

4. Classroom management: Skills in this area shall contribute to an understanding and application of classroom management techniques and individual interventions, including techniques that promote emotional well-being and teach and maintain behavioral conduct and skills consistent with norms, standards, and rules of the educational environment. This area shall address diverse approaches based upon behavioral, cognitive, affective, social and ecological theory and practice.

5. Reading.

a. Adult education, preK-12, and secondary grades 6-12 – reading in the content area. Skills in this area shall be designed to impart an understanding of comprehension

skills in all content areas, including a repertoire of questioning strategies, summarizing and retelling skills, and strategies in literal, interpretive, critical, and evaluative comprehension, as well as the ability to foster appreciation of a variety of literature and independent reading.

b. Special education – Language acquisition and reading. Skills listed for these endorsement areas represent the minimum competencies that a beginning teacher shall be able to demonstrate. These skills are not intended to limit the scope of a beginning teacher’s program. Additional knowledge and skills that add to a beginning teacher’s competencies to deliver instruction and improve student achievement should be included as part of a quality learning experience.

Skills in this area shall be designed to impart a thorough understanding of the complex nature of language acquisition and reading, to include: phonemic awareness, concept of print, phonics, fluency, vocabulary development, and comprehension strategies. Additional skills shall include proficiency in writing strategies, as well as the ability to foster appreciation of a variety of literature and independent reading.

6. Supervised classroom experience. The student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 500 clock hours (including pre- and post-clinical experiences) with at least 300 clock hours spent supervised in direct teaching activities (providing direct instruction) in the endorsement area sought. If a preK-12 endorsement is sought, teaching activities shall be at the elementary and middle or secondary levels. Individuals seeking the endorsement in library media shall complete the supervised experience in a school library media setting. Individuals seeking an endorsement in an area of special education shall complete the supervised classroom experience requirement in the area of special education for which the endorsement is sought. One year of successful full-time teaching experience in the endorsement area in any public school or accredited nonpublic school may be accepted in lieu of the supervised teaching experience. A fully licensed, experienced teacher shall be available in the school building to assist a beginning teacher employed through the alternate route.

**8 VAC 20-542-130. Adult education.**

The program in adult education shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the nature or psychology of the adult learner or adult development;
2. Understanding of the knowledge, skills, and processes needed for the selection, evaluation, and instructional

applications of the methods and materials for adult basic skills including:

- a. Curriculum development in adult basic education or GED instruction;
- b. Beginning reading for adults;
- c. Beginning mathematics for adults;
- d. Reading comprehension for adult education;
- e. Foundations of adult education; and
- f. Other adult basic skills instruction.

3. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing; and

4. One semester of supervised successful full-time (or an equivalent number of hours of part-time experience) teaching of adults.

**8 VAC 20-542-140. Adult English as a second language (add-on endorsement).**

The program in adult English as a second language shall ensure that the candidate has demonstrated the following competencies:

1. Knowledge in the growth and development of the adult learner;
2. Knowledge of teaching methods and materials in adult English as a second language;
3. Knowledge in adult language acquisition;
4. Knowledge of assessment methods in adult English as a second language instruction;
5. Skills in teaching the adult learner;
6. Understanding of the effects of socio-cultural variables in the instructional setting;
7. Skills in teaching a variety of adult learning styles;
8. Proficiency in cross-cultural communication;
9. Proficiency in speaking, listening, and reading; and
10. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

**8 VAC 20-542-150. Career and technical education – agricultural education.**

The program in agricultural education shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the importance and relationship of agriculture to the economy of the community, the state, and the nation, including:
  - a. An awareness and appreciation for agriculture;

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- b. Knowledge of the occupational opportunities in agriculture and related fields;
  - c. Knowledge of the U.S. food and fiber system; and
  - d. Knowledge of the contributions of agriculture to the economy of the state and nation.
2. Understanding of the knowledge, skills, and processes involved in plant and soil sciences, including:
- a. Production, use, and marketing of row crops, specialty crops, forage crops, fruits, small grains, vegetables, and cereal crops; and
  - b. Soil and water management.
3. Understanding of the knowledge, skills, and processes involved in the production, management, and marketing of animals, including:
- a. Production of cattle, swine, poultry, dairy cows, sheep, aquaculture species, goats, and horses; and
  - b. Care and management of small companion animals.
4. Understanding of the knowledge, skills, and processes involved in agricultural mechanics, including:
- a. Safe operation, repair, and maintenance of equipment, tools, and machinery used in agriculture;
  - b. Setting up and adjusting agriculture machinery;
  - c. Basic knowledge of a set of hand tools, measuring devices, and testing equipment used in agriculture;
  - d. Basic knowledge of energy transfer systems used in agriculture; and
  - e. Properties of metals used in tools and equipment.
5. Understanding of agricultural economics, including the various markets, international trade, government policies, and the operation and management of various agricultural businesses.
6. Understanding of the knowledge, skills, and processes involved in natural resources, including:
- a. Care, management, and conservation of soil, air, water, and wildlife; and
  - b. Production and management of the forest.
7. Understanding of the importance and processes necessary for community resource development, including:
- a. Fundamentals of the community development process;
  - b. Knowledge of public and private programs and resources available;
  - c. Knowledge of the promotion of community development; and

- d. Knowledge of civic organizations and their purposes.
8. Knowledge of and the ability to teach:
- a. How the biological, physical, and applied sciences relate to practical solutions of agricultural problems;
  - b. Leadership development skills; and
  - c. Agricultural competencies needed by secondary students to be successful in continuing their education and entering a related occupation.
9. Knowledge and skills necessary to teach leadership skills, organize and manage an effective co-curricular student organization (FFA) and implement the organization's activities as an integral part of instruction.
10. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.
11. Understanding of and proficiency in instructional technology and microcomputer applications.

## **8 VAC 20-542-160. Career and technical education – business and information technology.**

The program in business and information technology shall ensure that the candidate has demonstrated the following competencies:

- 1. Knowledge, skills, and principles of manual and automated accounting, including:
  - a. Accounting concepts, terminology, and applications;
  - b. Accounting systems; and
  - c. The basic accounting cycle of source documents, verifications, analyzing, recording, posting, trial balances, and preparing financial statements.
- 2. Knowledge and skills in economics necessary to:
  - a. Communicate basic economic principles as applied to the American economic system; and
  - b. Apply basic economic principles to consumerism.
- 3. Knowledge and skills in the foundations of business selected from the following areas:
  - a. Business law.
    - (1) Ability to recognize the legal requirements affecting business organization; and
    - (2) Ability to apply legal principles to business situations.
  - b. Business principles.
    - (1) Ability to identify, explain, and apply contemporary business principles;

(2) Ability to identify and explain the advantages and disadvantages of various business organizational structures; and

(3) Knowledgeable in the foundations of international business, the global business environment, international business communications, and global business ethics.

c. Management. Understanding and analyzing of basic management functions, tools, theories, and leadership styles to explore and solve problems in business organizations, economics, international business, and human relations issues.

d. Marketing and entrepreneurship.

(1) Understanding of basic marketing concepts in sales techniques, advertising, display, buying, wholesale/retail, distribution, service occupations, market analysis, warehousing, and inventory control; and

(2) Understanding of the unique characteristics of an entrepreneur and the knowledge and skills necessary for an entrepreneurial venture.

e. Finance.

(1) Knowledgeable about and skilled in the areas of money management, recordkeeping, and banking needed for sound financial decision making; and

(2) Understanding of the basic concepts of economics, insurance, credit, and other related topics.

4. Knowledge and skills in all of the following communications and information technologies:

a. Communications.

(1) Ability to communicate in a clear, courteous, concise, and correct manner for personal and professional purposes through the foundations of listening, writing, reading, speaking, nonverbal cues, and following written/oral directions;

(2) Ability to use information systems and technology to expedite and enhance the effectiveness of communications and telecommunications; and

(3) Ability to gather, evaluate, use, and cite information from information technology sources.

b. Impact of technology on society. Knowledge to assess the impact of information technology on society.

c. Computer architecture. Ability to describe current and emerging computer architecture; configure, install, and upgrade hardware; and diagnose and repair hardware problems.

d. Operating systems, environments, and utilities. Ability to identify, evaluate, select, install, use, upgrade, customize, and diagnose and solve problems with various types of operating systems, environments, and utilities.

e. Application software (e.g., word processing, database, spreadsheet, graphics, web design, desktop/presentation/multimedia and imaging, and emerging technologies).

(1) Ability to identify, evaluate, select, install, use, upgrade, and customize application software; and

(2) Ability to diagnose and solve problems resulting from an application software's installation and use.

f. Input technologies. Ability to use input technologies (e.g., touch keyboarding\*, speech recognition, handwriting recognition, personal digital assistants (PDAs) and other hand-held devices, touch screen or mouse, scanning, and other emerging input technologies) to enter, manipulate, and format text and data. \*Touch keyboarding is required.

g. Database management systems. Ability to use, plan, develop, and maintain database management systems.

h. Programming and application development. Ability to help students design, develop, test, and implement programs that solve business problems.

i. Networking and communications infrastructures.

(1) Facilitate students' development in the skills to design, deploy, and administer networks and communications systems; and

(2) Facilitate students' ability to use, evaluate, and deploy communications and networking applications.

j. Information management.

(1) Ability to plan the selection and acquisition of information technologies (hardware and software);

(2) Ability to instruct students in the development of technical and interpersonal skills and knowledge to support the user community; and

(3) Ability to describe, analyze, develop, and follow policies for managing privacy and ethical issues in organizations and in a technology-based society.

5. Career development.

a. Experience in a supervised career in business and information technology through cooperative education, internship, shadowing, mentorship, and/or work experience; and

b. Ability to provide instruction in self-awareness as it relates to career exploration and development, career research, workplace expectation, and career planning.

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6. Knowledge and skills necessary to teach leadership skills, organize and manage an effective co-curricular student organization and implement the organization's activities as an integral part of instruction.

7. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

8. Knowledge and skills necessary to apply basic mathematical operations to solve business problems.

## **8 VAC 20-542-170. Career and technical education – family and consumer sciences.**

The program in family and consumer sciences shall ensure that the candidate has demonstrated the following competencies:

1. Knowledge of the developmental processes of childhood, preadolescence, adolescence, and adulthood/aging and in creating and maintaining an environment in which family members develop and interact as individuals and as members of a group;

2. Knowledge of the decision-making processes related to housing, furnishings, and equipment for individuals and families with attention given to special needs and the diversity of individuals;

3. The ability to plan, purchase, and prepare food choices that promote nutrition and wellness;

4. Knowledge of the management of resources to achieve individual and family goals at different stages of the life span;

5. Knowledge of the sociological, psychological, and physiological aspects of clothing and textiles for individuals and families;

6. Knowledge of the management of families, work, and their interrelationships;

7. Knowledge of occupational skill development and career planning;

8. Knowledge of the use of critical science and creative skills to address problems in diverse family, community, and work environments;

9. Knowledge and skills necessary to teach leadership skills, organize and manage an effective co-curricular student organization and implement the organization's activities as an integral part of instruction;

10. The ability to plan, develop, teach, supervise, and evaluate programs in occupational programs at the secondary, postsecondary, and adult levels;

11. The ability to organize and implement Family, Career, and Community Leaders of America (FCCLA) programs as an integral part of classroom instruction; and

12. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-180. Career and technical education – health and medical sciences.**

The program in health and medical sciences shall ensure that the candidate has demonstrated the following competencies:

1. Knowledge of teaching methods.

a. Instructional planning – ability to determine the needs and interests of students;

b. Organizing instruction – ability to prepare teacher-made instructional materials for clinical laboratory experience;

c. Instructional execution – ability to use techniques for simulating patient care and demonstrating manipulative skills;

d. Application of technology in the classroom; and

e. Instructional evaluation – ability to determine grades for students in classroom and clinical settings.

2. Knowledge of program management.

a. Planning – ability to organize an occupational advisory committee;

b. Curriculum development – ability to keep informed of current curriculum content and patient care practices;

c. Planning and organizing teaching/occupational laboratory for laboratory simulations/demonstrations;

d. Understanding of the process for issuing credentials for health workers;

e. Understanding of the health care industry; and

f. Evaluation – ability to conduct a student follow-up study.

3. Knowledge and skills necessary to teach leadership skills, organize and manage an effective co-curricular student organization and implement the organization's activities as an integral part of instruction.

4. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-190. Career and technical education – industrial cooperative training (add-on endorsement).**

The program in industrial cooperative training (ICT) shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of industrial education and its role in the development of technically competent, socially responsible, and culturally sensitive individuals with potential for

leadership in skilled technical work and professional studies;

2. Understanding of and the ability to relate experiences designed to develop skills in the interpretation and implementation of industrial education philosophy in accordance with changing demand;

3. The knowledge and experience of systematically planning, executing, and evaluating individual and group instruction;

4. Understanding of the competencies necessary for effective organization and management of laboratory instruction;

5. Understanding of the competencies necessary for making physical, social, and emotional adjustments in multicultural student-teacher relationships;

6. Understanding of the competencies necessary for developing and utilizing systematic methods and instruments for appraising and recording student progress in the vocational classroom;

7. Understanding of the ability to provide technical work experience through cooperative education or provide a method of evaluating previous occupational experience commensurate with the minimum required standard;

8. Understanding of the competencies necessary to assist students in job placement and in bridging the gap between education and work;

9. Understanding of the awareness of the human relations factor in industry with emphasis on the area of cooperation among labor, management, and the schools;

10. Understanding of the teacher's role in the school and community;

11. Understanding of the content, skills, and techniques necessary to teach a particular trade area;

12. Understanding of the competencies necessary to organize and manage an effective student organization; and

13. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

**8 VAC 20-542-200. Career and technical education – marketing education.**

The program in marketing education shall ensure that the candidate has demonstrated the following competencies:

1. Knowledge of marketing, merchandising, marketing mathematics, communication theory and techniques, advertising and sales promotion, personal selling, and management through a variety of educational and work experiences;

2. Knowledge of planning, developing, and administering a comprehensive program of marketing education for high school students and adults;

3. Knowledge of organizing and using a variety of instructional methods and techniques for teaching youths and adults;

4. Knowledge of conducting learning programs that include a variety of career objectives and recognize and respond to individual differences in students;

5. Knowledge of assisting learners of different abilities in developing skills needed to qualify for further education and employment;

6. Knowledge of acquiring knowledge of career requirements and opportunities in marketing, merchandising, and management;

7. Knowledge and skills necessary to teach leadership skills, organize and manage an effective co-curricular student organization and implement the organization's activities as an integral part of instruction;

8. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing; and

9. Knowledge of utilizing current technological applications as these relate to marketing functions.

**8 VAC 20-542-210. Career and technical education – technology education.**

The program in technology education shall ensure that the candidate has demonstrated the following competencies:

1. Understanding and utilization of technology, including the human activities of:

- a. Designing and developing technological systems;
- b. Determining and controlling the behavior of technological systems;
- c. Utilizing technological systems; and
- d. Assessing the impacts and consequences of technological systems.

2. Understanding of technological knowledge, including:

- a. The nature and evolution of technology;
- b. Technological concepts and principles; and
- c. Technological resources, impacts, consequences, and linkages with other fields.

3. Understanding and utilization of the major systems of technology, including the:

- a. Synthesis of the processes for creating, encoding, transmitting, receiving, decoding, storage, and retrieval



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of information using communication systems in a global information society;

b. Application of the principles and processes characteristic of contemporary and future production systems, including the research, engineering design and testing, planning, organization, resources, and distribution; and

c. Integration and organization of transportation systems, including land, sea, air, and space as a means of transporting people, goods, and services in a global economy.

4. Understanding and utilization of the knowledge, skills, and processes for teaching in a laboratory environment, including:

a. Laboratory safety rules, regulations, processes and procedures;

b. Ability to organize technological content into effective instructional units;

c. Ability to deliver instruction to diverse learners;

d. Ability to evaluate student achievement, curriculum materials and instructional processes;

e. Ability to incorporate new and emerging instructional technologies to enhance student performance; and

f. Understanding the concepts and procedures for developing a learner's technological literacy.

5. Knowledge and skills necessary to teach leadership skills, organize and manage an effective co-curricular student organization and implement the organization's activities as an integral part of instruction;

6. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-220. Career and technical education – trade and industrial education.**

The program in trade and industrial education shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of industrial education and its role in the development of technically competent, socially responsible, and culturally sensitive individuals with potential for leadership in skilled technical work and/or professional studies;

2. Understanding of and the ability to relate experiences designed to develop skills in the interpretation and implementation of industrial education philosophy in accordance with changing demand;

3. The knowledge and experience of systematically planning, executing, and evaluating individual and group instruction;

4. Knowledge of the competencies necessary for effective organization and management of laboratory instruction;

5. Knowledge of the competencies necessary for making physical, social, and emotional adjustments in multicultural student-teacher relationships;

6. Knowledge of the competencies necessary for developing and utilizing systematic methods and instruments for appraising and recording student progress in the vocational classroom;

7. Knowledge of the ability to provide technical work experience through cooperative education or provide a method of evaluating previous occupational experience commensurate with the minimum required standard;

8. Knowledge of the competencies necessary to assist students in job placement and in otherwise bridging the gap between education and work;

9. Understanding of the awareness of the human relations factor in industry, with emphasis on the area of cooperation among labor, management, and the schools;

10. Knowledge of the teacher's role in the school and community;

11. Understanding of the content, skills, and techniques necessary to teach a particular trade area;

12. Knowledge of the competencies necessary to organize and manage an effective student organization; and

13. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-230. Career and technical education – vocational special needs (add-on endorsement).**

The program in vocational special needs (add-on endorsement) shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of vocational special needs programs and services; characteristics of students who are disadvantaged, disabled, and gifted; and program development, implementation, and evaluation.

2. Understanding of instructional methods and resources in career-vocational, community-based, and transition programs for targeted populations in career and technical education, including:

a. Use of learning and teaching styles to plan and deliver instruction;

b. Use of vocational assessment results to plan individual instruction strategies;

c. Ability to plan and manage a competency-based education system;

d. Ability to adapt curriculum materials to meet special student needs;

e. Use of a variety of classroom management techniques to develop an enhanced learning environment;

f. Use of different processes to improve collaboration with colleagues, parents, and the community; and

g. Ability to plan learning experiences that prepare individuals for transition to more advanced education and career development options.

3. Understanding of the planning, delivery, and management of work-based education programs such as community surveying, cooperative education, simulation, directed observation, shadowing, mentoring, and internship.

4. Understanding of strategies for enabling students to learn all aspects of particular industries—planning, management, finances, technical and production skills, labor and community issues, health and safety, environmental issues, and the technology associated with the specific industry.

5. Understanding of career/life planning procedures, transitioning processes and procedures, and career-search techniques.

6. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

### **8 VAC 20-542-240. Computer science.**

The program in computer science shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of mathematical principles that are the basis of many computer applications;

2. Knowledge of structured program and algorithm design, and data structures;

3. Knowledge of programming and evaluating programs in at least two widely used, high-level, structured programming languages;

4. Knowledge of programming languages including definition, structure, and comparison;

5. Knowledge of the functions, capabilities, and limitations of computers;

6. Knowledge of mainframe, minicomputer, and microcomputer systems and their applications;

7. An ability to use currently available software for word processing, calculation/spreadsheet, database management, and communications; and

8. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

### **8 VAC 20-542-250. Dance arts preK-12.**

The program in dance arts shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the dance arts discipline as defined in the Virginia Standards of Learning and how they provide a foundation needed to teach dance arts;

2. Understanding of the knowledge, skills, and processes for teaching dance arts to meet the developmental levels of students in preK-12, including the following:

a. Knowledge of and experience in planning, developing, administering, and evaluating a program of dance arts education;

b. Knowledge and understanding for teaching dance arts, including: performance and production, cultural context and dance history, judgment and criticism, and aesthetics;

c. Ballet, folk, jazz, and modern dance with an area of concentration in one of these areas;

d. Scientific foundations, including human anatomy, kinesiology, and injury prevention and care for dance arts;

e. The relationship of dance arts and culture and the influence of dance on past and present cultures, including history of dance;

f. Knowledge and understanding of artistic copyright laws;

g. Knowledge of assessment strategies to foster, support, and enhance student dance arts learning;

h. Knowledge of related areas of the fine arts, such as music, theater arts, and the visual arts; and

i. Observation and student teaching experiences at the elementary, middle, and secondary levels.

3. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

### **8 VAC 20-542-260. Driver education (add-on endorsement).**

The program in driver education shall ensure that the candidate has demonstrated the following competencies:

1. Basic understanding of the administration of a driver education program as required by § 22.1-205 of the Code of Virginia and the Curriculum and Administrative Guide for Driver Education in Virginia including:

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a. Coordination and scheduling of classroom and in-car instruction;

b. Skill and content knowledge assessment;

c. Student safety and other legal issues;

d. The juvenile licensing process;

e. Motor vehicle section of the Code of Virginia;

f. Vehicle procurement and equipment requirements; and

g. Instructional technologies.

2. Basic content knowledge needed to understand and teach classroom and in-car driver education including:

a. Traffic laws, signs, signals, pavement markings, and right-of-way rules;

b. Licensing procedures, and other legal responsibilities associated with the driving privilege; and vehicle ownership;

c. Vehicle control skills;

d. Interaction with other highway users (pedestrians, animals, motorcycles, bicycles, trucks, buses, trains, trailers, motor homes, ATVs, and other recreational users);

e. Time, space, visibility and risk management skills;

f. Alcohol and other drugs and driving;

g. Passive and active restraint systems;

h. Vehicle maintenance;

i. Risk reducing behaviors (i.e., aggressive driving, fatigue and distracted driving);

j. Natural laws and driving;

k. Adverse driving conditions and handling emergencies; and

l. Planning a safe trip.

3. Basic content knowledge needed to understand and teach the driver education laboratory phase including:

a. Simulation and other instructional technologies;

b. Multiple-car range;

c. Route planning;

d. Basic and evasive maneuvers;

e. Vehicle control from instructor's seat;

f. Manual transmission; and

g. Administration of the driver's license road skills examination and procedures for licensing students with disabilities.

4. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-270. English.**

The program in English shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of English as defined in the Virginia Standards of Learning;

2. Skills necessary to teach the writing process and the different forms of writing (narrative, descriptive, expository, persuasive, and informational) and to employ available technology;

3. Knowledge of grammar, usage, and mechanics and their integration in writing;

4. Understanding of the nature and development of language including vocabulary appropriate to the topic, audience, and purpose;

5. Knowledge of reading strategies and techniques used to enhance reading comprehensive skills;

6. Knowledge of speaking and listening skills;

7. Knowledge of varied works from British, American, world, and ethnic/minority literature appropriate for English instruction; and

8. The ability to provide experiences in communication arts, such as journalism, dramatics, debate, forensics, radio, television, films and other media.

## **8 VAC 20-542-280. English as a second language preK-12.**

The program in English as a second language shall ensure that the candidate has demonstrated the following competencies:

1. Knowledge of general linguistics and English linguistics;

2. Skills in elementary and secondary teaching methods and student assessment for English as a second language;

3. Skills in the teaching of reading to include the five areas of reading instruction: phonemic awareness, phonics, fluency, vocabulary and text comprehension as well as the similarities and differences between reading in a first language and reading in a second language;

4. Knowledge of the effects of socio-cultural variables in the instructional setting;

5. Proficiency in spoken and written English;

6. Knowledge of another language and its structure; and

7. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-290. Foreign language preK-12.**

A. The specific language of the endorsement shall be noted on the license.

B. Foreign language preK-12 – languages other than Latin.

1. The program in the foreign language shall ensure that the candidate has:

a. Demonstrated the following competencies:

(1) Understanding of authentic speech at a normal tempo;

(2) Ability to speak with a command of vocabulary, pronunciation, and syntax adequate for expressing thoughts to a native speaker not used to dealing with foreigners;

(3) Ability to read and comprehend authentic texts of average difficulty and of mature content;

(4) Ability to write a variety of texts including description and narration with clarity and correctness in vocabulary and syntax;

(5) Knowledge of geography, history, social structure and artistic and literary contributions of the target societies;

(6) Ability to interpret contemporary lifestyles, customs, and cultural patterns of the target societies;

(7) Understanding of the application of basic concepts of phonology, syntax, and morphology to the teaching of the foreign language;

(8) Knowledge of the national standards for foreign language learning, current proficiency-based objectives of the teaching of foreign languages at the elementary and secondary levels, elementary and secondary methods and techniques for attaining these objectives, the assessment of foreign language skills, the use of media in teaching languages, current curricular developments, the relationship of language study to other areas of the curriculum, and the professional literature of foreign language teaching; and

(9) Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing; and

b. Participated in opportunities for significant foreign language study or living experiences in this country or abroad, or both.

C. Foreign language preK-12 – Latin.

1. The program in Latin shall ensure that the candidate has demonstrated the following competencies:

a. Ability to read and comprehend Latin in the original;

b. Ability to pronounce Latin with consistent classical (or ecclesiastical) pronunciation;

c. Knowledge of the vocabulary, phonetics, morphology and syntax of Latin and the etymological impact of Latin;

d. Ability to discuss the culture and civilization of Greco-Roman society, including history, daily life, art, architecture, and geography;

e. Ability to explain the relationship of Greco-Roman culture and civilization to subsequent cultures and civilizations;

f. Knowledge of major literary masterpieces and their relationship to the historical and social context of the society;

g. Competency in (i) current methodologies for teaching Latin at the elementary and secondary levels; (ii) lesson planning, scope and sequencing of material, instructional strategies and assessment under the guidance of an experienced Latin teacher; and

h. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

D. Foreign language preK-12 – American Sign Language.

1. The program in American Sign Language shall ensure that the candidate has:

a. Demonstrated the following competencies:

(1) Understanding of native users of American Sign Language at a normal tempo;

(2) Ability to sign with a command of vocabulary, nominal behaviors, and syntax adequate for expressing thoughts to an American Sign Language user not accustomed to dealing with non-American Sign Language users;

(3) Knowledge of history, social structure and artistic and literary contributions of the deaf culture;

(4) Ability to interpret contemporary lifestyles, customs, and cultural patterns of the deaf culture;

(5) Understanding of the application of basic concepts of phonology (e.g., hand shapes, types of signs, orientation on the body, sign movements), syntax, and morphology to the teaching of the American Sign Language;

(6) Knowledge of the national standards for foreign language learning, current proficiency-based objectives of the teaching of foreign languages at the elementary and secondary levels, elementary and secondary methods and techniques for attaining these objectives, the assessment of foreign language skills,

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the use of media in teaching languages, current curricular developments, the relationship of language study to other areas of the curriculum, and the professional literature of foreign language teaching; and

(7) Understanding of and proficiency in English grammar, usage, and mechanics and their integration in writing.

b. Participation in opportunities for significant study of the linguistics of American Sign Language and immersion experiences in the deaf culture.

## **8 VAC 20-542-300. Gifted education (add-on endorsement).**

The program in gifted education shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of principles of the integration of gifted education and general education, including:

a. Strategies to encourage the interaction of gifted students with students of similar and differing abilities; and

b. Development of activities to encourage parental and community involvement in the education of the gifted, including the establishment and maintenance of an effective advisory committee.

2. Understanding of the characteristics of gifted students, including:

a. Varied expressions of advanced aptitudes, skills, creativity, and conceptual understandings;

b. Methodologies that respond to the affective (social-emotional) needs of gifted students; and

c. Gifted behaviors in special populations (i.e., those who are culturally diverse, economically disadvantaged, or physically disabled).

3. Understanding of specific techniques to identify gifted students using diagnostic and prescriptive approaches to assessment, including:

a. The selection, use, and evaluation of multiple assessment instruments and identification strategies;

b. The use of both subjective and objective measures to provide relevant information regarding the aptitude/ability or achievement of potentially gifted students;

c. The use of authentic assessment tools such as portfolios to determine performance, motivation/interest and other characteristics of potentially gifted students;

d. The development, use, and reliability of rating scales, checklists, and questionnaires by parents, teachers and others;

e. The evaluation of data collected from student records such as grades, honors, and awards;

f. The use of case study reports providing information concerning exceptional conditions; and

g. The structure, training, and procedures used by the identification and placement committee.

4. Understanding and application of a variety of educational models, teaching methods, and strategies for selecting materials and resources that ensure:

a. Academic rigor through the development of high-level proficiency in all core academic areas utilizing the Virginia Standards of Learning as a baseline;

b. The acquisition of knowledge and development of products that demonstrate creative and critical thinking as applied to learning both in and out of the classroom; and

c. The development of learning environments that guide students to become self-directed, independent learners.

5. Understanding and application of theories and principles of differentiating curriculum designed to match the distinct characteristics of gifted learners to the programs and curriculum offered to gifted students, including:

a. The integration of multiple disciplines into an area of study;

b. Emphasis on in-depth learning, independent and self-directed study skills and metacognitive skills;

c. The development of analytical, organizational, critical, and creative thinking skills;

d. The development of sophisticated products using varied modes of expression;

e. The evaluation of student learning through appropriate and specific criteria; and

f. The development of advanced technological skills to enhance student performance.

6. Understanding of contemporary issues and research in gifted education, including:

a. The systematic gathering, analyzing, and reporting of formative and summative data; and

b. Current local, state, and national issues and concerns.

7. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

8. The program shall include a practicum that shall include a minimum of 45 instructional hours of successful teaching experiences with gifted students in a heterogeneously grouped (mixed ability) classroom and a homogeneously grouped (single ability) classroom.

**8 VAC 20-542-310. Health and physical education preK-12.**

The program in health and physical education preK-12 shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of health and physical education as defined in the Virginia Standards of Learning.

2. Understanding basic human anatomy and physiology needed to teach quality health and physical education.

3. Understanding of the basic scientific principles undergirding human movement as they apply to:

- a. Health-related fitness (flexibility, muscular strength, cardiovascular endurance, and body composition); and
- b. Skill-related fitness (coordination, agility, power, balance, speed and reaction).

4. Basic understanding of the administration of a health and physical education program, including:

- a. Instruction;
- b. Student safety and other legal issues;
- c. Assessment; and
- d. Its role in comprehensive school health.

5. Understanding of the knowledge, skills, and processes for teaching health education, including:

- a. Personal health and fitness;
- b. Mental and emotional health;
- c. Nutrition, body image and weight management;
- d. Tobacco, alcohol, and other drugs;
- e. Safety and emergency care (first aid, CPR, universal precautions);
- f. Injury prevention and rehabilitation;
- g. Consumer health and information access;
- h. Communicable and noncommunicable diseases prevention and treatment;
- i. Environmental health;
- j. Community health and wellness; and
- k. Violence prevention, resistance skills and conflict mediation.

6. Understanding of the knowledge, skills, and processes for teaching physical education, including:

a. Sequential preK-12 instruction in a variety of movement forms that include:

- (1) Cooperative activities;
- (2) Outdoor and adventure activities;
- (3) Rhythms and dance; and
- (4) Team and individual activities;

b. Activities for the physically and mentally challenged; and

c. Activities designed to help students understand, develop, and value personal fitness.

7. Understanding of and ability to teach:

a. The relationship between a physically active lifestyle and health;

b. The cultural significance of dance, leisure, competition, and sportsmanship; and

c. The use of new and emerging instructional technology.

8. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

**8 VAC 20-542-320. History and social sciences.**

The program in history and social sciences shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of history and the social science disciplines as defined by the Virginia History and Social Sciences Standards of Learning and how the standards provide the foundation for teaching history and the social sciences, including in:

a. United States history.

(1) The evolution of the American constitutional republic and its ideas, institutions, and practices from the colonial period to the present; the American Revolution, including ideas and principles preserved in significant Virginia and United States historical documents as required by § 22.1-201 of the Code of Virginia (Declaration of American Independence, the general principles of the Constitution of the United States, the Virginia Statute of Religious Freedom, the charters of April 10, 1606, May 23, 1609, and March 12, 1612, of the Virginia Company, and the Virginia Declaration of Rights); and historical challenges to the American political system;

(2) The influence of religious traditions on American heritage and contemporary American society;

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(3) The influence of immigration on American political, social, and economic life;

(4) The origins, effects, aftermath and significance of the two world wars, the Korean and Vietnam conflicts, and the Post-Cold War Era;

(5) The social, political, and economic transformations in American life during the 20th century;

(6) The tensions between liberty and equality, liberty and order, region and nation, individualism and the common welfare, and between cultural diversity and national unity; and

(7) The difference between a democracy and a republic.

## b. World history.

(1) The political, philosophical, and cultural legacies of ancient American, Asian, African, and European civilizations;

(2) The origins, ideas, and institutions of Judaism, Christianity, Hinduism, Confucianism and Taoism, and Shinto, Buddhist and Islamic religious traditions;

(3) Medieval society, institutions, and civilizations; feudalism and the evolution of representative government;

(4) The social, political, and economic contributions of selected civilizations in Africa, Asia, Europe, and the Americas;

(5) The culture and ideas of the Renaissance and the Reformation, European exploration, and the origins of capitalism and colonization;

(6) The cultural ideas of the Enlightenment and the intellectual revolution of the 17th and 18th centuries;

(7) The sources, results, and influences of the American and French revolutions;

(8) The social consequences of the Industrial Revolution and its impact on politics and culture;

(9) The global influence of European ideologies of the 19th and 20th centuries (liberalism, republicanism, social democracy, Marxism, nationalism, Communism, Fascism, and Nazism); and

(10) The origins, effects, aftermath and significance of the two world wars, the Korean and Vietnam conflicts, and the Post-Cold War Era.

## c. Civics/government and economics.

(1) The essential characteristics of limited and unlimited governments;

(2) The importance of the Rule of Law for the protection of individual rights and the common good;

(3) The rights and responsibilities of American citizenship;

(4) The nature and purposes of constitutions and alternative ways of organizing constitutional governments;

(5) American political culture;

(6) Values and principles of the American constitutional republic;

(7) The structures, functions, and powers of local and state government;

(8) Importance of citizen participation in the political process in local and state government;

(9) The structures, functions, and powers of the national government;

(10) The role of the United States in foreign policy and national security;

(11) The structure of the federal judiciary;

(12) The structure and function of the United States market economy as compared with other economies;

(13) Knowledge of the impact of the government role in the economy and individual economic and political freedoms;

(14) Knowledge of economic systems in the areas of productivity and key economic indicators; and

(15) The analysis of global economic trends.

## d. Geography.

(1) Use of maps and other geographic representations, tools, and technologies to acquire, process, and report information;

(2) Physical and human characteristics of places;

(3) Relationship between human activity and the physical environment;

(4) Physical processes that shape the surface of the earth;

(5) Characteristics and distribution of ecosystems on the earth;

(6) Characteristics, distribution, and migration of human populations;

(7) Patterns and networks of economic interdependence;

(8) Processes, patterns, and functions of human settlement;

(9) How the forces of conflict and cooperation influence the division and control of the earth's surface;

(10) How physical systems affect human systems;

(11) Changes that occur in the meaning, use, distribution, and importance of resources; and

(12) Applying geography to interpret the past and the present and to plan for the future.

2. Understanding of history and social sciences to appreciate the significance of:

- a. Diverse cultures and shared humanity;
- b. How things happen, how they change, and how human intervention matters;
- c. The interplay of change and continuity;
- d. How people in other times and places have struggled with fundamental questions of truth, justice, and personal responsibility;
- e. The importance of individuals who have made a difference in history and the significance of personal character to the future of society;
- f. The relationship among history, geography, civics, and economics;
- g. The difference between fact and conjecture, evidence and assertion, and the importance of framing useful questions;
- h. How ideas have real consequences;
- i. The importance of primary documents and the potential problems with second-hand accounts; and
- j. How scientific and technological advances affect the workplace, healthcare, and education.

3. Understanding of the use of the content and processes of history and social sciences instruction, including:

- a. Fluency in historical analysis skills;
- b. Skill in debate, discussion, and persuasive writing;
- c. The ability to organize key social science content into meaningful units of instruction;
- d. The ability to provide instruction using a variety of instructional techniques;
- e. The ability to evaluate primary and secondary instructional resources, instruction, and student achievement; and
- f. The ability to incorporate appropriate technologies into social science instruction.

4. Understanding of the content, processes, and skills of one of the social sciences disciplines at a level equivalent to an undergraduate major, along with sufficient understanding of the three supporting disciplines to ensure:

- a. The ability to teach the processes and organizing concepts of social science;
- b. An understanding of the significance of the social sciences;
- c. Student achievement in the social sciences; and
- d. An understanding of the media influence on contemporary America.

5. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

**8 VAC 20-542-330. Journalism (add-on endorsement).**

The program in journalism (add-on endorsement) shall ensure that the candidate has demonstrated the following competencies:

- 1. Understanding of the history and functions of journalism in American culture including the value of freedom of speech and press and the complexity of legal and ethical issues;
- 2. Understanding of the knowledge of and experience in theory and practice of both print and nonprint media including design and layout production and the use of technology; and
- 3. Possession of skills in journalistic management and the processes of interviewing and writing, including news articles, features, ad copy, obituaries, reviews, editorials, and captions; their differences and the ability to analyze and evaluate journalism.

**8 VAC 20-542-340. Keyboarding (add-on endorsement).**

The program in keyboarding (add-on endorsement) shall ensure that the candidate has demonstrated the following competencies:

- 1. Possession of skills in fingering and keyboard manipulation techniques to model and provide touch keyboarding instruction;
- 2. Ability to provide instruction that allows students to develop touch fingering techniques in a kinesthetic response to the keyboard required for rapid, accurate entry of data and information; and
- 3. Ability to provide instruction for current procedures in formatting documents.

**8 VAC 20-542-350. Library media preK-12.**

The program in library media preK-12 shall ensure that the candidate has demonstrated the following competencies:



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1. Proficiency in selecting, evaluating, organizing, and processing materials and equipment;

2. Proficiency in the production and use of a variety of media (print and nonprint);

3. Proficiency in organizing, managing, and evaluating media programs;

4. Proficiency in applying the principles of curriculum planning, learning, and teaching as they relate to informational skills and to the role of the library-media specialist as a resource person and as a member of the educational team;

5. Understanding of the knowledge, skills, and processes of the issues surrounding ethical access and use of information, including copyright, intellectual freedom, privacy, and security; and

6. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-360. Mathematics.**

The program in mathematics shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the Virginia Mathematics Standards of Learning and how curriculum may be organized to teach these standards to diverse learners;

2. Understanding of a core knowledge base of concepts and procedures within the discipline of mathematics, including the following strands: number systems and number theory; geometry and measurement; analytic geometry; statistics and probability; functions and algebra; calculus; and discrete mathematics;

3. Understanding of the sequential nature of mathematics and the mathematical structures inherent in the content strands;

4. Understanding of the connections among mathematical concepts and procedures and their practical applications;

5. Understanding of and the ability to use the five processes – becoming mathematical problem solvers, reasoning mathematically, communicating mathematically, making mathematical connections, and using mathematical representations – at different levels of complexity;

6. Understanding of the history of mathematics, including the contributions of different individuals and cultures toward the development of mathematics and the role of mathematics in culture and society;

7. Understanding of major current curriculum studies and trends in mathematics;

8. Understanding of the role of technology and the ability to use graphing utilities and computers in the teaching and learning of mathematics;

9. Understanding of and the ability to select, adapt, evaluate and use instructional materials and resources, including professional journals and technology;

10. Understanding of and the ability to use strategies for managing, assessing, and monitoring student learning, including diagnosing student errors;

11. Understanding of and the ability to use strategies to teach mathematics to diverse learners; and

12. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-370. Mathematics – Algebra I (add-on endorsement).**

The program in Algebra I shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the mathematics relevant to the content identified in the Mathematics Standards of Learning and how the standards provide the foundation for teaching middle level mathematics through Algebra I. The use of technology shall be used in enhancing the student's ability to develop concepts, compute, solve problems, and apply mathematics in practical applications with the mathematics content, including:

a. The structure of real numbers and subsets, basic operations, and properties;

b. Elementary number theory, ratio, proportion, and percent;

c. Algebra, trigonometry, and analytic geometry: operations with monomials and polynomials; algebraic fractions; linear, quadratic, and higher degree equations and inequalities; linear systems of equations and radicals and exponents; nonlinear systems of equations; complex numbers; arithmetic and geometric sequences and series; algebraic, trigonometric, logarithmic, exponential, absolute value, and step functions; domain and range of functions; composite and inverse functions; one-to-one mapping; transformations between graphical, tabular and symbolic form of functions; direct and inverse variation; line and curve of best fit; conics; and recognition and application of trigonometric identities;

d. Calculus: applications of limits and standard integration and differentiation;

e. Linear algebra: matrices, vectors, and linear transformations;

f. Measurement systems, including U.S. customary and metric;

g. Geometry: geometric figures, their properties, relationships, and application of the Pythagorean Theorem; using deductive axiomatic methods of proof and inductive reasoning; perimeter, area and surface area of two- and three-dimensional figures; coordinate and transformational geometry; and constructions;

h. Probability and statistics: experimental and theoretical probability; prediction; graphical representations, including box-and-whisker plots; and measures of central tendency, range, standard deviation, and simple distributions;

i. Discrete mathematics: symbolic logic, sets, permutations and combinations, functions that are defined recursively, and linear programming; and

j. Computer science: terminology, simple programming, and software applications.

2. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

**8 VAC 20-542-380. Music education – instrumental preK-12.**

The program in music education – instrumental preK-12 shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the music discipline as defined in the Virginia Standards of Learning and how they provide a necessary foundation integral to teaching instrumental music.

2. Understanding of the common elements of music – rhythm, melody, harmony, timbre, texture, dynamics, form – and their relationship with each other and to employ this understanding in the analysis of music.

3. Effective musicianship through the development of:

a. Basic skills in conducting, in score reading, in teaching musical courses and in rehearsal techniques for choral and instrumental music;

b. Skills in composing, arranging, and adapting music to meet the classroom needs and ability levels of school performing groups;

c. Skills in providing and directing creative experiences and improvising when necessary;

d. Proficiency, sufficient for classroom instruction, on keyboard or other accompanying instrument; and

e. The ability to perform in ensembles.

4. Knowledge of music history and literature with emphasis on the relationship of music to culture and the ability to place compositions in historical and stylistic perspective.

5. Knowledge of a comprehensive program of music education based upon sound philosophy, content, and methodology for teaching in elementary, middle, and secondary schools.

6. Observation and professional laboratory experiences with pupils in elementary, middle, and secondary schools, including instruction of instrumental groups.

7. Specialization on a musical instrument and functional teaching knowledge on each of the string, brass, woodwind, and percussion instruments.

8. Competency in rehearsing and conducting combined instrumental and vocal groups. In addition, the program shall provide instruction in business procedures, organization, and management of large and small instrumental ensembles, with knowledge of vocal techniques in rehearsing and conducting combined instrumental and vocal groups.

9. Knowledge and understanding of artistic copyright laws.

10. Knowledge and understanding of safety, including performance and studio.

11. Knowledge of assessment strategies to foster, support, and enhance student music learning.

12. Knowledge of related areas of the fine arts, such as dance arts, theatre arts, and the visual arts.

13. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

**8 VAC 20-542-390. Music education – vocal/choral preK-12.**

A. The program in music education – vocal/choral preK-12 shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the music discipline as defined in the Virginia Standards of Learning and how they provide a necessary foundation integral to teaching instrumental music.

2. Understanding of the common elements of music—rhythm, melody, harmony, timbre, texture, dynamics, form—and their relationship with each other and to employ this understanding in the analysis of music.

3. Effective musicianship through the development of:

a. Basic skills in conducting, in score reading, in teaching musical courses, and in rehearsal techniques for choral and instrumental music;

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b. Skills in composing, arranging, and adapting music to meet the classroom needs and ability levels of school performing groups;

c. Skills in providing and directing creative experiences and improvising when necessary;

d. Proficiency, sufficient for classroom instruction, on keyboard or other accompanying instrument; and

e. The ability to perform in ensembles.

4. Knowledge of music history and literature with emphasis on the relationship of music to culture and the ability to place compositions in historical and stylistic perspective.

5. Knowledge of a comprehensive program of music education based upon sound philosophy, content, and methodology for teaching in elementary, middle, and secondary schools.

6. Observation and professional laboratory experiences with pupils at elementary, middle, and secondary levels, including instruction of choral groups.

7. Specialization in the methods, materials, and media appropriate to the teaching of vocal/choral and general music at elementary, middle, and secondary levels.

8. Competency in rehearsing and conducting choral ensembles and combined vocal and instrumental school groups. In addition, the program shall provide instruction in business procedures, organization, and management of large and small choral ensembles, with knowledge of instrumental techniques in rehearsing and conducting combined vocal and instrumental school groups.

9. Knowledge and understanding of artistic copyright laws.

10. Knowledge and understanding of safety, including performance and studio.

11. Knowledge of assessment strategies to foster, support, and enhance student music learning.

12. Knowledge of related areas of the fine arts, such as dance arts, theatre arts, and the visual arts.

13. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-400. Science – biology.**

The program in biology shall ensure that the candidate demonstrates the following competencies:

1. Understanding of the knowledge, skills, and processes of the four core science disciplines as defined in the Virginia Science Standards of Learning and how these provide a sound foundation for teaching biology.

2. Understanding of the nature of science and scientific inquiry, including the:

a. Function of research design and experimentation;

b. Role and nature of the theory in explaining and predicting events and phenomena; and

c. Role of observation, measurement, data, and evidence in verifying and validating scientific concepts and principles.

3. Understanding of the knowledge, skills, and processes for teaching laboratory science, including the ability to:

a. Design instruction reflecting the goals of the Virginia Science Standards of Learning;

b. Conduct research projects and experiments;

c. Implement laboratory safety rules/procedures and ensure that students take appropriate safety precautions;

d. Organize key biological content into meaningful units of instruction;

e. Adapt instruction to diverse learners using a variety of techniques;

f. Evaluate student achievement, instructional materials, and teaching practices; and

g. Incorporate instructional technology to enhance student performance.

4. Understanding of the content, processes, and skills of biology, equivalent to an undergraduate degree in biology, with course work in genetics/molecular biology, botany, zoology, anatomy/physiology, and ecology.

5. Understanding of basic physics, chemistry (including organic chemistry), the Earth sciences, and mathematics (including statistics) to ensure:

a. The placement of biology in an appropriate interdisciplinary context;

b. The ability to teach the processes and organizing concepts common to the natural and physical sciences; and

c. Student achievement in biology.

6. Understanding of the contributions and significance of biology, including:

a. Its social and cultural significance;

b. The relationship of biology and other sciences to technology; and

c. The historical development of scientific concepts and scientific reasoning.

7. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-410. Science – chemistry.**

The program in chemistry shall ensure that the candidate demonstrates the following competencies:

1. Understanding of the knowledge, skills, and processes of the four core science disciplines as defined in the Virginia Science Standards of Learning and how they provide a sound foundation for teaching chemistry.

2. Understanding of the nature of science and scientific inquiry including the:

a. Function of research design and experimentation;

b. Role and nature of the theory in explaining and predicting events and phenomena; and

c. Role of observation, measurements, data, and evidence in verifying and validating scientific concepts and principles.

3. Understanding of the knowledge, skills, and processes for teaching laboratory science, including the ability to:

a. Design instruction reflecting the goals of the Virginia Science Standards of Learning;

b. Conduct research projects and experiments;

c. Implement laboratory safety rules/procedures and ensure that students take appropriate safety precautions;

d. Organize key chemistry content into meaningful units of instruction;

e. Adapt instruction to diverse learners using a variety of techniques;

f. Evaluate student achievement, instructional materials, and teaching materials; and

g. Incorporate instructional technology to enhance student performance.

4. Understanding of content, processes, and skills of chemistry, equivalent to an undergraduate degree in chemistry, with course work in inorganic chemistry, organic chemistry, physical chemistry, and analytical chemistry.

5. Understanding of basic physics, biology, the Earth sciences, and mathematics (including statistics and calculus) to ensure:

a. The placement of chemistry in an appropriate interdisciplinary context;

b. The ability to teach the processes and organizing concepts common to the natural and physical sciences; and

c. Student achievement in chemistry.

6. Understanding of the contributions and significance of chemistry, including:

a. Its social and cultural significance;

b. The relationship of chemistry and other sciences to technology; and

c. The historical development of scientific concepts and scientific reasoning.

7. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-420. Science – Earth science.**

The program in Earth science shall ensure that the candidate demonstrates the following competencies:

1. Understanding of the knowledge, skills, and processes of the four core science disciplines as defined in the Virginia Science Standards of Learning and how these provide a sound foundation for teaching Earth science.

2. Understanding of the nature of science and scientific inquiry, including the:

a. Function of research design and experimentation;

b. Role and nature of the theory in explaining and predicting events and phenomena; and

c. Role of observation, measurement, data, and evidence in verifying and validating scientific concepts and principles.

3. Understanding of the knowledge, skills, and processes for teaching laboratory science, including the ability to:

a. Design instruction reflecting the goals of the Virginia Science Standards of Learning;

b. Conduct research projects and experiments;

c. Implement laboratory safety rules/procedures and ensure that students take appropriate safety precautions;

d. Organize key Earth science content into meaningful units of instruction;

e. Adapt instruction to diverse learners using a variety of techniques;

f. Evaluate student achievement, instructional materials, and teaching practices; and

g. Incorporate instructional technology to enhance student performance.

4. Understanding of the content, processes, and skills of Earth science, equivalent to an undergraduate degree in geology (or a related area), with course work in geology, oceanography, meteorology, and astronomy.

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5. Understanding of basic physics, chemistry (including organic chemistry), biology, and mathematics to ensure:

- a. The placement of Earth science in an appropriate interdisciplinary context;
- b. The ability to teach the processes and organizing concepts common to the natural and physical sciences; and
- c. Student achievement in Earth science.

6. Understanding of the contributions and significance of Earth science, including:

- a. Its social and cultural significance;
- b. The relationship of Earth science and other sciences to technology; and
- c. The historical development of scientific concepts and scientific reasoning.

7. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-430. Science – physics.**

The program in physics shall ensure that the candidate demonstrates the following competencies:

1. Understanding of the knowledge, skills, and processes of the four core science disciplines as defined in the Virginia Science Standards of Learning and how these provide a sound foundation for teaching physics.

2. Understanding of the nature of science and scientific inquiry, including the:

- a. Function of research design and experimentation;
- b. Role and nature of the theory in explaining and predicting events and phenomena; and
- c. Role of observation, measurement, data, and evidence in verifying and validating scientific concepts and principles.

3. Understanding of the knowledge, skills, and processes for teaching laboratory science, including the ability to:

- a. Design instruction reflecting the goals of the Virginia Science Standards of Learning;
- b. Conduct research projects and experiments;
- c. Implement laboratory safety rules/procedures and ensure that students take appropriate safety precautions;
- d. Organize key physics content into meaningful units of instruction;
- e. Adapt instruction to diverse learners using a variety of techniques;

f. Evaluate student achievement, instructional materials, and teaching materials; and

g. Incorporate instructional technology to enhance student performance.

4. Understanding of content, processes, and skills of physics, equivalent to an undergraduate degree in physics, with course work in mechanics, electricity and magnetism, and optics.

5. Understanding of basic chemistry, biology, the Earth sciences, and mathematics (including statistics and calculus) to ensure:

- a. The placement of physics in an appropriate interdisciplinary context;
- b. The ability to teach the processes and organizing concepts common to the natural and physical sciences; and
- c. Student achievement in physics.

6. Understanding of the contributions and significance of physics, including:

- a. Its social and cultural significance;
- b. The relationship of physics and other sciences to technology; and
- c. The historical development of scientific concepts and scientific reasoning.

7. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-440. Special education early childhood (birth through age 5).**

The program in special education early childhood (birth through age five) is designed to ensure through course work and field experiences in a variety of settings that the candidate has demonstrated the following competencies:

1. Understanding of the nature and characteristics of major disabling and at-risk conditions, including:

- a. Trends for service delivery to the birth-through-age-five population;
- b. An overview of early childhood special education;
- c. Historical perspective of special education; and
- d. Social development issues.

2. Understanding of the foundation of the legal aspects associated with students with disabilities, including:

- a. Legislative and judicial mandates related to education and special education;

- b. The Individuals with Disabilities Education Act (IDEA), § 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act;
  - c. Legal decisions related to persons with disabilities;
  - d. Current regulations and procedures governing special education to include individualized education program (IEP) development and/or individualized family service plan (IFSP); and
  - e. Disciplinary practices, policies and procedures and alternative placements/programs in schools.
3. Knowledge of the selection, administration, and interpretation of formal and informal assessment techniques for young children with disabling and at-risk conditions and their families.
4. Understanding of the methods for providing instructional programs for early intervention, including:
- a. Service delivery options;
  - b. Development of individualized education programs (IEPs) and individualized family service plans (IFSPs);
  - c. Curriculum development and implementation to ensure developmentally appropriate intervention techniques in the areas of self-help, motor, cognitive, social/emotional, and language.
5. Understanding of behavior management and the application of principles of learning and child development to individual and group management using a variety of techniques that are appropriate to the age of that child.
6. Understanding of speech and language development and intervention methods, including the effects of disabling and at-risk conditions on young children.
7. Understanding of and experiences with the medical aspects of young children with disabling and at-risk conditions and the management of neurodevelopmental and motor disabilities, including emergency care and the role of health care professionals in the lives of individuals with disabilities.
8. Skills in consultation, case management, and collaboration, including techniques in working with children, families, educators, related service providers, and other human service professionals that include:
- a. Service coordination;
  - b. Interagency coordination;
  - c. Integration with nondisabled peers;
  - d. Transition facilitation; and
  - e. Training, managing, and monitoring paraprofessionals.
9. Understanding of normal child growth and development from birth through age five.
10. Understanding of the theories and techniques of family-centered intervention, including:
- a. Multicultural issues and influence; and
  - b. Family issues.
11. Understanding of the standards of professionalism.
12. Completion of supervised experiences at the preschool level in a variety of settings, including but not limited to home-based, school-based, and community-based.
- 8 VAC 20-542-450. Special education hearing impairments preK-12.**
- The program in special education hearing impairments preK-12 is designed to ensure through course work and field experiences in a variety of settings that the candidate has demonstrated the following competencies:
1. Understanding of the characteristics of individuals with disabilities, including the following:
- a. Characteristics of children and youth with disabilities: developmental and cognitive;
  - b. Characteristics of individuals with hearing impairments, including socio-cultural influences and health-related problems; and
  - c. Foundations of the education and culture of persons with hearing impairments.
2. Understanding of the foundation of the legal aspects associated with students with disabilities and students with hearing impairments, including:
- a. Legislative and judicial mandates related to education and special education;
  - b. The Individuals with Disabilities Education Act (IDEA), § 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act;
  - c. Legal decisions related to persons with disabilities;
  - d. Current regulations and procedures governing special education, including individualized education program (IEP) development, individualized family service plan (IFSP), and transition services; and
  - e. Disciplinary practices, policies and procedures and alternative placements/programs in schools.
3. Understanding of the foundation of assessment and evaluation with an emphasis on individuals who are hearing impaired, including:

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- a. Administering, scoring, and interpreting assessments, including norm-referenced, criterion-referenced, and curriculum-based individual and group assessments;
  - b. Interpreting assessments for eligibility, placement, and program uses;
  - c. Techniques to collect, record, and analyze information from observing students;
  - d. Diagnostic instruction using assessment data;
  - e. Techniques for recognizing capacity and diversity and its influence on student assessment and evaluation; and
  - f. Using data from student program evaluation.
4. Understanding of service delivery, classroom management, and instruction, including:
- a. The application of current research in practice;
  - b. Classroom organization and curriculum development;
  - c. Curriculum adaptations and accommodations;
  - d. The development of language/literacy skills;
  - e. The use of technology;
  - f. Classroom management, including behavior support systems and individual planning;
  - g. Methods and procedures for teaching persons with hearing impairments;
  - h. Instructional programming and modifications of curriculum to facilitate integration of students with disabilities into the continuum of programs and services with peers without disabilities;
  - i. Individual and group behavior management techniques; and
  - j. Career and vocational aspects of individuals with disabilities, including persons with hearing impairments, in society.
5. Skills in consultation, case management, and collaboration, including:
- a. Coordinating service delivery with other professionals in collaborative work environments;
  - b. Training, managing, and monitoring paraprofessionals;
  - c. Involving families in the education of their children with disabilities; and
  - d. Cooperating with community agencies and resources.
6. Understanding of speech, language, and hearing development, including:

- a. Speech and language development and the effects of disabling conditions and cultural diversity on typical language development;
- b. The effects of hearing impairments and cultural diversity on language development;
- c. Anatomy of speech structures, auditory and visual mechanisms, production, transmission and psychophysical characteristics of sound; and
- d. General and specific effects of hearing impairment on production and reception of speech.

7. Understanding of audiology, including:

- a. Diagnosis in hearing evaluation, testing procedures and characteristics of amplification devices and their application to the instructional processes; and
- b. Individual, group amplification systems, cochlear implant systems and other assistive/augmentative communication devices with emphasis on utilization in educational environments.

8. Understanding of communication modalities to include various modalities of communication, including cued speech, speech reading, verbal communication, and demonstrated proficiency in sign language communication.

9. Understanding of the standards for professionalism.

10. Completion of supervised classroom experiences at the elementary and secondary levels with students who have hearing impairments.

**8 VAC 20-542-460. Special education adapted curriculum K-12.**

A. The program in special education is designed to ensure through course work and field experiences in a variety of settings that the candidate has demonstrated the following core competencies to prepare children and youth for participation in the general education curriculum and within the community to the maximum extent possible. The candidate shall also complete the competencies in at least one of the endorsement areas of Special Education Adapted Curriculum K-12, in addition to those required under professional studies, including reading and language acquisition.

1. Foundations. Characteristics, legal and medical aspects.

- a. Knowledge of the foundation for educating students with disabilities, including:
  - (1) Historical perspectives, models, theories, philosophies, and trends that provide the basis for special education practice;
  - (2) Characteristics of children and youth with disabilities relative to age, varying levels of severity,

and developmental differences manifested in cognitive, linguistic, physical, psychomotor, social, or emotional functioning;

(3) Normal patterns of development (i.e., physical, psychomotor, cognitive, linguistic, social, emotional development and their relationship to the various disabilities);

(4) Medical aspects of disabilities;

(5) The dynamic influence of the family system and cultural/environmental milieu and related issues pertinent to the education of students with disabilities;

(6) Educational implications of the various disabilities; and

(7) Understanding of ethical issues and the practice of accepted standards of professional behavior.

b. An understanding and application of the legal aspects, regulatory requirements, and expectations associated with identification, education, and evaluation of students with disabilities, including:

(1) Legislative and judicial mandates related to education and special education (e.g., the Individuals with Disabilities Education Act, § 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the No Child Left Behind Act of 2001, etc.);

(2) Current regulations governing special education (e.g., individualized education program (IEP) development; disciplinary practices, policies, and procedures; and alternative placements/programs in schools); and

(3) "Rights and responsibilities" of parents, students, teachers, and schools as they relate to individuals with disabilities and disability issues.

2. Assessments and management of instruction and behavior.

a. An understanding and application of the foundation of assessment and evaluation related to best special education practice, including:

(1) Ethical issues and responsibilities in the assessment of individuals with disabilities;

(2) Procedures for screening, prereferral, referral, and eligibility determinations;

(3) Factors that may influence assessment findings such as cultural, behavioral, and learning diversity;

(4) Administration, scoring, and interpretation of commonly used individual and group instruments, including norm-referenced, criterion-referenced, and curriculum-based measures as well as task analysis,

observation, portfolio, and environmental assessments; and

(5) Synthesis and interpretation of assessment findings for eligibility, program planning, and program evaluation decisions.

b. An understanding and application of service delivery, curriculum, and instruction of students with disabilities, including:

(1) Classroom organization and curriculum development;

(2). Scope and sequence of the general education curriculum;

(3) Complex nature of language acquisition and reading ( reading competencies in Professional studies requirements): Reading, special education – language acquisition and reading: Skills in this area shall be designed to impart a thorough understanding of the complex nature of language acquisition and reading to include: phonemic awareness, an understanding of sound/symbol relationships, explicit phonics instruction, syllables, phonemes, morphemes, decoding skills, word attack skills, and a knowledge of how phonics, syntax, and semantics interact. Additional skills shall include proficiency in a wide variety of comprehension strategies, as well as the ability to foster appreciation of a variety of literature and independent reading;

(4) Complex nature of numeracy acquisition and the sequential nature of mathematics;

(5) Alternative ways to teach content material including curriculum adaptation and curriculum modifications;

(6) Procedures to develop, provide, and evaluate instruction consistent with students' individual needs;

(7) Strategies to promote successful integration of students with disabilities with their nondisabled peers;

(8) Use of technology to promote student learning; and

(9) Structure and organization of general education classrooms and other instructional settings representing the continuum of special education services (to include field experiences).

c. An understanding and application of classroom management techniques and individual interventions, including techniques that:

(1) Promote emotional well-being and teach and maintain behavioral conduct and skills consistent with norms, standards, and rules of the educational environment;



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(2) Address diverse approaches based upon behavioral, cognitive, affective, social and ecological theory and practice;

(3) Provide positive behavioral supports; and

(4) Are based on functional assessment of behavior.

d. The ability to prepare students and work with families to promote successful student transitions throughout the educational experience to include postsecondary training, employment, and independent living that addresses an understanding of long-term planning, career development, life skills, community experiences and resources, self-advocacy and self-determination, guardianship, and legal considerations.

### 3. Collaboration.

a. Skills in consultation, case management, and collaboration, including:

(1) Coordination of service delivery with related service providers, general educators, and other professions in collaborative work environments to include:

(a) Understanding the Standards of Learning (SOL), the structure of the curriculum, and accountability systems across K-12;

(b) Understanding and assessing the organization and environment of general education classrooms across the K-12 setting;

(c) Implementation of collaborative models, including collaborative consultation, co-teaching, and student intervention teams;

(d) Procedures to collaboratively develop, provide, and evaluate instructional and behavioral plans consistent with students' individual needs;

(e) Understanding the roles and responsibilities of each member of the collaborative team; and

(f) Application of effective communication strategies with a variety of stakeholders in the collaborative environment.

b. Training, managing, and monitoring paraprofessionals;

c. Involvement of families in the education of their children with disabilities;

d. Understanding the standards of professionalism;

e. Cooperating with community agencies and other resource providers; and

f. Models and strategies for promoting students' self-advocacy skills.

B. The program in special education adapted curriculum K-12 shall ensure through course work and field experiences in a variety of settings that the candidate seeking endorsement in special education adapted curriculum has the special education core competencies and the specific competency requirements specified in this section. The candidate shall demonstrate the following competencies to prepare children and youth to acquire the functional, academic, and community living skills necessary to reach an appropriate level of independence and be assessed in progress toward an adapted curriculum while participating in programs with nondisabled peers to the fullest extent possible:

### 1. Characteristics.

a. Demonstrate knowledge of the characteristics, learning and support needs of students with disabilities (K-12), whose cognitive impairments or adaptive skills require adaptations to the general curriculum, including, but not limited to, students with:

(1) Moderate to severe mental retardation or developmental delay;

(2) Autism;

(3) Multiple disabilities;

(4) Traumatic brain injury; and

(5) Sensory impairments as an additional disability to those referenced above.

b. Knowledge of characteristics shall include:

(1) Medical, sensory needs, and position and handling needs of children with multiple disabilities;

(2) Speech and language development and communication and impact on educational, behavioral and social interactions;

(3) Impact of disability on self-determination and self-advocacy skills; and

(4) Historical and legal perspectives, models, theories, philosophies, and trends related to specific student populations.

### 2. Individualized education program implementation.

a. Apply knowledge of assessment and evaluation throughout the K-12 grade levels to:

(1) Construct, use, and interpret a variety of standardized and nonstandardized data collection techniques, such as task analysis, observation, portfolio assessment and other curriculum-based measures;

(2) Make decisions about student progress, instruction, program, modifications, accommodations, placement, and teaching methodology;

(3) Demonstrate the use of assessment, evaluation, and other information to develop and implement individual educational planning and group instruction with students with disabilities in an adapted curriculum across the K-12 grade levels, including:

- (a) Functional behavior assessment;
- (b) behavioral intervention plans incorporating positive behavioral supports;
- (c) Least restrictive environment and inclusion models;
- (d) General education curriculum adaptation and modification;
- (e) IEP implementation linking to standards of learning general curriculum;
- (f) Transition between grade levels, settings, and environments;
- (g) Communication methods and systems;
- (h) Assistive technology applications and instruction;
- (i) Community integration;
- (j) Vocational skill development;
- (k) Instructional strategies;
- (l) Knowledge of community service systems; and
- (m) Essential life skills for independent home and community living.

**3. Transitioning.**

a. Demonstrate the ability to prepare students and work with families to provide successful student transitions throughout the educational experience to include postsecondary training, employment, and independent living that addresses an understanding of long-term planning, career development, life skills, community experiences and resources, self-advocacy, and self-determination, guardianship and legal considerations.

(1) Skills in consultation, case management, and collaboration for students with varying degrees of disability severity.

- (a) Coordinate service delivery with general educators, related service providers, and other providers;
- (b) Awareness of community resources agencies and strategies to interface with community agencies when developing and planning IEPs;
- (c) Knowledge of related services and accommodations that pertain to postsecondary

transitions that increase student access to postsecondary education and community resources; and

(d) Ability to coordinate and facilitate meetings involving parents, students, outside agencies, and administrators.

(2) Understand the difference between entitlement and eligibility for agency services as students move to the adult world including a basic understanding of Social Security Income benefits planning, work incentive, Medicaid, and community independent living.

(3) Recognize uses of technology and seek out technology at postsecondary settings that shall aid the student in their education, work, and independent living.

(4) Recognize and plan for individual student potential and their capacity to meet high academic, behavioral, and social expectations and the impact of academic and social success on personal development.

(5) Knowledge of person-centered planning strategies to promote student involvement in planning.

(6) Knowledge of generic skills that lead to success in school, work and community, including time management, preparedness, social interactions, and communication skills.

(7) Understand social skill development and the unique social skills deficits and challenges associated with disabilities:

- (a) Assesses social skill strengths and needs;
- (b) Plans and uses specialized social skills strategies.

(8) Knowledge of use and implementation of vocational assessments to encourage and support students' self-advocacy and self-determination skills.

(9) Knowledge of legal issues surrounding age of majority and guardianship.

C. Completion of supervised classroom experiences with students with disabilities and an adapted curriculum K-12.

**8 VAC 20-542-470. Special education general curriculum K-12.**

A. The program in special education is designed to ensure through course work and field experiences in a variety of settings that the candidate has demonstrated the following core competencies to prepare children and youth for participation in the general education curriculum and within the community to the maximum extent possible. The candidate shall also complete the competencies in at least one of the endorsement areas of Special Education General Curriculum K-12, in addition to those required under

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professional studies, including reading and language acquisition.

## 1. Foundations, Characteristics, legal and medical aspects.

a. Knowledge of the foundation for educating students with disabilities, including:

(1) Historical perspectives, models, theories, philosophies, and trends that provide the basis for special education practice;

(2) Characteristics of children and youth with disabilities relative to age, varying levels of severity, and developmental differences manifested in cognitive, linguistic, physical, psychomotor, social, or emotional functioning;

(3) Normal patterns of development (i.e., physical, psychomotor, cognitive, linguistic, social, emotional development and their relationship to the various disabilities);

(4) Medical aspects of disabilities;

(5) The dynamic influence of the family system and cultural/environmental milieu and related issues pertinent to the education of students with disabilities;

(6) Educational implications of the various disabilities; and

(7) Understanding of ethical issues and the practice of accepted standards of professional behavior.

b. An understanding and application of the legal aspects, regulatory requirements, and expectations associated with identification, education, and evaluation of students with disabilities, including:

(1) Legislative and judicial mandates related to education and special education (e.g., the Individuals with Disabilities Education Act, § 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the No Child Left Behind Act of 2001, etc.);

(2) Current regulations governing special education (e.g., individualized education program (IEP) development; disciplinary practices, policies, and procedures; and alternative placements/programs in schools); and

(3) "Rights and responsibilities" of parents, students, teachers, and schools as they relate to individuals with disabilities and disability issues.

## 2. Assessments and management of instruction and behavior.

a. An understanding and application of the foundation of assessment and evaluation related to best special education practice, including:

(1) Ethical issues and responsibilities in the assessment of individuals with disabilities;

(2) Procedures for screening, prereferral, referral, and eligibility determinations;

(3) Factors that may influence assessment findings such as cultural, behavioral, and learning diversity;

(4) Administration, scoring, and interpretation of commonly used individual and group instruments, including norm-referenced, criterion-referenced, and curriculum-based measures as well as task analysis, observation, portfolio, and environmental assessments; and

(5) Synthesis and interpretation of assessment findings for eligibility, program planning, and program evaluation decisions.

b. An understanding and application of service delivery, curriculum, and instruction of students with disabilities, including:

(1) Classroom organization and curriculum development;

(2) Scope and sequence of the general education curriculum;

(3) Complex nature of language acquisition and reading (reading competencies in Professional studies requirements): Reading, special education – language acquisition and reading: Skills in this area shall be designed to impart a thorough understanding of the complex nature of language acquisition and reading to include: phonemic awareness, an understanding of sound/symbol relationships, explicit phonics instruction, syllables, phonemes, morphemes, decoding skills, word attack skills, and a knowledge of how phonics, syntax, and semantics interact. Additional skills shall include proficiency in a wide variety of comprehension strategies, as well as the ability to foster appreciation of a variety of literature and independent reading;

(4) Complex nature of numeracy acquisition and the sequential nature of mathematics;

(5) Alternative ways to teach content material including curriculum adaptation and curriculum modifications;

(6) Procedures to develop, provide, and evaluate instruction consistent with students' individual needs;

(7) Strategies to promote successful integration of students with disabilities with their nondisabled peers;

(8) Use of technology to promote student learning; and

(9) Structure and organization of general education classrooms and other instructional settings representing the continuum of special education services (to include field experiences).

c. An understanding and application of classroom management techniques and individual interventions, including techniques that:

(1) Promote emotional well-being and teach and maintain behavioral conduct and skills consistent with norms, standards, and rules of the educational environment;

(2) Address diverse approaches based upon behavioral, cognitive, affective, social and ecological theory and practice;

(3) Provide positive behavioral supports; and

(4) Are based on functional assessment of behavior.

d. The ability to prepare students and work with families to promote successful student transitions throughout the educational experience to include postsecondary training, employment, and independent living that addresses an understanding of long-term planning, career development, life skills, community experiences and resources, self-advocacy and self-determination, guardianship, and legal considerations.

### 3. Collaboration.

a. Skills in consultation, case management, and collaboration, including:

(1) Coordination of service delivery with related service providers, general educators, and other professions in collaborative work environments to include:

(a) Understanding the Standards of Learning (SOL), the structure of the curriculum, and accountability systems across K-12;

(b) Understanding and assessing the organization and environment of general education classrooms across the K-12 setting;

(c) Implementation of collaborative models, including collaborative consultation, co-teaching, and student intervention teams;

(d) Procedures to collaboratively develop, provide, and evaluate instructional and behavioral plans consistent with students' individual needs;

(e) Understanding the roles and responsibilities of each member of the collaborative team; and

(f) Application of effective communication strategies with a variety of stakeholders in the collaborative environment;

b. Training, managing, and monitoring paraprofessionals;

c. Involvement of families in the education of their children with disabilities;

d. Understanding the standards of professionalism;

e. Cooperating with community agencies and other resource providers; and

f. Models and strategies for promoting students' self-advocacy skills.

B. The program in special education general curriculum K-12 shall ensure through course work and field experiences in a variety of settings that the candidate seeking endorsement in special education general curriculum has the special education core competencies and the specific competency requirements specified in this section.

### 1. Characteristics.

a. Demonstrate knowledge of definitions, characteristics, and learning and behavioral support needs of students with disabilities who are accessing the general education curriculum at the elementary, middle, and high school levels, including but not limited to, students with:

(1) Learning disabilities;

(2) Emotional disturbance;

(3) Mental retardation;

(4) Developmental delay;

(5) Autism;

(6) Other health impaired;

(7) Traumatic brain injury; and

(8) Multiple disabilities.

b. Knowledge of characteristics shall include:

(1) Age-span/developmental issues;

(2) Levels of severity;

(3) Cognitive functioning;

(4) Language development;

(5) Emotional and behavioral adjustment;

(6) Social development;

(7) Medical aspects; and

(8) Cultural/ethnic and socioeconomic factors.

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## 2. Individualized education program implementation.

### a. Apply knowledge of assessment and evaluation throughout the K-12 grade levels to:

(1) Construct, use, and interpret a variety of standardized and nonstandardized data collection techniques, such as task analysis, observation, portfolio assessment and other curriculum-based measures;

(2) Make decisions about student progress, instruction, program, accommodations, placement, and teaching methodology for students with disabilities who are accessing the general education curriculum and the standards of learning; and

(3) Demonstrate the use of assessment, evaluation, and other information to develop and implement individual educational planning and group instruction with students with disabilities who are accessing the general education curriculum across the K-12 grade levels, including:

(a) Identify and apply differentiated instructional methodologies including systematic instruction, multisensory approaches, learning cognitive strategies, study skills, diverse learning styles, and technology use;

(b) Teach skills and remediate deficits in academic areas at the elementary, middle, and secondary levels;

(c) Provide explicit instruction of reading and math at appropriate developmental/grade level in a systematic and cumulative manner to students with disabilities who are accessing the general education curriculum;

(d) Knowledge and understanding of the scope and sequence of the standards of learning at the elementary, middle, and secondary levels;

(e) Promote the potential and capacity of individual students to meet high academic, behavioral, and social expectations;

(f) Design alternative ways to teach content material including modifying curriculum in both directive and nondirective methodologies;

(g) Use assistive and instructional technology in order to access the general education curriculum;

(h) Implement and evaluate group management techniques and individual interventions that teach and maintain emotional, behavioral and social skills; and

(i) Implement and monitor IEP specified accommodations within the general education classroom.

## 3. Transitioning.

a. Demonstrate the ability to prepare students and work with families to provide successful student transitions throughout the educational experience to include postsecondary training, employment, and independent living that addresses an understanding of long-term planning, career development, life skills, community experiences and resources, self-advocacy, and self-determination, guardianship and legal considerations.

(1) Skills in consultation, case management, and collaboration for students with varying degrees of disability severity.

(a) Coordinate service delivery with general educators, related service providers, and other providers;

(b) Awareness of community resources agencies and strategies to interface with community agencies when developing and planning IEPs;

(c) Knowledge of related services and accommodations that pertain to postsecondary transitions that increase student access to postsecondary education and community resources;

(d) Ability to coordinate and facilitate meetings involving parents, students, outside agencies, and administrators.

(2) Understand the difference between entitlement and eligibility for agency services as students move to the adult world including a basic understanding of Social Security Income benefits planning, work incentive, Medicaid, and community independent living.

(3) Recognize uses of technology and seek out technology at postsecondary settings that shall aid the student in their education, work, and independent living.

(4) Recognize and plan for individual student potential and their capacity to meet high academic, behavioral, and social expectations and the impact of academic and social success on personal development:

(a) Knowledge of person-centered planning strategies to promote student involvement in planning;

(b) Knowledge of generic skills that lead to success in school, work and community, including time management, preparedness, social interactions, and communication skills.

(5) Understand social skill development and the unique social skills deficits and challenges associated with disabilities:

- (a) Assesses social skill strengths and needs;
- (b) Plans and uses specialized social skills strategies.

(6) Knowledge of use and implementation of vocational assessments to encourage and support students' self-advocacy and self-determination skills.

Knowledge of legal issues surrounding age of majority and guardianship.

C. Completion of supervised classroom experiences with students with disabilities and the general curriculum K-12.

**8 VAC 20-542-480. Special education – speech-language pathology assistants preK-12.**

A. The program in speech-language pathology assistance shall ensure, through coursework and field experience in a variety of settings, that the candidate seeking an endorsement in speech-language pathology assistance shall, under the direction and supervision of a speech-language pathologist, provide speech-language pathology support. The candidate shall demonstrate the following competencies:

1. Knowledge and understanding of normal processes of communication, oral and written, as defined in the Virginia Standards of Learning and how these are interrelated in forming a sound foundation for the understanding of speech and language acquisition.

2. Knowledge of the foundation for educating students with disabilities including:

- a. Historical perspectives, models, theories, philosophies, and trends that provide the basis for special education practice;
- b. Characteristics of children and youth with disabilities relative to age, varying levels of severity, and developmental differences manifested in cognitive, linguistic, physical, psychomotor, social, or emotional functioning;
- c. Normal patterns of development (i.e., physical, psychomotor, cognitive, linguistic, social, emotional development and their relationship to the various disabilities);
- d. Medical aspects of disabilities;
- e. The dynamic influence of the family system and cultural/environmental milieu and related issues pertinent to the education of students with disabilities;
- f. Educational implications of the various disabilities; and
- g. Understanding of ethical issues and the practice of accepted standards of professional behavior.

3. An understanding and application of the legal aspects and regulatory requirements associated with identification, education, and evaluation of students with disabilities including:

- a. Legislative and judicial mandates related to education and special education (e.g., the Individuals with Disabilities Education Improvement Act (IDEIA), § 504 of the Rehabilitation Act 1973, and the Americans with Disabilities Act);
- b. Current regulations governing special education (e.g., individualized education program (IEP) development, disciplinary practices, policies, and procedures and alternative placements/programs in schools); and
- c. "Rights and responsibilities" of parents, students, teachers, and schools as they relate to individuals with disabilities and disability issues.

4. An understanding and application of classroom management techniques and individual interventions, including techniques that:

- a. Promote emotional well-being and that teach and maintain behavioral conduct and skills consistent with norms, standards, and rules of the educational environment;
- b. Address diverse approaches based upon behavioral, cognitive, affective, social and ecological theory and practice;
- c. Provide positive behavioral supports; and
- d. Are based on functional assessment of behavior.

5. Understanding of the basic knowledge, skills, and processes of:

- a. Normal speech, language, communication, and hearing development;
- b. Language acquisition and reading to include: phonemic awareness, understanding of sound symbol relationships, phonics, syntax, semantics and comprehension of oral and written language; and
- c. Communication across the life span.

6. Understanding of the basic knowledge, skills, and processes of:

- a. Various types of speech, language, voice and hearing classifications, causes and manifestations; and
- b. Relationships among speech language, voice and hearing problems, especially multiple disabling conditions.

7. An understanding and application of service delivery practices including:

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- a. Professional issues and ethics for speech-language assistants;
- b. Assisting the speech-language pathologist in service delivery;
- c. Technical skills in speech and language disorders; and
- d. Basic techniques in the provision of speech and language support services.

8. An understanding and application of workplace behaviors including:

- a. Relating to clients/patients in a supportive and professional manner;
- b. Following supervisor's instructions;
- c. Maintaining confidentiality;
- d. Communicating in oral and written formats; and
- e. Following health and safety precautions.

9. A basic understanding and application of cultural factors in communication including:

- a. Language and culture;
- b. Nonverbal communication;
- c. Sign language and other manually coded systems; and
- d. Bilingualism and multicultural issues.

B. Completion of a minimum of 500 clock hours in supervised education experiences for the job responsibilities and workplace behaviors of the speech-language pathology assistant. One-half of these hours shall include observation experiences to include direct, on-site observation of by a nationally certified speech-language pathologist. One-half of these hours shall include fieldwork experiences in a public school setting supervised by a nationally certified speech-language pathologist.

C. Endorsement Requirements. The candidate shall have completed a baccalaureate degree in speech-language pathology or communication disorders from an accredited institution.

## **8 VAC 20-542-490. Special education visual impairments preK-12.**

The program in special education visual impairments preK-12 is designed to ensure through course work and field experiences in a variety of settings that the candidate has demonstrated the following competencies:

1. Understanding of the characteristics of individuals with disabilities, including:

- a. Characteristics of children and youth with disabilities: developmental and cognitive;

b. Language development and the effects of disabling conditions and cultural diversity on language development; and

c. Characteristics of individuals with visual impairments, including impact of visual impairment on infants' and children's growth and development, child and adolescent emotional and social development, and family interaction patterns.

2. Understanding of the foundation of the legal aspects associated with students with disabilities and students with visual impairments, including:

a. Legislative and judicial mandates related to education and special education;

b. The Individuals with Disabilities Education Act (IDEA), § 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act;

c. Legal decisions related to persons with disabilities;

d. Current regulations and procedures governing special education, including individualized education program (IEP) development, individualized family service plan (IFSP), and transition services; and

e. Disciplinary practices, policies and procedures and alternative placements/programs in schools.

3. Understanding of the foundation of assessment and evaluation with an emphasis on individuals with visual impairments, including:

a. Administering, scoring, and interpreting assessments, including norm-referenced, criterion-referenced, and curriculum-based individual and group assessments;

b. Interpreting assessments for eligibility, placement, and program uses;

c. Techniques to collect, record and analyze information;

d. Diagnostic instruction using assessment data;

e. Techniques for recognizing capacity and diversity and its influence on student assessment and evaluation;

f. Using data from student program evaluation; and

g. Low vision practices and procedures, that include assessment and instructional programming for functional vision.

4. Understanding of service delivery, classroom management, and instruction, including:

a. The application of current research;

b. Classroom organization and curriculum development;

c. Curriculum adaptations and accommodations;

d. The development of language/literacy skills;

- e. The use of technology;
- f. Classroom management, including behavior support systems and individual planning;
- g. Methods and procedures for teaching students with visual impairments;
- h. Instructional programming and modifications of curriculum to facilitate integration of students with disabilities programs and services with peers without disabilities;
- i. Individual and group behavior management techniques;
- j. Career and vocational aspects of individuals with disabilities, including persons with visual impairments, in society, including knowledge of careers, vocational opportunities, and transition from school to work; and
- k. Social and recreational skills and resources for individuals with visual impairments, including methods and materials for assessing and teaching activities of daily living.

5. Understanding of consultation, case management, and collaboration including:

- a. Coordinating service delivery with other professionals in collaborative work environments;
- b. Training, managing, and monitoring paraprofessionals;
- c. Involving families in the education of their children with disabilities; and
- d. Interfacing with community agencies and resources.

6. Understanding of the foundations of Braille reading and writing, including:

- a. Teaching reading and writing of grade 2 Braille on both a Braille writer and a "slate and stylus"; and
- b. Knowledge of other codes, including Nemeth, music code, and computer Braille.

7. Understanding of anatomy, physiology, and diseases of the eye and the educational implications.

8. Understanding of the standards of professionalism.

9. Completion of supervised classroom experiences at the elementary and secondary levels with students who have visual impairments.

**8 VAC 20-542-500. Speech communication (add-on endorsement).**

The program in speech communication shall ensure that the candidate has demonstrated the following competencies:

- 1. Understanding and knowledge of oral communication, including language acquisition involving the processes of

expressive and receptive language and voice production involving the aesthetics of speech;

2. Understanding and knowledge of common speech production patterns, including articulation, pronunciation, and dialectical variances as these relate to standard English patterns;

3. Understanding of and proficiency in effective communication, including interpersonal communication, the art of persuasion, oral interpretation, group discussion, mass communication, public speaking, and debate; and the ability to critique such communication interactions; and

4. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

**8 VAC 20-542-510. Theater arts preK-12.**

The program in theater arts preK-12 shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the theater arts discipline as defined in the Virginia Standards of Learning and how these provide a necessary foundation integral to teaching theater arts.

2. Understanding of the knowledge, skills and processes for teaching theater arts to the developmental levels of students in preK-12, including the following:

a. Experience in planning, developing, administering, and evaluating a program of theater arts education;

b. Knowledge and understanding for teaching theatre arts, including: performance and production, cultural context and theatre history, judgment and criticism, and aesthetics;

c. Directing;

d. Technical theater, including lighting, set design, stage craft, costuming, makeup, and safety;

e. Performance, including acting and acting styles;

f. Dramatic literature;

g. The relationship of theater and culture and the influence of theater on past and present cultures, including the history of theater;

h. Knowledge and understanding of artistic copyright laws;

i. Knowledge and understanding of safety, including performance and studio;

j. Knowledge of assessment strategies to foster, support, and enhance student theatre arts learning;

k. Knowledge of related areas of theater arts, such as art, dance arts, music, and the visual arts; and



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1. Observation and student teaching experiences at the elementary, middle and secondary levels.

3. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-520. Visual arts preK-12.**

The program in visual arts preK-12 shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the visual arts discipline as defined in the Virginia Standards of Learning, and how they provide a necessary foundation for teaching the visual arts;

2. Understanding of the knowledge, skills, and processes for teaching art appropriate to the developmental levels of students in preK-12 including the following areas:

a. Knowledge and experience in planning, developing, administering, and evaluating a program of visual arts education;

b. Two-dimensional media and concepts: basic and complex techniques and concepts in two-dimensional design, drawing, painting, printmaking, computer graphics and other electronic imagery;

c. Three-dimensional media and concepts: basic and complex techniques and concepts in three-dimensional design, sculpture, ceramics, fiber arts, and crafts;

d. Knowledge and understanding for teaching the visual arts, including: visual communication and production, cultural context and art history, judgment and criticism, and aesthetics;

e. The relationship of visual arts and culture and the influence of visual arts on past and present cultures;

f. Related areas of visual arts, such as architecture, dance arts, music, theater arts, photography, and other expressive arts;

g. Knowledge and understanding of technological and artistic copyright laws;

h. Knowledge and understanding of safety, including use of toxic art material in various aspects of studio and classroom work;

i. Knowledge of assessment strategies to foster, support, and enhance student visual arts learning; and

j. Observation and student teaching experiences at the elementary, middle and secondary levels.

3. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## Article 4.

Administration and Supervision and Personnel Support.

## **8 VAC 20-542-530. Administration and supervision preK-12.**

Approved program route to Level I administration and supervision preK-12 endorsement. To become eligible for a Level I endorsement license under this option, the candidate shall:

1. Hold a master's degree from a regionally accredited college or university;

2. Complete an approved program in administration and supervision from a regionally accredited college or university, or through an entity receiving accreditation through a process approved by the Board of Education, including:

a. Knowledge understanding, and application of planning, assessment, and instructional leadership that builds collective professional capacity, including:

(1) Principles of student motivation, growth, and development as a foundation for age- and grade-appropriate curriculum, instruction, and assessment;

(2) Collaborative leadership in gathering and analyzing data to identify needs to develop and implement a school improvement plan that results in increased student learning;

(3) Planning, implementation, and refinement of standards-based curriculum aligned with instruction and assessment;

(4) Collaborative planning and implementation of a variety of assessment techniques, including examination of student work, that yield individual, class, grade level, and school level data as a foundation for identifying existing competencies and targeting areas in need of further attention;

(5) Incorporation of differentiated and effective instruction that responds to individual learner needs including appropriate response to cultural, ethnic, and linguistic diversity;

(6) Integration of technology in curriculum and instruction to enhance learner understanding;

(7) Identification, analysis, and resolution of problems using effective problem-solving techniques;

(8) Communication of a clear vision of excellence, linked to mission and core beliefs that promotes continuous improvement consistent with the goals of the school division.

b. Knowledge understanding, and application of systems and organizations, including:

(1) Systems theory and the change process of systems, organizations and individuals, using appropriate and effective adult learning models;

(2) Aligning organizational practice, division mission, and core beliefs for developing and implementing strategic plans;

(3) Information sources and processing, including data collection and data analysis strategies;

(4) Using data as a part of ongoing program evaluation to inform and lead change;

(5) Developing a change management strategy for improved student outcomes;

(6) Developing empowerment strategies to create personalized learning environments for diverse schools;

(7) Effective communication skills including consensus building, negotiation, and mediation skills.

c. Knowledge understanding and application of management and leadership skills that achieve effective and efficient organizational operations, including;

(1) Alignment of curriculum and instruction and assessment of the educational program to achieve high academic success at the school and division/district level;

(2) Principles and issues of supervising and leading others to ensure a working and learning climate that is safe, secure, and respectful of a diverse school community;

(3) Management decisions that ensure successful teaching and learning including, human resources management and development, theories of motivation, change in school culture, innovation and creativity, conflict resolution, adult learning and professional development models;

(4) Principles and issues related to fiscal operations of school management;

(5) Principles and issues related to school facilities and use of space and time;

(6) Legal issues impacting school operations and management;

(7) Technologies that support management functions;

(8) Application of data-driven decision making to initiate and continue improvement in school and classroom practices and student achievement.

d. Knowledge understanding and application of the conditions and dynamics impacting a diverse school community, including;

(1) Emerging issues and trends within school/community relations;

(2) Working collaboratively with staff, families, and community members to secure resources and to support the success of a diverse population;

(3) Developing appropriate public relations and public engagement strategies and processes;

(4) Principles of effective two-way communication, including consensus building and negotiation skills;

(5) Integration of technology to support communication efforts.

e. Knowledge understanding and application of the purpose of education and the role of professionalism in advancing educational goals, including;

(1) Historically and philosophically grounded philosophy of education that reflects commitment to principles of honesty, fairness, caring, and equity in day-to-day professional behavior;

(2) Integration of high quality, content rich, job-embedded professional learning that respects the contribution of all faculty and staff members in building a diverse professional learning community;

(3) Reflective understanding of theories of leadership and their application to decision-making in the school setting;

(4) Intentional and purposeful effort to model professional, moral, and ethical standards as well as personal integrity in all interactions;

(5) Intentional and purposeful effort to model continuous professional learning and to work collegially and collaboratively with all members of the school community to support the school's goals and enhance its collective capacity.

f. Knowledge understanding and application of basic leadership theories and influences that impact schools including;

(1) Concepts of leadership including systems theory, change theory, learning organizations and current leadership theory;

(2) Historical leadership theories including organizational theory, motivational theory, political and social systems theory to practical situations;

(3) Identify and respond to internal and external forces and influences on a school;

(4) Identify and apply the processes of educational policy development at the state, local, and school level; and

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(5) Identify and demonstrate ways to influence educational policy development at the state, local, and school level.

g. Embedded learning strategies for improved student learning totaling at least 120 clock hours including:

(1) Experiential activities that complement, implement, and parallel the university curriculum;

(2) Activities that emphasize student work with practical application that shall take place in the internship, the practicum field experience, as well as throughout the university program.

3. Complete 440 clock hours, with a minimum of 320 clock hours of a deliberately structured and supervised internship that provides exposure to multiple sites (elementary, middle, high, central office, agency) with diverse student populations. These experiences shall be an integral component of a Virginia Board of Education approved preparation program. The internship shall be focused on learning for all students and shall occur in a public school or accredit nonpublic school; and

4. Satisfy the requirements for the school leaders licensure assessment prescribed by the Board of Education (Individuals seeking an initial administration and supervision endorsement who are interested in serving as central office instructional personnel are not required to take and pass the school leaders assessment prescribed by the Board of Education.)

## **8 VAC 20-542-540. Mathematics specialist for elementary and middle education.**

A. A mathematics specialist is a teacher in the elementary or middle grades who has interest and special preparation in mathematics content, scientifically based research in the teaching and learning of mathematics, diagnostic and assessment methods, and leadership skills. The school-based mathematics specialist shall serve as a resource in professional development, instructing children who have learning difficulties in mathematics, curriculum development and implementation, mentoring new teachers, and parent and community education.

B. The mathematics specialist program shall ensure that the candidate has completed at least three years of successful classroom teaching experience in which the teaching of mathematics was an important responsibility and demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the Virginia Mathematics Standards of Learning and how curriculum may be organized to teach these standards to diverse learners;

2. Understanding of a core knowledge base of concepts and procedures within the discipline of mathematics, including

the following strands: number systems and number theory; geometry and measurement; statistics and probability; and functions and algebra;

3. Understanding of the sequential nature of mathematics and the mathematical structures inherent in the content strands;

4. Understanding of the connections among mathematical concepts and procedures and their practical applications;

5. Understanding of and the ability to use the five processes – becoming mathematical problem solvers, reasoning mathematically, communicating mathematically, making mathematical connections, and using mathematical representations – at different levels of complexity;

6. Understanding of the history of mathematics, including the contributions of different individuals and cultures toward the development of mathematics and the role of mathematics in culture and society;

7. Understanding of major current curriculum studies and trends in mathematics;

8. Understanding of the role of technology and the ability to use graphing utilities and computers in the teaching and learning of mathematics;

9. Understanding of and the ability to select, adapt, evaluate and use instructional materials and resources, including professional journals and technology;

10. Understanding of and the ability to use strategies for managing, assessing, and monitoring student learning, including diagnosing student errors;

11. Understanding of and the ability to use strategies to teach mathematics to diverse learners;

12. Understanding of leadership skills needed to improve mathematics programs at the school and division levels, including the needs of high and low-achieving students and of strategies to challenge them at appropriate levels; child psychology, including personality and learning behaviors; educational measurement and evaluation; and effective professional development approaches; and

13. Understanding of and proficiency in grammar, usage, and mechanics and their integration in writing.

## **8 VAC 20-542-550. Reading specialist.**

The reading specialist program shall ensure that the candidate has demonstrated the following competencies:

1. Assessment and diagnostic teaching. The candidate shall:

a. Demonstrate expertise in the use of formal and informal screening, diagnostic and progress monitoring assessment for language proficiency, concepts of print,

phoneme awareness, letter recognition, decoding, fluency, vocabulary, reading levels, comprehension; and

b. Demonstrate expertise in the ability to use diagnostic data to tailor instruction for acceleration, intervention, remediation, and flexible skill-level groupings.

2. Oral communication. The candidate shall:

a. Demonstrate expertise in the knowledge, skills, and processes necessary for teaching oral language (speaking and listening);

b. Demonstrate expertise in developing students' phonological awareness skills;

c. Demonstrate effective strategies for facilitating the learning of standard English by speakers of other languages and dialects;

d. Demonstrate an understanding of the unique needs of students with language differences and delays; and

e. Demonstrate the ability to promote creative thinking and expression, as through storytelling, drama, choral/oral reading, etc.

3. Reading/literature. The candidate shall:

a. Demonstrate expertise in explicit phonics instruction, including an understanding of sound/symbol relationships, syllables, phonemes, morphemes, decoding skills, and word attack skills;

b. Demonstrate expertise in the morphology of English including inflections, prefixes, suffixes, roots, and word relationships;

c. Demonstrate expertise in strategies to increase vocabulary;

d. Demonstrate expertise in the structure of the English language, including and understanding of syntax, semantics, and vocabulary development;

e. Demonstrate expertise in reading comprehension strategies, including a repertoire of questioning strategies, understanding the dimensions of word meanings, teaching predicting, summarizing, clarifying, and associating the unknown with what is known;

f. Demonstrate expertise in the ability to teach strategies in literal, interpretive, critical, and evaluative comprehension;

g. Demonstrate the ability to develop comprehension skills in all content areas;

h. Demonstrate the ability to foster appreciation of a variety of literature; and

i. Understand the importance of promoting independent reading and reading reflectively by selecting quality

literature, including fiction and nonfiction, at appropriate reading levels.

4. Writing. The candidate shall:

a. Demonstrate expertise in the knowledge, skills, and processes necessary for teaching writing, including the domains of composing, written expression, and usage and mechanics and the writing process of planning, drafting, revising, editing, and sharing;

b. Demonstrate expertise in systematic spelling instruction, including awareness of the purpose and limitations of "invented spelling," orthographic patterns, and strategies for promoting generalization of spelling study to writing; and

c. Demonstrate expertise to teach the writing process: plan draft, revise, edit, and share in the narrative, descriptive, and explanative modes.

5. Technology. The candidate shall demonstrate expertise in their use of technology for both process and product as they work to guide students with reading, writing, and research.

6. Leadership and specialization. The candidate shall:

a. Demonstrate an understanding of child psychology, including personality and learning behaviors;

b. Demonstrate an understanding of the needs of high achieving students and of strategies to challenge them at appropriate levels;

c. Demonstrate an understanding of the significance of cultural contexts upon language;

d. Demonstrate an understanding of varying degrees of learning disabilities;

e. Demonstrate expertise with educational measurement and evaluation including validity, reliability, and normative comparisons in test design and selections;

f. Demonstrate expertise to interpret grade equivalents, percentile ranks, normal curve equivalents, and standards scores;

g. Demonstrate the ability to instruct and advise teachers in the skills necessary to differentiate reading instruction for both low and high achieving readers;

h. Demonstrate the ability to organize and supervise the reading program within the classroom, school, or division;

i. Demonstrate effective communication skills in working with a variety of groups, including parents, teachers, administrators, community leaders, etc.; and

j. Demonstrate knowledge of current research and exemplary practices in English/reading.

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## **8 VAC 20-542-560. School counselor preK-12.**

The school counselor preK-12 program shall ensure that the candidate has demonstrated the following competencies:

1. The ability to support students by cooperatively working with parents/guardians and teachers.
2. Understanding of the principles and theories of human growth and development throughout the lifespan and their implications for school guidance and counseling.
3. Understanding of the social and cultural foundations of education and their implications for school guidance and counseling programs.
4. Understanding of lifespan career development.
5. Understanding of the skills and processes for counseling students to include:
  - a. Individual and group counseling for academic development;
  - b. Individual and group counseling for career development; and
  - c. Individual and group counseling for personal/social development.
6. Understanding of the knowledge, skills, and processes for providing developmental group guidance, including:
  - a. Academic development;
  - b. Career development; and
  - c. Personal/social development.
7. Understanding of the skills and processes related to the school counseling program at the elementary, middle, and secondary levels, including:
  - a. Characteristics of learners at the elementary, middle, and secondary levels;
  - b. Program planning;
  - c. Coordination;
  - d. Consultation; and
  - e. Staffing patterns.
8. Understanding of the knowledge, skills, and processes of student appraisal and assessment relative to school guidance and counseling programs, including:
  - a. Individual assessment; and
  - b. Group assessment.
9. Understanding of the counseling professional, including:
  - a. Legal considerations;
  - b. Ethical considerations; and

- c. Professional issues and standards.

10. Understanding of the skills and processes of research and evaluation aimed at improving school guidance and counseling programs.

## **8 VAC 20-542-570. School psychology.**

The school psychology program shall ensure that the candidate has demonstrated the following competencies:

1. Knowledge, skills, and processes for assessing students' cognitive abilities, academic performance, interpersonal emotional/social functioning, and sensory-motor functioning.
2. Understanding of the knowledge, skills, and processes for direct and indirect intervention, including:
  - a. Counseling on an individual, group, or family basis;
  - b. Consulting with administrators, teachers, parents, and other professionals about student problems and appropriate change strategies; and
  - c. Designing and implementing behavior change programs.
3. Psychological foundations of human functioning (biological bases of behavior; cultural diversity; infant, child, and adolescent development; personality theory; human learning; and social bases of behavior) to ensure student academic achievement and student growth and development.
4. Educational foundations of schooling (education of exceptional learners, instructional and remedial techniques, and organization and operations of schools) to ensure effective collaboration with other school professionals.
5. Statistics and research design.
6. School psychology profession, including:
  - a. History and foundations of school psychology;
  - b. Legal and ethical issues;
  - c. Professional issues and standards; and
  - d. Role and function of the school psychologist.

## **8 VAC 20-542-580. School social worker.**

The school social worker program shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes for direct and indirect intervention, including:
  - a. Counseling on an individual, group, or family basis;
  - b. Consulting with administrators, teachers, parents, and other professionals about student problems and appropriate change strategies; and

- c. Networking with school programs and community agencies to provide essential services for families and children.
- 2. Understanding of child development, psychopathology, social and environmental conditioning, cultural diversity and family systems.
- 3. Understanding of the knowledge, skills, and processes for effective casework practice.
- 4. Understanding of the organization and operations of school systems.
- 5. Understanding of the knowledge, skills, and processes involved with assessing and programming for exceptional students.
- 6. Understanding of the school social work profession, including:
  - a. History and foundations of school psychology;
  - b. Legal and ethical issues;
  - c. Professional issues and standards; and
  - d. The role and function of the school social worker.

**8 VAC 20-542-590. Special education speech-language disorders preK-12.**

A. The program in special education speech-language disorders preK-12 shall ensure that the candidate has demonstrated the following competencies:

- 1. Understanding of the knowledge, skills, and processes of communication, oral and written, as defined in the Virginia Standards of Learning and how these are interrelated in forming a sound foundation for the understanding of speech and language acquisition.
- 2. Understanding of the knowledge, skills and processes of:
  - a. Normal development and the use of speech, voice, hearing, and language;
  - b. Basic sciences (biology and physics) and the basic communication sciences (acoustics, physiological processes of speech, hearing and linguistics); and
  - c. Language acquisition and reading to include: phonemic awareness understanding of sound symbol relationships, phonics, syntax, semantics and comprehension of oral and written language.
- 3. Understanding of current principles, procedures, techniques, and instruments in:
  - a. The evaluation of speech, language, voice and hearing;
  - b. Psycho-educational assessments; and
  - c. Research design.

- 4. Understanding of the knowledge, skills, and processes of:
  - a. Various types of disorders of speech, language, voice and hearing classifications, causes, and manifestations; and
  - b. Relationships among speech, language, voice and hearing problems, especially multiple disabling conditions.
- 5. Understanding of the knowledge, skills, and processes for the use of:
  - a. Augmentation in the habilitation, prevention and rehabilitation of disorders of articulation.
  - b. The selection and use of evidenced based practices in the language, fluency, voice, resonance, and hearing.
- 6. Understanding of the knowledge, skills, and processes of the evaluation and treatment of disorders of the oral and pharyngeal mechanisms as they relate to communication, including but not limited to dysphasia.
- 7. A level of knowledge and skill in the use of:
  - a. Augmentative and alternative communication devices;
  - b. Modes of communication; and
  - c. Strategies and techniques that promote or facilitate communication.
- 8. Understanding of the knowledge, skills, and processes of service delivery and instruction, including:
  - a. Organization and administration of public school programs to provide services for persons with speech-language disorders; and
  - b. Services available from related fields for those with communication disorders.
- 9. Understanding of the knowledge, skills, and processes for educating special populations, including:
  - a. Historical perspective;
  - b. Characteristics of learners: developmental and cognitive;
  - c. Medical aspects;
  - d. Linguistic/multicultural aspects;
  - e. Family aspects; and
  - f. Program evaluation.
- 10. Understanding of the knowledge, skills, and processes involved in the legal aspects associated with students with disabilities, including:
  - a. Legislative and judicial mandates related to special education;

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- b. Legal decisions related to persons with disabilities;
  - c. Advocacy and self-determination;
  - d. Guardianship;
  - e. Behavior management; and
  - f. Disciplinary practices, policies and procedures, and alternative placements/programs in schools.
11. The ability to understand and manage behavior, including:
- a. Behavior support systems;
  - b. Individual planning; and
  - c. Research in current practice.
12. Understanding of the current knowledge and scope of the profession and sensitivity to issues of diversity.

B. Completion of 375 clock hours of direct client contact, of which 100 shall be in a supervised educational setting and a minimum of 200 clock hours shall be in speech-language pathology. These clinical clock hours shall be distributed in each of the following areas: diagnosis, management of language disorders, management of voice disorders, management of articulation disorders, management of fluency disorders, and audio logy.

## **8 VAC 20-542-600. Vocational evaluator.**

The vocational evaluator program shall ensure that the candidate has demonstrated the following competencies:

1. Understanding of the foundations of vocational evaluation and career assessment, including philosophy and process of vocational evaluation/assessment, use of occupational and labor market information, and functional aspects of disability.
2. Understanding of the basic concepts and skills of planning for and delivering vocational evaluation and career assessment services, including the use of vocational interviewing, individualized service planning, report development and communication, and use of modifications and accommodations.
3. Understanding of the content, processes, and skills necessary to administer and report findings of standardized testing, including knowledge of tests and measurements and selection and use of appropriate instruments.
4. Understanding and knowledge of specific assessment techniques and skills and the processes for conducting vocational evaluation and career assessment, including:
  - a. Job and training analysis;
  - b. Work samples and systems;
  - c. Situational and community-based assessment;

- d. Behavioral observation; and
- e. Learning and functional skills assessment.

VA.R. Doc. No. R05-143; Filed September 27, 2006, 11:04 a.m.



## **TITLE 12. HEALTH**

### **STATE BOARD OF HEALTH**

#### **Proposed Regulation**

Title of Regulation: **12 VAC 5-585. Biosolids Use Regulations (amending 12 VAC 5-585-70, 12 VAC 5-585-510 and 12 VAC 5-585-600 through 12 VAC 5-585-630).**

Statutory Authority: § 32.1-164.5 of the Code of Virginia.

Public Hearing Date: November 9, 2006 - 7 p.m.

Public comments may be submitted until December 18, 2006.

(See Calendar of Events section for additional information)

Agency Contact: C. M. Sawyer, Division Director, Department of Health, 109 Governor Street, 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475, or email cal.sawyer@vdh.virginia.gov.

Basis: Section 32.1-164.5 of the Code of Virginia requires that the State Board of Health adopt regulations that include requirements for site-specific nutrient management plans developed by persons certified in accordance with § 10.1-104.2 prior to land application for all sites where sewage sludge is land applied, and requirements for approval of nutrient management plans by the Department of Conservation and Recreation prior to permit issuance under specific conditions. In addition, § 32.1-164.5 of the Code of Virginia requires that the State Board of Health develop regulations specifying and providing for extended buffers to be employed for application of sewage sludge (i) to hay, pasture, and forestlands; or (ii) to croplands where surface incorporation is not practicable or is incompatible with a soil conservation plan meeting the standards and specifications of the U.S. Department of Agriculture Natural Resources Conservation Service. Such extended buffers may be included by VDH as site specific permit conditions, as an alternative to surface incorporation when necessary to protect odor sensitive receptors, as determined by VDH or the local government. Section 32.1-164.7 of the Code of Virginia provides for local government enforcement of the requirements specified in the Biosolids Use Regulations and the resolution of any disputed local enforcement action by the State Health Commissioner.

Purpose: The regulations provide the means to protect public health from improper and unregulated disposal of sewage

sludge. However, the opponents of the land application of biosolids have insisted that local governments enact local ordinances that are more restrictive than the state regulations. This amendment is designed to provide a consistent and uniform set of state requirements that will ensure that biosolids are land applied in accordance with permit requirements including compliance with nutrient management plans and extended buffers to protect odor sensitive individuals. It is anticipated that the development of state requirements will help improve the credibility of the VDH permit program and prevent any extended litigation that may be brought by permitted entities concerning compliance with local government ordinances that restrict or effectively ban land application of biosolids on permitted sites.

Substance: The regulations are amended to provide for resolution of disputes involving local governments and land appliers concerning permit compliance issues and for land application site management practices, including nutrient management plan requirements and extended buffer zones for surface application without incorporation, to protect odor sensitive receptors.

The Regulations Advisory Committee (BURAC) has assisted the VDH in developing draft amendments presented to the Board of Health for approval as proposed amendments in accordance with the Administrative Process Act (APA). The final amendments will have to be adopted by the Board of Health in accordance with the APA, in order to meet the mandate stipulated in §§ 32.1-164.6 and 32.1-164.7 of the Code of Virginia. The amended regulations will include requirements for resolving enforcement disputes between permittees and localities that have adopted an ordinance for testing and monitoring land application pursuant to § 62.1-44.19:3 of the Code of Virginia. The amendments will also require that nutrient management plans be prepared for all sites permitted for land application of biosolids. In addition, Department of Conservation and Recreation approval of nutrient management plans will be required for either those sites receiving biosolids more frequently than once every three years at greater than 50% of the agronomic rate established by the Biosolids Use Regulations or sites owned or operated in conjunction with a confined animal feeding operation.

Issues: The State Board of Health approved the submittal of a Notice of Intended Regulatory Action (NOIRA) for an amendment to the regulations concerning both permit enforcement issues and land application site management practices at its January 21, 2005, meeting. Since that time the Regulations Advisory Committee has assisted the Virginia Department of Health (VDH) in developing the draft amendment language now presented to the Board of Health for approval. The draft amendment reflects the recommendations from a majority of committee members. Certain sections of the draft amendment were developed by Professor Greg Evanylo, with the Department of Crop and

Soil Environmental Sciences at Virginia Polytechnic Institute and State University. The State Board of Health approved the draft amendments as proposed with a minor revision concerning the removal of Table 14 and reference to "Calcium Carbonate Equivalency (CCE)," at the regular meeting held on October 21, 2005, in the Town of Chincoteague.

The advantage of adopting the requested amendments is that the credibility of this controversial state permit program will be enhanced. By establishing reasonable requirements, the most economical and most beneficial means of sludge management will continue to be available to the owners of sewage treatment works, who are primarily metropolitan governments.

The advantages of these regulations to the Commonwealth include a better, more tightly managed administrative program that the General Assembly has sanctioned. They include better overall site management, which is closely designed to minimize the consequences of biosolids application that some find objectionable. No disadvantages to the Commonwealth have been identified.

#### Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The State Board of Health (board) proposes to amend the Biosolids Use Regulations to provide for resolution of disputes involving local governments and land appliers concerning permit compliance issues and provide requirements for land application site management practices including nutrient management plan requirements and extended buffer zones for surface application without incorporation.

Estimated economic impact. Biosolids are the treated form of the sewage sludge generated during the wastewater treatment process. Applying biosolids to crop land, strip mines, public parks, and other areas has become a common practice in the United States, which provides an effective and environmentally friendly way to dispose of wastes while simultaneously improving soil quality. According to the



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National Academies' National Research Council<sup>1</sup>, there is no documented scientific evidence of adverse human health effects from treated sewage sludge applied to land in accordance with the Environmental Protection Agency (EPA)'s regulation. However, individuals have expressed concerns about whether the land application operations on permitted sites are being adequately supervised. Opponents of the land application of biosolids have insisted that local governments enact local ordinances that are more restrictive than the state regulations. In order to protect public health and the environment from improper and unregulated disposal of sewage sludge, the board proposes an amendment to this regulation that is designed to provide a consistent and uniform set of state requirements that will ensure that biosolids are land applied in accordance with permit requirements including compliance with nutrient management plans and extended buffers to protect odor sensitive individuals.

The board proposes to add requirements for resolving enforcement disputes between permittees and localities that have adopted an ordinance for testing and monitoring land application. Currently there is no provision for resolution of local disputes concerning permit compliance. According to the proposed amendments, in the event of a dispute between a locality that has adopted a local ordinance for testing and monitoring the land application of sewage sludge and a permittee concerning the existence of a violation, the activity alleged to be in violation shall be halted pending a determination by the State Health Commissioner (commissioner).<sup>2</sup> If the activity is not halted, the commissioner may seek an injunction compelling the halting of the activity, from a court having jurisdiction. Upon determination by the Division of Wastewater Engineering of the Office of Environmental Health Services (division),<sup>3</sup> that there has been a violation<sup>4</sup> and that such violation poses an imminent threat to public health, safety or welfare, the commissioner shall commence appropriate action to abate the violation and immediately notify the chief administrative officer of any locality potentially affected by the violation. According to Virginia Department of Health (VDH), 54 complaints were received in 2005 and 68 were reported in 2004. Inclusion of provision for resolution of local disputes will help smooth and accelerate the processing of the complaints and will better protect the public health and the environment from improper and unregulated disposal of sewage sludge.

In order to mitigate excessive odors, the proposed amendments state that surface incorporation may be required

on cropland by VDH, or the local monitor with approval of VDH. According to VDH, on average the cost of land applying biosolids is \$34 per wet ton, while surface incorporation will cost an additional \$2 per wet ton, which indicates a 6% increase.

The proposed amendments also add requirements for extended buffer setback distances. For applications where biosolids are not surface incorporated,<sup>5</sup> VDH may require extended buffer zone set back distances from odor sensitive receptors. When necessary, buffer zone setback distances from odor sensitive receptors may be extended to 400 feet or more and no biosolids shall be applied within such extended buffer zones.<sup>6</sup> The land application firms may have to permit additional sites that cost \$5 per acre on average, or develop additional field storage facilities which cost \$6 per dry ton of biosolids.<sup>7</sup>

The proposed amendments provide for requirements concerning compliance with nutrient management plans. According to the proposed amendments, a nutrient management plan prepared by a certified nutrient management planner is to be developed for all application sites, prior to biosolids application. And a nutrient management plan approved by the Department of Conservation and Recreation (DCR) will be required for land application more frequently than once every three years at greater than 50% of the annual agronomic rate<sup>8</sup> on applications sites as well as on sites owned or operated in conjunction with a confined animal feeding operation.

According to the "Nutrient management Training and Certification Regulations" (4 VAC 5-15), the nutrient management plan is a plan prepared by a Virginia certified nutrient management planner to manage the amount, placement, timing, and application of manure, fertilizer, biosolids, or other materials containing plant nutrients in order to reduce pollution nutrient loss to the environment and to produce crops. Currently an operation plan is required for all sites that provides comprehensive description of the operation including biosolids source(s), quantities, flow diagram, site description, crop utilized, application rates and methodology of biosolids handling for application periods. A nutrient management plan as approved by DCR is required only for sites that are applied more frequently than once every three years at agronomic rate and confined animal feeding operation sites.<sup>9 10</sup>

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<sup>1</sup> "Biosolids Applied to Land: Advancing Standards and Practices," the National Academy of Sciences, 2002

<sup>2</sup> The decision of the commissioner shall be final and binding unless reversed on judicial appeal pursuant to Section 2.2-4026 of the Code of Virginia.

<sup>3</sup> Which is the administrative unit responsible for implementing 12 VAC 5-585

<sup>4</sup> Based on Sections 32.1-164.5, 32.1-164.6, or 62.1-44.19:3, of the Code of Virginia, or any regulation promulgated under those sections.

<sup>5</sup> According to VDH, surface incorporation can not be easily applied on all sites.

<sup>6</sup> The commissioner may impose standards and requirements that are more stringent when required to protect public health and the environment, or prevent nuisance conditions from developing, either prior to or during biosolids use operations.

<sup>7</sup> Source: VDH.

<sup>8</sup> Agdictionary by Colorado State University: Agronomic rate is a rate of nutrient application onto a field so that the amount of nitrogen required by a crop to grow is available, but the amount of nutrients that pass through the soil below where they are used by plants or into groundwater is minimized or nonexistent.

<sup>9</sup> Confined animal feeding operation means: (i) domestic livestock have been, are, or will be stabilized or confined and fed or maintained for a total of 45 days or more in any

Requirement of nutrient management plans for all sites will cause an increase in cost for permitting infrequent application sites and all frequent below agronomic rate<sup>11</sup> application sites. The estimated cost for developing nutrient management plans is \$2.5 per acre.<sup>12</sup> However, according to VDH, although not required by the current regulations, most of the sites out of the 50,000 acres applied each year, have a nutrient management plan prepared. Therefore, the firms will need to have the nutrient management plans updated and will likely not incur significant cost increases. For sites that will be applied more than once every three years at greater than 50% of annual agronomic rate and sites owned or operated in conjunction with a confined animal feeding operations, a DCR approved nutrient management plan will be required prior to permit applications, which will lengthen the processing time of permit applications. Moreover, the "Nutrient Management Training and Certification Regulations" has recently been amended<sup>13</sup> and will be more stringent in terms of nutrient application rate and application timing, therefore, the land applicators might have to permit additional sites and develop additional field storage facilities, which will cost \$5 per acre and \$6 per dry ton, respectively.

In sum, requirement of surface incorporation and extended buffer setback distances will mitigate excessive odors from biosolids applications and protect odor sensitive receptors. Amendments concerning the compliance with nutrient management plans will reduce nutrient loss from land to ground and surface waters from the land application of biosolids and will better protect the public health and the environment. And the development of state requirements will help improve the credibility of the VDH permit program and prevent any extended litigation that may be brought by permitted entities concerning compliance with local government ordinances that restrict or effectively ban land application of biosolids on permitted sites.

On the other hand, the proposed amendments will cause a projected cost of two man-years of staff time at a cost of \$120,000 annually for VDH. The proposed requirement of surface incorporation may increase costs for the land application firms by 6%. Amendments concerning compliance with nutrient management plan and extended buffer zones for surface application may cause the firms to obtain permits for additional sites and develop additional field storage facilities, which will cost \$5 per acre and \$6 per dry ton, respectively. According to VDH, currently 50,000 acres are applied each year and there will be significant increase in the amount of permitted sites needed, which is not available.

VDH has estimated that up to 30 additional field storage facilities may be needed to serve the existing permitted land application sites, which will result in an increase in cost of \$1.5 million. However, the 10 land application firms will likely be able to pass on much of this cost to the generators of biosolids, which are typically local governments.<sup>14</sup>

Businesses and entities affected. The proposed requirement of surface incorporation may increase costs for the land application firms by 6%. The 10 land application firms may have to obtain permits for additional sites and develop additional field storage facilities, which will increase their cost and commensurately reduce their profits.

Localities particularly affected. The proposed amendment particularly affects the 52 counties where VDH biosolids permits have been issued.

Projected impact on employment. The proposed amendment may have a small negative impact on employment for the 10 land application firms. The increase in cost will reduce their profits and may result in a small number of people being laid off.

Effects on the use and value of private property. The proposed regulation may have a negative impact on the use and value of private properties for the 10 land application firms because of the increased costs and reduced profits. On the other hand, the proposed amendments will mitigate excessive odors and reduce nutrient loss from land to ground and surface waters from biosolids land applications. Therefore, the proposed amendment may have a positive impact on the value of the residential properties on or surrounding the application sites.

Small businesses: costs and other effects. According to VDH, all of the 10 land application companies are small businesses with fewer than 500 employees. Thus all costs mentioned earlier apply.

Small businesses: alternative method that minimizes adverse impact. The proposed amendment is designed to provide a consistent and uniform set of state requirements that will ensure that biosolids are land applied in accordance with permit requirements. Failure to provide specific state requirements as requested will likely result in local adoption of ordinances with varying nonuniform requirements, which could have significant financial impacts on the regulated entities and result in court challenges leading to expensive litigation. Thus there will be no alternative method that will have a smaller adverse impact.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department concurs substantially with Department of Planning and

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12-month period; and (ii) crops, vegetation, forage growth or postharvest residues are not sustained over any portion of the operation site.

<sup>10</sup> DCR approval is required before land application and can be after the permit applications.

<sup>11</sup> Frequent below agronomic rate application sites means sites that are applied more frequently than once every three years at less than 100% of agronomic rate.

<sup>12</sup> Source: VDH

<sup>13</sup> Finalized in November 2005.

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<sup>14</sup> The 10 application firms will likely not be able to pass on this cost to the generators until the current contract expires and new negotiation starts.

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Budget's economic impact analysis on amendments to 12 VAC 5-585.

Summary:

*The proposed amendments provide for resolution of disputes involving local governments and land appliers concerning permit compliance issues and for land application site management practices, including extended buffer setback distances, the application of biosolids, nutrient management plan requirements and extended buffer zones for surface application without incorporation, to protect odor sensitive receptors.*

**12 VAC 5-585-70. Enforcement of regulations.**

A. All biosolids use facilities shall be constructed and operated in compliance with the requirements as set forth in this chapter.

B. Notice. Whenever the commissioner has reason to believe that a violation of Title 32.1 of the Code of Virginia or of any provisions of this chapter has occurred or is occurring, the division shall so notify the alleged violator. Such notice shall be: (i) in writing, with a request to the owner to respond by providing any pertinent information on this issue they may wish; (ii) cite the statute, regulation or regulations that are allegedly being violated; and (iii) state the facts which form the basis for believing that the violation has occurred or is occurring. Such notification is not an official finding or case decision nor an adjudication, but may be accompanied by a request that certain corrective action be taken.

C. Orders. Pursuant to § 32.1-26 of the Code of Virginia, the commissioner may issue orders to require any owner to comply with the provisions of Title 32.1 of the Code of Virginia or the provisions of this chapter. The order may require:

1. The immediate cessation or correction of the violation;
2. The acquisition or use of additional equipment, supplies or personnel to ensure that the violation does not recur;
3. The submission of a plan to prevent future violations;
4. The submission of an application for a variance;
5. Any other corrective action deemed necessary for proper compliance with this chapter; or
6. Evaluation and approval, if appropriate, of the required submissions.

D. Compliance. The commissioner may act as the agent of the board to enforce all effective orders and this chapter. Should any owner fail to comply with any effective order or this chapter, the commissioner may:

1. Institute a proceeding to revoke the owner's permit in accordance with 12 VAC 5-585-220;

2. Request the attorney for the Commonwealth to bring a criminal action;
3. Request the Attorney General to bring an action for civil penalty, injunction, or other appropriate remedy; or
4. Do any combination of the above.

E. Disputes involving local ordinances.

1. In the event of a dispute between a locality that has adopted a local ordinance for testing and monitoring the land application of sewage sludge and a permittee concerning the existence of a violation, the activity alleged to be in violation shall be halted pending a determination by the commissioner. The decision of the commissioner shall be final and binding unless reversed on judicial appeal pursuant to § 2.2-4026 of the Code of Virginia. If the activity is not halted, the commissioner may seek an injunction compelling the halting of the activity from a court having jurisdiction.

2. Upon determination by the division that there has been a violation of § 32.1-164.5, 32.1-164.6, or 62.1-44.19:3 of the Code of Virginia, or of any regulation promulgated under those sections, and that such violation poses an imminent threat to public health, safety or welfare, the commissioner shall commence appropriate action to abate the violation and immediately notify the chief administrative officer of any locality potentially affected by the violation.

~~E. F.~~ Nothing in this section shall prevent the commissioner or the division from taking actions to obtain compliance with permit requirements prior to issuing an order, or from making efforts to obtain voluntary compliance through conference, warning, or other appropriate means.

**12 VAC 5-585-510. Biosolids utilization methods.**

A. Agricultural use. Agricultural use of sewage sludge is the land application of biosolids (Table 8) to cropland or pasture land to obtain agronomic benefits as a plant nutrient source and soil conditioner. This use shall require a system design which ensures that the land application procedures are performed in accordance with sound agronomic principles.

1. Sludge treatment. As a minimum, biosolids that are applied to the land or incorporated into the soil shall be treated by a Class II pathogen treatment process and shall be treated or managed to provide an acceptable level of vector attraction reduction.

2. Site soils. Soils best suited for agricultural use should possess good tilth and drainage capabilities, have moderate to high surface infiltration rates and moderate to slow subsoil permeability. Depth to bedrock or restrictive layers should be a minimum of 18 inches. Depth to the seasonal water table should exceed 18 inches as defined by the Soil Conservation Service soil survey. If such information is not

available the water table depth may be determined by soil characteristics or water table observations. If the soil survey or such evidence indicates that the seasonal water table can be less than 18 inches below the average ground surface, soil borings shall be utilized within seven days prior to land application operations during periods of high water table for the soil series present, to verify that the 18-inch depth restriction is complied with during field operations. The use of soil borings and water table depth verification may be required for such sites from November to May (during seasonal high water table elevations) of each year depending on soil type. Constructed channels (agricultural drainage ditch) may be utilized to remove surface water and lower the water table as necessary for crop productions and site management.

The pH of the biosolids and soil mixture shall be 6.0 or greater at the time of each biosolids application if the biosolids cadmium concentration is greater than or equal to 21 mg/kg. The soil pH must be properly tested and recorded prior to land application operations during which a pH change of 1/2 unit or more may occur within the zone of incorporation (i.e., use of biosolids containing lime or other alkaline additives at 10% or more of dry solid weight).

### 3. Management practices.

a. Application rates and requirements. Process design considerations shall include sludge composition, soil characteristics, climate, vegetation, cropping practices, and other pertinent factors in determining application rates. Site specific application rates should be proposed using pertinent biosolids plant available nitrogen (PAN) and crop nutrient needs (agronomic rate listed in Table 11) and the cumulative trace element loading rates (Table 9). Lime amended biosolids shall be applied at rates which are not expected to result in a target soil pH in the plow layer above a pH of 6.5 for soils located in the coastal plain and above a pH of 6.8 in other areas of the state (~~Table 14~~). Agricultural use of treated septage shall be in accordance with these requirements (Table 13). The biosolids application rate shall be restricted to the following criteria in accordance with the approved ~~operation~~ management practices plan (12 VAC 5-585-630):

(1) For infrequent applications, biosolids may be applied such that the total crop needs for nitrogen (Table 11 Agronomic Rate) is not exceeded (in order to minimize the amount of nitrogen that passes below the crop root zone to actually or potentially pollute groundwater), during a one year crop rotation period including the production and harvesting of two crops in succession within a consecutive 12-month growing season. However, the total application of biosolids shall not exceed a computed maximum loading of 15

dry tons per acre, unless a higher loading can be justified in relation to both the biosolids and the site characteristics, including the biosolids nutrient and dry solids content and the site slopes. No further applications of biosolids shall be allowed for a period of three years from the date that the agronomic rate is achieved for the crop or crops grown in the following 12 months.

(2) The infrequent application rate may be restricted: (i) down to 10% of the maximum cumulative loading rate (Table 9) for cadmium and lead (i.e., 2.0 kilograms per hectare (kg/ha) for cadmium); (ii) to account for all sources of nutrients applied to the site, including existing residuals.

(3) The infrequent application rate may also be restricted by the ~~maximum established CCE loading rate (Table 14)~~ lime content of the biosolids.

(4) For systems designed for frequent application of biosolids (application of the PAN requirement for a normal crop rotation more frequently than once in every three years), the previous year's applied Biosolids nitrogen and mineralization rates (Table 12) and soil phosphorus levels, shall be considered in the design and proposed subsequent application rates. Acceptable nutrient management requirements shall be included in the ~~operation~~ management practices plan for all sites proposed for frequent at-agronomic application rates (12 VAC 5-585-630).

(5) Frequent below-agronomic application rate involves frequent applications of biosolids on permanent pasture or hay at less than the PAN requirement listed in Table 11. Frequent below-agronomic application rates shall be calculated using one of the following options:

(a) A maximum of 70% of the nitrogen requirement of the permanent pasture or hay crop can be applied on an annual basis. The 70% application rate shall be calculated after accounting for the previous two years' applied biosolids nitrogen mineralization rates.

(b) A maximum of 50% of the nitrogen requirement of the permanent pasture or hay crop can be applied on an annual basis. It is not necessary to account for the previous two years' applied biosolids nitrogen mineralization rates under this option.

For systems designed for frequent below-agronomic rates, surface and groundwater monitoring ~~and a certified nutrient management plan~~ shall not be required. Soil phosphorus levels shall be considered in the design of proposed subsequent application rates. On warm-season grasses and alfalfa, no application shall be made between September 15 and March 15.

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b. Standard slopes and topography. Management practices specifying uniform application of biosolids at approved rates should be established in accordance with standard slopes. Agronomic practices and crop growth on sites with slope of not greater than 5.0% will provide acceptable protection of surface water quality during the active growing season. If biosolids are applied to site slopes greater than 5.0% during the period of November 16 of one year to March 15 of the following year certain Best Management Practices (BMP's) should be utilized (see subdivision 3 c (1) of this subsection). Biosolids should be directly-injected into soils on sites exhibiting erosion potential unless other best management practices are utilized to minimize soil erosion and the potential of nonpoint runoff. Biosolids shall not be applied to site slopes exceeding 15%. Biosolids shall be direct-injected or incorporated (mixed within the normal plow layer within 48 hours) if: (i) applied on sites with less than 60% uniform residue cover (stalks, vines, stubble, etc.) within any portion of the site; or (ii) applied to soils during periods of time soils may be subject to frequent flooding as defined by soil survey information.

c. Operations.

(1) Field management. The application rate of all application equipment shall be routinely measured as described in an approved sludge management plan and every effort shall be made to ensure uniform application of biosolids within sites in accordance with approved maximum design loading rates. Liquid sludges shall not be applied at rates exceeding 14,000 gallons per acre, per application. Sufficient drying times shall be allowed between subsequent applications. Application vehicles should be suitable for use on agricultural land. Pasture and hay fields should be grazed or clipped to a height of approximately four and six inches, respectively, prior to biosolids application unless the biosolids can be uniformly applied so as not to mat down the vegetative cover so that the site vegetation can be clipped to a height of approximately four inches within one week of the biosolids application. If application methods do not result in a uniform distribution of biosolids, additional operational methods shall be employed following application such as dragging with a pasture harrow, followed by clipping if required, to achieve a uniform distribution of the applied biosolids.

Surface incorporation may be required on cropland by the department, or the local monitor with approval of the department, to mitigate excessive odors, when incorporation is practicable and compatible with a soil conservation plan meeting the standards and specifications of the U.S. Department of Agriculture Natural Resources Conservation Service.

~~When~~ In accordance with the management practices plan, when biosolids are applied to site slopes greater than 7.0% between the period of November 16 of one year, and March 15 of the following year, one of the following practices shall be used to prevent runoff and soil loss:

- (a) Biosolids are surface applied or subsurface injected beneath an established living crop such as hay, pasture, or timely planted small grain or cover crop;
- (b) Biosolids are surface applied or subsurface injected so that immediately after application the crop residue still provides at least 60% soil surface coverage; or
- (c) Biosolids are applied by surface application or subsurface injection and the site is operated in compliance with an existing soil conservation plan approved by the U.S.D.A. Natural Resource Conservation Service and will remain in compliance after any subsequent tillage operation to incorporate the biosolids.

~~If~~ In accordance with the management practices plan if site slopes exceed 5.0% up to 7.0%, biosolids can be applied by surface application or subsurface injection followed by: (i) incorporation within 48 hours of application if crop residue still provides at least 30% soil surface coverage immediately following incorporation, or (ii) ridge tilling or chisel plowing within 48 hours of application; during the period of November 16 to March 15 of the following year. The site should be chisel plowed or ridge tilled predominately along the contour so that uniform parallel ridges of four inches or greater are created that will improve soil roughness and reduce runoff. Consideration should also be given to the use of similar practices on slopes of 5.0% or less when feasible for applications during the late fall and winter.

(2) Restrictions. Biosolids application shall not be made during times when the seasonal high water table of the soil is within 18 inches of the ground surface. Biosolids may only be applied to snow covered ground if the snow cover does not exceed one inch and the snow and biosolids are immediately incorporated within 24 hours of application. Liquid sludges may not be applied to frozen ground. Dry or dewatered sludges may be applied to frozen ground only if: (i) site slopes are 5.0% or less; (ii) a 200-foot vegetative (i.e., at least 60% uniformly covered by stalks or other vegetation) buffer is maintained from surface water courses; and (iii) the entire application site has uniform soil coverage of at least 60% with stalks, vines, stubble, or other vegetation and the site soils are characterized as well drained.

~~When~~ In accordance with the management practices plan, when biosolids are land applied between March 15 and September 1, crop planting following biosolids application should occur within a 30-day period. When

biosolids are applied to sites between September 1 and November 16, an agronomically justified crop capable of trapping plant available nitrogen such as small grain shall be planted within 45 days of the application of biosolids or prior to November 16, whichever comes first, or an established cool season grass sod or timely planted small grain crop shall be present. The crop planted should be capable of germination and significant growth before the onset of winter so the plant is able to use available nitrogen released by the biosolids.

On sites with a high leaching index (greater than 10) as defined by the Department of Conservation and Recreation, an established cool season grass or timely planted small grain crop should be present when biosolids are applied to such sites between November 16 and December 21.

d. Buffer zones.

~~(2) Standard buffer zones.~~ (1) Setback distances. If slopes are greater than 7.0% and biosolids will be applied between November 16 and March 15, ~~standard buffer setback~~ distances to perennial streams and other surface water bodies shall be doubled. The location of land application of biosolids shall not occur within the following minimum buffer zone requirements:

Minimum Distances (Feet) to Land Application Area			
Adjacent Features	Surface Application <sup>(1)</sup>	Incorporation	Winter <sup>(2)</sup>
Occupied dwellings	200 ft.	200	200
Water supply wells or springs	100 ft.	100	100
Property lines	100 ft.	50	100
Perennial streams and other surface waters except intermittent streams	50 ft.	35	100
Intermittent streams/drainage ditches	25 ft.	25	50
All improved roadways	10 ft.	5	10
Rock outcrops and sinkholes	25 ft.	25	25
Agricultural drainage ditches with slopes equal to or less than 2.0%	10 ft.	5	10

(1) Note: Not plowed or disced to incorporate within 48 hours.  
 (2) Application occurs on average site slope greater than 7.0% during the time between November 16 of one year and March 15 of the following year.

The stated buffer zones to adjacent property boundaries and drainage ditches constructed for agricultural operations may be reduced by 50% for subsurface application (includes same day incorporation) unless state or federal regulations provide more stringent requirements. Written consent of affected landowners is required to reduce buffer distances from property lines and dwellings. In cases where more than one buffer distance is involved, the most restrictive distance governs. Buffer requirements may be increased or decreased based on either site specific features, such as agricultural drainage features and site slopes, or on biosolids application procedures demonstrating precise placement methods.

(2) Extended buffer setback distances. For applications where surface applied biosolids are not incorporated, the department may include as a site-specific permit condition authorization for the department, or the local monitor with approval of the department, to require extended buffer zone setback distances when necessary to protect odor sensitive receptors. When necessary, buffer zone setback distances from odor sensitive receptors may be extended to 400 feet or more and no biosolids shall be applied within such extended buffer zones. In accordance with 12 VAC 5-585-260, the commissioner may impose standards and requirements that are more stringent when required to protect public health and the environment, or prevent nuisance conditions from developing, either prior to or during biosolids use operations.

e. Monitoring and testing. ~~(3) Monitoring.~~ Groundwater and surface water and soils monitoring and testing may be required by the department, or the local monitor with approval of the department for any frequent application sites (reach agronomic rate more than once in three years) for which a potential environmental or public health concern is identified by the commissioner in accordance with this chapter (12 VAC 5-585-320). Groundwater monitoring and testing should not be required for infrequent application of biosolids.

B. Forestland (Silviculture). Silvicultural use includes application of biosolids to commercial timber and fiber production land, as well as federal and state forests. The forestland may be recently cleared and planted, young plantations (two-year-old to five-year-old trees) or established forest stands.

1. Sludge standards. Refer to Article 3 (12 VAC 5-585-540 et seq.) of this part.
2. Site suitability. Site suitability requirements should conform to subdivision A 2 of this section. The soil pH should be managed at the natural soil pH for the types of trees proposed for growth.

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## 3. Management practices.

a. Application rates. Biosolids application rates shall be determined by the division in accordance with the provisions of subdivision A 3 of this section and based on nitrogen uptake rates and yields as recommended in information provided by the Virginia Department of Forestry.

## b. Operations.

### (1) Field management.

(a) High pressure spray shall not be utilized if public activity is occurring within 1,500 feet downwind of the application site. Public access to the site shall be adequately limited or controlled following application (Article 3 of this part).

(b) The operations should only proceed when the wind velocity is less than or equal to 15 miles per hour. When high pressure spray is used windless conditions are preferred for such operations.

(c) Biosolids application vehicles should have adequate clearance to be suitable for silvicultural field use.

(d) Application scheduling should take into account high rainfall periods and periods of freezing conditions.

(e) Monitoring requirements shall be site specific and may include groundwater, surface water or soils, for frequent application sites.

### (2) Buffer zones. Buffer zones should conform to those for agricultural utilization. Refer to Table 2.

C. Reclamation of disturbed land. Biosolids applied at rates exceeding the agronomic rate may reclaim disturbed land in one or more of the following ways: (i) surface or underground mining operations, (ii) the deposition of ore processing wastes, (iii) deposition of dredge spoils or fly ash in construction areas such as roads and borrow pits. Reclamation of disturbed land is within the jurisdiction of the Virginia Department of Mines, Minerals and Energy. That department should be contacted concerning issuance of a permit for these operations. The land reclamation operation plan should be prepared with the assistance of the Virginia Department of Conservation and Recreation, the Soil Conservation Service and the Virginia Cooperative Extension Service.

1. Sludge standards. Refer to Article 3 of this part.

2. Site suitability. Site suitability requirements should conform to subdivision A 2 of this section. Exceptions may be considered on a case-by-case basis.

## 3. Management practices.

a. Application rates. The application rates shall be established by the division in accordance with subdivision A 3 of this section and the recommendation of appropriate agencies including the Virginia Department of Mines, Minerals and Energy and the appropriate faculty of the Department of Crop and Soil Environmental Sciences of the Virginia Polytechnic Institute and State University.

b. Vegetation selection. The land should be seeded with grass and legumes even when reforested in order to help prevent erosion and utilize available plant nitrogen. The sludge management plan should include information on the seeding mixture and a detailed seeding schedule.

## c. Operations.

(1) The soil pH should be maintained at 6.0 or above if the cadmium level in the biosolids applied is at or above 21 mg/kg. during the first year after the initial application. Soil samples should be analyzed by a qualified laboratory. The application rate shall be limited by the most restrictive cumulative trace element loading (Table 9).

(2) Surface material should be turned or worked prior to the surface application of liquid biosolids, to minimize potential for runoff, since solids in liquid sludge can clog soil surface pores.

(3) Unless the applied biosolids are determined to be Class A or have been documented as subjected to Class I treatment, crops intended for direct human consumption shall not be grown for a period of three years following the date of the last sludge application, unless the crop is tested to verify that the crop is not contaminated. No animals whose products are intended for human consumption may graze the site or obtain feed from the site for a period of six months following the date of the last biosolids application, unless representative samples of the animal products are tested after grazing and prior to marketing to verify that they are not contaminated.

## 12 VAC 5-585-600. Maximum application rates for high lime biosolids.

Application rates for ~~biosolids borne calcium carbonate equivalency (CCE)~~ alkaline stabilized biosolids may be restricted in accordance with the soil pH, ~~as listed in Table 14. Biosolids conditioned or stabilized with lime contain quantities of lime that may~~ buffer capacity, as determined by commercial and state soil testing laboratories. The application of biosolids will affect soil pH (expressed as calcium carbonate equivalency). Unless properly controlled, high rates of ~~CCE calcium carbonate equivalency (i.e., CCE,~~ which is a factor that relates the liming potential of biosolids to calcium carbonate limestone) application can have an adverse effect on crop productivity by increasing the soil pH

beyond the range optimum for maximum crop production. ~~Therefore, agricultural~~ Agricultural use of biosolids with high CCE content should be controlled with current agricultural liming practices. ~~Recommendations for application of agricultural limestone to soil types to obtain a desired pH value is given in Table 14. Corresponding application rates for lime stabilized biosolids may be computed by determining the actual CCE content of the biosolids and adjusting the recommended lime rate by the appropriate factor. For example, the rates in Table 14 should be multiplied by a factor of 3.33 to determine the biosolids application rate needed (dry tons/acre) for biosolids with a CCE of 30%. Calcium carbonate equivalent loadings should not exceed rates designed to target attain soil pH values of in the plow layer above 6.5 for low soils located in the coastal plain soils and above 6.8 for mid to upper coastal plains soils located in other areas of the state.~~

**12 VAC 5-585-610. Maximum application rates for phosphorus biosolids.**

Biosolids use operations involving high application rates of phosphorus may involve additional monitoring requirements (12 VAC 5-585-400) for permit issuance. Submission of additional information may be requested for any proposed biosolids use sites exhibiting very high soil test phosphorus of 55 or more parts per million parts phosphorus (Mehlich 1 analytical test procedure or equivalent). The Virginia Department of Conservation and Recreation may require the preparation of a complete nutrient management plan or a soil conservation plan, as appropriate, if such sites exhibit a significant erosion potential based on site soils and topography. The division will request such information from the Virginia Department of Conservation and Recreation and the required plans shall be completed prior to any biosolids use operations on that site.

TABLE 8

**A. RECOMMENDED CEILING LIMITS FOR THE TRACE ELEMENT CONTENT OF BIOSOLIDS ACCEPTABLE FOR LAND APPLICATION**

TRACE ELEMENT	CONCENTRATION IN MILLIGRAMS PER KILOGRAMS (DRY WEIGHT)
Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7500

**B. MAXIMUM MONTHLY AVERAGE TRACE ELEMENT CONCENTRATIONS FOR APPLICATION OF EXCEPTIONAL QUALITY BIOSOLIDS TO LAWNS OR HOME GARDENS IN RESIDENTIAL LOCATIONS**

TRACE ELEMENT	CONCENTRATION IN MILLIGRAMS PER KILOGRAMS (DRY WEIGHT)
Arsenic <sup>(1)</sup>	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Molybdenum <sup>(1)</sup>	
Nickel	420
Selenium	100
Zinc	2800

Note: <sup>(1)</sup> The monthly average concentration is currently under study by USEPA.

TABLE 9

**MAXIMUM CUMULATIVE APPLICATION OF BIOSOLIDS TRACE ELEMENTS THAT CAN BE APPLIED TO SOILS USED FOR CROP PRODUCTION<sup>(1)</sup>**

TRACE ELEMENT	Kg/ha	(lbs/AC)
Arsenic <sup>(2)</sup>	41	(36)
Cadmium	39	(35)
Copper	1,500	(1,340)
Lead	300	(270)
Mercury	17	(16)
Molybdenum <sup>(2)</sup>		
Nickel	420	(375)
Selenium	100	(89)
Zinc	2,800	(2,500)

Notes: <sup>(1)</sup>Such total applications to be made on soils with the Biosolids/soil mixture pH adjusted to 6.0 or greater if the Biosolids cadmium content is greater than or equal to 21 mg/kg.

The maximum cumulative application rate is limited for all ranges of cation exchange capacity due to soil background pH in Virginia of less than 6.5, and lack of regulatory controls of soil pH adjustment after Biosolids application ceases.

<sup>(2)</sup>The maximum cumulative application is currently under study by USEPA.



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TABLE 10  
COMPARISONS OF TIME RESTRICTIONS FOLLOWING  
COMPLETION OF BIOSOLIDS APPLICATION  
ASSOCIATED WITH CLASS II TREATMENT LEVELS

Type of Application	Surface <sup>(1)</sup>	Incorporated <sup>(2)</sup>
Control of Access for Public Use <sup>(3)</sup>	12 Months	12 Months
Time lapse required before above ground food crops with harvested parts that touch the biosolids/soil mixture can be harvested.	14 Months	14 Months
Time lapse before food crops with harvested parts below the land surface can be harvested	20 Months	38 Months
Harvesting food crops, feed crops and fiber crops	1 Month	1 Month
Grazing and feeding	1 Month	1 Month

harvested crops to animals whose products are consumed by humans<sup>(4)</sup>

Grazing of farm animals whose products are not consumed by humans 1 Month 1 Month

Harvesting turf for placement on land with a high potential for public exposure or a lawn<sup>(5)</sup> 12 Months 12 Months

Notes: <sup>(1)</sup>remains on land surface for four months or longer prior to incorporation.

<sup>(2)</sup>remains on land surface for less than four months prior to incorporation.

<sup>(3)</sup>public access to agricultural sites and other sites with a low potential for direct contact with the ground surface shall be controlled for 30 days.

<sup>(4)</sup>the restriction for lactating dairy cows is two months.

<sup>(5)</sup>this time restriction must be met unless otherwise specified by the permitting authority.

TABLE 11  
NITROGEN REQUIREMENTS FOR AGRONOMIC RATES

A. RECOMMENDED PLANT AVAILABLE NITROGEN (PAN) APPLICATION RATES IN POUNDS OF NITROGEN (N) PER ACRE FOR VARIOUS NON-IRRIGATED CROPS GROWN ON SOILS RECEIVING INFREQUENT BIOSOLIDS APPLICATIONS<sup>(1)</sup>

Crop	Soil Productivity Group									
	I		II		III		IV		V	
	A	B	A	B	A	B	A	B		
	lbs N/acre									
Corn grain or silage	160 to 180	150 to 170	140 to 160	130 to 150	120 to 140	110 to 130	100 to 120	85 to 105	65 to 85	
Grain sorghum	140	130	120	110	100	95	90		80	
Full Season Soybeans <sup>(2)</sup>	160 to 180	150 to 170	140 to 160	130 to 150	120 to 140	110 to 130	100 to 120	85 to 105	65 to 85	
Canola <sup>(3)</sup>	100		90		80		60		60	
Wheat	100		90		80		60		60	
Barley	90		80		80		60		60	
Rye	75		75		75		75		75	
Oats	80		80		80		60		60	
Tallgrass hay <sup>(4)</sup>	250		250		200		160		160	
Bermudagrass hay	300		300		260		210		210	
Pasture Fescue/Orchardgrass <sup>(5)</sup>	120		120		100		80		80	
Bermudagrass pasture	200		200		160		120		120	
Alfalfa	300		300		210		150		150	
Sudangrass, sudan- sorghum, millet <sup>(6)</sup>	70		70		70		70		70	
Stockpiled tall fescue (summer application by August 31)	90		90		90		60		60	

Notes: <sup>(1)</sup>For proposed use of crops or PAN rates (lbs/A) not included in the following tables, adequate yield and PAN Data are to be submitted in accordance with 12 VAC 5-585-140 G (and Part IV) of these regulations.

<sup>(2)</sup>For doublecrop or late beans planted after 6/21 (of any year) allowable PAN rates are the lowest of the listed values, as rounded to nearest factor of ten.

<sup>(3)</sup>For Fall Application Rate may sidedress up to 60 lbs fertilizer N/acre in late February before spring growth begins.

<sup>(4)</sup>Apply listed PAN rate when application occurs between 3/1 and 9/30 in any year and apply only one-half of listed PAN rates if application will occur between 10/1 of any year and 2/28 of the following year, with remaining PAN applied after 3/1 of that following year.

<sup>(5)</sup>For frequent applications apply 60 lbs PAN/acre per year. Following infrequent application rate, subsequent frequent applications should be adjusted on a case-by-case basis, accounting for residual from other wastes and crops (Part IV, Table A-2).

<sup>(6)</sup>Sudangrass, sudan-sorghum and pearl millet may receive a PAN rate of 120 lbs/A if the application occurs between 3/1 and 6/1 of any year and two cuttings are to be made, weather permitting. For Foxtail or German Millet, cut only once, application will be limited to a PAN rate of 70 LBS/A.

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## B. ESTIMATED YIELDS IN BUSHEL (bu) OR TONS (T) PER ACRE (A) OF VARIOUS NONIRRIGATED CROPS FOR IDENTIFIED SOIL PRODUCTIVITY GROUPS

Crop	I		II		III		IV		V
	A	B	A	B	A	B	A	B	
Corn									
Grain(bu/A)	160	150	140	130	120	110	100	85	65
Silage (T/A)	21	20	19	18	17	16	15	13	10
Grain Sorghum (bu/A)	140	130	120	110	100	90	90		80
Soybeans (bu/A)									
Early season	50	45	40		35		25		20
Late season <sup>(7)</sup>	40	34	34	30	25		18		15
Canola <sup>(8)</sup>	UNDETERMINED AT THIS TIME								
Wheat(bu/A)									
Standard	64		56		48		40		24
Intensive	80		70		60		50		30
Barley(bu/A)									
Standard	110		70		60		50		30
Intensive	115		88		75		63		38
Oats	80		80		80		60		60
Tallgrass hay (T/A)	>4.0		3.5 - 4.0	3 - 3.5	<3.0		NA		NA
Bermudagrass hay (T/A)	>6.0		4.0-6.0		<4.0		NA		NA
Alfalfa (T/A)	>6.0		4.0-6.0		<4.0		NA		NA

Notes: <sup>(7)</sup>Late season beans would be planted on or after 6/21 of that year.

<sup>(8)</sup>Sufficient Yield Data not currently available.

## C. RESIDUAL PLANT AVAILABLE NITROGEN (PAN) REMAINING FROM GROWTH OF VARIOUS LEGUMES DURING THE PREVIOUS YEAR<sup>(9)</sup>

Crop	% Stand	Yield Description	Residual Pan (lbs/A)
Alfalfa	50-75	Good (>4T/A)	90
	25-49	Fair (3-4T/A)	70
	<25	Poor (<3T/A)	50
Red Clover	>50	Good (>3T/A)	80
	25-49	Fair (2-3T/A)	60
	<25	Poor (<2T/A)	40
Hairy Vetch	80-100	Good	100
	50-79	Fair	75
	<50	Poor	50
Peanuts			45
Soybeans			20 <sup>(10)</sup>

Notes: <sup>(9)</sup>The Residual PAN values must be subtracted from the PAN values listed in Table A of this section to determine Biosolids Application rates following growth of Legume Crops the previous year.

<sup>(10)</sup>Where yield data is available utilize 0.5 pounds per bushel.

TABLE 12

## A. ESTIMATED NITROGEN MINERALIZATION RATES FOR BIOSOLIDS

Biosolids Type	Years After Application Year <sup>(1)</sup>			
	First 0-1	Second 1-2	Third 2-3	3-4
Lime Stabilized	0.30	<del>0.15</del> 0.10	<del>0.07</del> 0.10	<del>0.05</del> 0.05
Aerobic digestion	0.30	<del>0.15</del> 0.10	<del>0.08</del> 0.10	<del>0.05</del> 0.05
Anaerobic digestion	<del>0.20</del> <sup>(2)</sup> 0.30	0.10	<del>0.05</del> 0.10	<del>0.05</del> 0.05
Composted <sup>(2)</sup>	0.10	0.05	0.03	<del>0.00</del> 0.00

Notes:

<sup>(1)</sup>~~Typical anaerobically digested municipal biosolids should be characterized by a total volatile solids fraction of 55% or less total organic~~

~~nitrogen of 4.0% or less and an ammonia nitrogen content of 1.0% or less. To determine nitrogen available from previous biosolids applications, multiply the initial organic nitrogen analysis by the appropriate mineralization factor.~~

~~(2) The mineralization rate may be increased up to a value of 0.3 in accordance with the degree of stabilization achieved. Total organic nitrogen content of 2.0% or less and no significant ammonia nitrogen.~~

~~(3) Biosolids compost should be characterized by a total organic nitrogen content of 2.0% or less and no significant ammonia nitrogen.~~

**B. ESTIMATED BIOSOLIDS AMMONIA NITROGEN VOLATILIZATION RATES AVAILABILITY FACTORS BASED ON EXPECTED VIOLATILIZATION RATES FOR BIOSOLIDS**

Management Practice Method of Application	Percent Ammonia Volatilized Availability Factor <sup>(1)</sup>	
	Biosolids pH Less than 10	Biosolids pH Greater than 10
Injection below surface	<del>0</del> <u>1.0</u>	<del>0</del> <u>1.0</u>
Surface application with/		
--Incorporation within 24 hours	<del>15</del> <u>0.85</u>	<del>25</del> <u>0.75</u>
--Incorporation within 1-7 days	<del>30</del> <u>0.70</u>	<del>50</del> <u>0.50</u>
--Incorporation after 7 days	<del>50</del> <u>0.50</u>	<del>75</del> <u>0.25</u>

(1) To determine the plant-available biosolids ammonium nitrogen in the soil, multiply the biosolids ammonium nitrogen concentration or total weight applied by the appropriate availability factor.

TABLE 13

**A. ORGANIC CHEMICAL TESTING THAT MAY BE REQUIRED TO IDENTIFY AN EXCEPTIONAL QUALITY BIOSOLIDS**

- Organic Chemicals
- Aldrin/dieldrin (total)
- Benzo (a) pyrene
- Chlordane
- DDT/DDE/DDD (total) <sup>(1)</sup>
- Dimethyl nitrosamine
- Heptachlor
- Hexachlorobenzene
- Hexachlorobutadiene
- Lindane
- Polychlorinated biphenols
- Toxaphene
- Trichloroethylene

Note: <sup>(1)</sup>DDT 2,2 - Bis (chlorophenyl) - 1,1,1 - Trichloroethane  
 DDE 1,1 - Bis (chlorophenyl) - 2,2 - Dichloroethane  
 DDD 1,1 - Bis (chlorophenyl) - 2,2 - Dichloroethane

**B. THE RECOMMENDED APPLICATION RATE FOR DOMESTIC SEPTAGE APPLIED TO AGRICULTURAL LAND, FOREST, OR A RECLAMATION SITE SHALL NOT EXCEED THE ANNUAL APPLICATION RATE CALCULATED USING THE FOLLOWING EQUATION:**

$$AAR = N / (0.0026)$$

Where:

AAR = Annual application rate in gallons per acre per 365 day period.

N = Amount of nitrogen in pounds per acre per 305 day period needed by the crop or vegetation grown on the land.

TABLE 14

**A. RECOMMENDED LIME APPLICATION RATES NEEDED TO ADJUST INITIAL SOIL pH TO 6.5 FOR COASTAL PLAINS SOILS**

Initial Soil pH	Soil Type*	
	Coarse Textured	Fine Textured
	Lime, Tons/AC	
4.8	3.5	4.5
5.0	3.0	3.75
5.5	1.75	2.5
6.0	1.25	1.5
6.3	0.75	1.0

**B. RECOMMENDED LIME APPLICATION RATES NEEDED TO ADJUST INITIAL SOIL pH TO 6.8 FOR SOILS LOCATED OUTSIDE THE COASTAL PLAIN**

Initial Soil pH	Soil Type*	
	Coarse Textured	Fine Textured
	Lime, Tons/AC	
4.8	4.25	5.75
5.0	4.0	5.25
5.5	3.0	4.0
6.0	2.0	2.75
6.5	1.25	1.5

Note: \*"Coarse textured soils" include those surface soils designated by USDA-SCS soil classification as "sandy loam" or lighter in texture; "fine textured soils" include those classified as having textures heavier than sandy loam.

**12 VAC 5-585-620. Minimum information required for completion of a biosolids management practices plan utilizing land application.**

**A. General information.**

1. Legal Name and Address: The legal name of the owner making application for a permit is to appear on the title

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page or in the opening paragraph or both. Both the mailing and physical address should be included.

2. Owner Contact: The name, title, address, and telephone number of the individual to be contacted regarding this application should be furnished.

3. A general description of the proposed plan including: name and location of generators and owners involved and copies of agreements developed, biosolids quality, biosolids treatment and handling processes, means of biosolids transport or conveyance, location and volume of storage proposed, general location of sites proposed for application and methods of biosolids application proposed. A description of temporary storage methods should be provided.

4. Written permission of landowners and farmers on a form approved by the department and the board (see Table A-1) and pertinent lease agreements as may be necessary for operation of the treatment works.

5. Compliance Methods for notification of local government and obtaining compliance with local government zoning and applicable ordinances.

6. A copy of a letter of approval of the nutrient management plan for the operation from the Department of Conservation and Recreation if required in 12 VAC 5-585-630 A 3.

## B. Design information.

### 1. Biosolids Characterization.

a. Amounts and volumes to be handled.

b. Biosolids laboratory analytical data of a representative number of samples of biosolids in accordance with the guideline specified in accordance with Tables 2 and 3. Statement that the biosolids is nonhazardous, documentation statement for treatment and quality and description of how treated biosolids meets other standards in accordance with this chapter.

2. If a facility construction permit must be issued the appropriate certificate shall be obtained from the State Water Control Board and a Permit To Operate obtained in accordance with 12 VAC 5-585-200 or 12 VAC 5-585-240, with plans and specifications for storage facilities of all biosolids to be handled, including routine and emergency storage, depicting the following information:

a. Site layout on a recent 7.5 minute topographic quadrangle or other appropriate scaled map with the following information.

(1) Location of any required soil, geologic and hydrologic test holes or borings will be submitted.

(2) Location of the following field features within 0.25 miles of the site boundary (indicate on map) with the approximate distances from the site boundary.

(a) Water wells (operating or abandoned).

(b) Surface waters.

(c) Springs.

(d) Public water supplies.

(e) Sinkholes.

(f) Underground and/or surface mines.

(g) Mine pool (or other) surface water discharge points.

(h) Mining spoil piles and mine dumps.

(i) Quarries.

(j) Sand and gravel pits.

(k) Gas and oil wells.

(l) Diversion ditches.

(m) Occupied dwellings, including industrial and commercial establishments.

(n) Landfills - dumps.

(o) Other unlined impoundments.

(p) Septic tanks and drainfields.

(q) Injection wells.

b. Topographic map (10-foot contour preferred) of sufficient detail to clearly show the following information:

(1) Maximum and minimum percent slopes.

(2) Depressions on the site that may collect water.

(3) Drainageways that may attribute to rainfall run-on to or runoff from this site.

(4) Portions of the site (if any) which are located within the 100-year floodplain.

c. Data and specifications for the liner proposed for seepage control.

d. Scaled plan view and cross-sectional view of the facilities showing inside and outside slopes of all embankments and details of all appurtenances.

e. Calculations justifying impoundment capacity.

f. Groundwater monitoring plans for the facilities including pertinent geohydrological data to justify upgradient and downgradient well location and depth.

3. Generic plans for on-site temporary storage.

4. A legible topographic map of proposed application areas to scale as needed to depict the following features:

- (a) a. Property boundaries.
- (b) b. Surface water courses.
- (c) c. Water supply wells and springs.
- (d) d. Roadways.
- (e) e. Rock outcrops.
- (f) f. Slopes.
- (g) g. Frequently flooded areas (SCS designation).

The map shall also show the acreage to be amended with biosolids together with the net acres for biosolids application computed.

5. County map or other map of sufficient detail to show general location of the site and proposed transport vehicle haul routes to be utilized from the treatment plant.

6. A USDA soil survey map, if available, of proposed sites for land application of biosolids.

7. Representative soil samples are to be collected to address each major soil types for each field and analyzed for the soil parameters indicated in accordance with Table 5, and test results should be submitted with the operational plan.

8. For projects utilizing frequent application of biosolids the following additional site information will be necessary.

- a. Information specified (2 a and 4),
  - b. Representative soil borings and test pits to a depth of five feet or to bedrock if shallower, are to be coordinated for each major soil type and the following tests performed and data collected.
    - (1) Soil type.
    - (2) Soil texture for each horizon (USDA classification).
    - (3) Soil color for each horizon.
    - (4) Depth from surface to mottling and bedrock if less than two feet.
    - (5) Depth from surface to subsoil restrictive layer.
    - (6) Indicated infiltration rate (surface soil).
    - (7) Indicated permeability of subsoil restrictive layer.
  - c. Additional soil testing in accordance with Table 5.
  - d. Groundwater monitoring plans for the land treatment area including pertinent geohydrologic data to justify upgradient and downgradient well location and depth.

9. Description of agricultural practices including a list of proposed crops to be grown, their respective anticipated

yield, planting and harvesting schedules, proposed biosolids application rates on a field-by-field basis and how biosolids application will be integrated with these schedules.

10. Pertinent calculations justifying storage and land area requirements for biosolids application including an annual biosolids balance incorporating such factors as precipitation, evapotranspiration, soil percolation rates, wastewater loading, monthly storage (input and drawdown).

**12 VAC 5-585-630. Operation Minimum site specific information required for a management practices plan (to be made available for field use and farmer/owner information).**

~~A. Comprehensive, general description of the operation including biosolids source(s), quantities, flow diagram illustrating treatment works biosolids flows and solids handling units, site description, crops utilized, application rates, methodology of biosolids handling for application periods, including storage and nonapplication period storage, and alternative management methods when storage is not provided. Information in accordance with a nutrient management plan as approved by the Department of Conservation and Recreation shall be submitted for all frequent at agronomic application sites. The nutrient management plan information shall also be submitted for proposed application sites owned or operated in conjunction with operations in which: (i) domestic livestock have been, are, or will be stabilized or confined and fed or maintained for a total of 45 days or more in any 12 month period; and (ii) crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation site. The approved nutrient management plan shall account for all sources of nutrients to be applied to the site and include at a minimum the following information: (i) a site map indicating the location of any waste storage facilities and the fields where biosolids will be applied; (ii) site evaluation and assessment of soil types and potential productivities; (iii) nutrient management sampling including soil monitoring; (iv) biosolids application rates based on the overall nutrient requirements of the proposed crop and soil monitoring results; and (v) biosolids and other nutrient source application schedules and land area requirements.~~

A. Site management plans.

1. A comprehensive, general description of the operation shall be provided, including biosolids source(s), quantities, flow diagram illustrating treatment works biosolids flows and solids handling units, site description, methodology of biosolids handling for application periods, including storage and nonapplication period storage, and alternative management methods when storage is not provided.

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2. A nutrient management plan prepared by a person who is certified as a nutrient management planner by the Commonwealth of Virginia shall be developed for all application sites prior to biosolids application. Copies of the nutrient management plan shall be provided to the farmer operator of the site, the Department of Conservation and Recreation regional office and the chief executive officer or designee for the local government, unless they request in writing not to receive the nutrient management plan.

3. A nutrient management plan approved by the Department of Conservation and Recreation shall be required for land application more frequently than once every three years at greater than 50% of the annual agronomic rate on application sites and application sites owned or operated in conjunction with a confined animal feeding operations. Confined animal feeding operation means (i) domestic livestock have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and (ii) crops vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation site.

4. All nutrient management plans shall account for all sources of nutrients to be applied to the site and include at a minimum the following information: (i) a site map indicating the location of any waste storage facilities and the fields where biosolids or animal waste will be applied, (ii) site evaluation and assessment of soil types and potential productivities, (iii) nutrient management sampling including soil monitoring, (iv) biosolids or animal waste application rates based on the overall nutrient requirements of the proposed crop and soil monitoring results, and (v) biosolids and other nutrient source application schedules and land area requirements.

## B. Biosolids transport.

1. Description and specifications on the bed or the tank vehicle.
2. Haul routes to be used from the biosolids generator to the storage unit and land application sites.
3. Procedures for biosolids off-loading at the biosolids facilities and the land application site together with spill prevention, cleanup, (including vehicle cleaning), field reclamation and emergency spill notification and cleanup measures.
4. Voucher system used for documentation and recordkeeping.

## C. Field operations.

1. Storage.
  - a. Routine storage-supernatant handling and disposal, biosolids handling, and loading of transport vehicles,

equipment cleaning, freeboard maintenance, inspections for structural integrity.

b. Emergency storage-procedures for department/board approval and implementation.

c. Temporary or field storage-procedures to be followed including either designated site locations provided in the "Design Information" or the specific site criteria for such locations including the liner/cover requirements and the time limit assigned to such use.

d. Field reclamation of off-loading (staging) areas.

## 2. Application methodology.

a. Description and specifications on spreader vehicles.

b. Procedures for calibrating equipment for various biosolids contents to ensure uniform distribution and appropriate loading rates on a day-to-day basis.

c. Procedures used to ensure that operations address the following constraints: Application of biosolids to frozen ground, pasture/hay fields, crops for direct human consumption and saturated or ice/snow covered ground; maintenance buffer zones, slopes, prohibited access for beef and dairy animals, soil pH requirements, and proper site specific biosolids loading rates on a field-by-field basis.

VA.R. Doc. No. R05-190; Filed September 27, 2006, 10:51 a.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

#### Final Regulation

Title of Regulation: 18 VAC 15-20. Virginia Asbestos Licensing Regulations (amending 18 VAC 15-20-20, 18 VAC 15-20-60, 18 VAC 15-20-70, 18 VAC 15-20-400 through 18 VAC 15-20-451, 18 VAC 15-20-453, 18 VAC 15-20-456, 18 VAC 15-20-470; adding 18 VAC 15-20-31, 18 VAC 15-20-32, 18 VAC 15-20-33, 18 VAC 15-20-34, 18 VAC 15-20-51, 18 VAC 15-20-52, 18 VAC 15-20-53, 18 VAC 15-20-461, 18 VAC 15-20-462, 18 VAC 15-20-463, 18 VAC 15-20-464; repealing 18 VAC 15-20-30, 18 VAC 15-20-40, 18 VAC 15-20-50, 18 VAC 15-20-80 through 18 VAC 15-20-150, 18 VAC 15-20-250 through 18 VAC 15-20-361, 18 VAC 15-20-459.6 through 18 VAC 15-20-460).

Statutory Authority: §§ 54.1-201 and 54.1-501 of the Code of Virginia.

Effective Date: December 1, 2006.

Agency Contact: David E. Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-2648, FAX (804) 367-6128, or email alhi@dpor.virginia.gov.

Summary:

*The amendments (i) require a project monitor on the job site each day that asbestos abatement activities are being conducted or in accordance with the owner-approved contractual agreement; (ii) make the asbestos contractor responsible for notifying the building owner that a project monitor is required on the asbestos project; (iii) empower the board to deny license and approval as well as to take disciplinary action against those "acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business"; (iv) modify the requirements for recordkeeping by accredited asbestos training providers and submission of records to the board to outline specific procedures for accredited asbestos training providers when submitting course notifications and class rosters, as well as listing specific information that these notifications and rosters must contain; and (v) reorganize the regulations to present the regulatory requirements in a format that is easier to understand and to provide consistency with other DPOR regulations.*

**18 VAC 15-20-20. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings [ ; ] unless the context clearly indicates otherwise:

"AAR" means Asbestos Analyst Registry.

"AAT" means Asbestos Analyst Testing.

"Accredited asbestos training program" means a training program that has been approved by the board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as a project monitor.

"Accredited asbestos training provider" means a firm or individual who has been approved by the board to offer an accredited asbestos training program.

"ACM" means asbestos-containing material.

"AHERA" means Asbestos Hazard Emergency Response Act, 40 CFR Part 763, Subpart E.

"AIHA" means American Industrial Hygiene Association.

"Approval letter" means a written notice confirming the firm or individual applicant's licensure or accreditation by the board.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos Analytical Laboratory License" means an authorization issued by the board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos-containing material" or "ACM" means any material or product which contains more than 1.0% asbestos or such percentage as established by EPA final rule.

"Asbestos contractor" means any person who has met the board's requirements and has been issued an asbestos contractor's license by the board to enter into contracts to perform asbestos projects.

"Asbestos Contractor's License" means an authorization issued by the board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos inspector" means any person who performs an inspection as defined in this chapter.

"Asbestos Inspector's License" means an authorization issued by the board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos Management Plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner" means any person preparing or updating a management plan.

"Asbestos Management Planner's License" means an authorization issued by the board permitting a person to prepare or update an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of asbestos-containing materials. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding material which when installed, encapsulated or removed does not become friable.

"Asbestos project design" means any descriptive form written as instructions or drafted as a plan describing the construction of an asbestos abatement area or site, response action or work practices to be utilized on the asbestos abatement project.

"Asbestos project designer" means any person providing an asbestos project design or specifications for an asbestos abatement project.

"Asbestos Project Designer's License" means an authorization issued by the board permitting a person to design an asbestos abatement project.



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"Asbestos project monitor" means any person hired by a building owner, lessee or his agent to monitor, inspect, provide visual clearance or clearance monitoring of an asbestos abatement project.

"Asbestos Project Monitor's License" means an authorization issued by the board permitting a person to monitor an asbestos project, subject to board regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos Supervisor's License" means an authorization issued by the board permitting an individual to supervise and work on an asbestos project.

"Asbestos worker" means any person who engages in an asbestos abatement project.

"Asbestos Worker's License" means an authorization issued by the board permitting an individual to work on an asbestos project.

"ASHARA" means Asbestos School Hazard Abatement Reauthorization Act, 40 CFR Part 763, Subpart E.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Department" means the Department of Professional and Occupational Regulation.

"Direct supervision" means a licensed or accredited inspector, management planner, project monitor or project designer, who undertakes to supervise the activities of an unlicensed inspector, management planner, project monitor or project designer, shall be physically present on the premises at all times while any unlicensed inspector, management planner, project monitor or project designer under his supervision is engaged in the activities of an inspector, management planner, project monitor or project designer.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Employee" means all persons in the service of another under any contract of hire, express or implied, oral or written.

"Encapsulation" means the treatment of asbestos-containing material (ACM) with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Encasement" means any process by which an asbestos-containing material (ACM) is sprayed with an insulating sealer which is then mechanically fastened to the asbestos covered substrate. The insulating sealer is then covered with a sealer to give structural strength and durability.

"Enclosure" means the construction or installation over or around the asbestos-containing material (ACM) of any leak tight solid or flexible coverings, which will not deteriorate or decompose for an extended period of time, so as to conceal the ACM, contain ACM fibers, and render the ACM inaccessible.

"Environmental remediation activity" means any activity planned or carried out for the purpose of reducing or eliminating any environmental hazard, including activities necessary to train individuals in the proper or lawful conduct of such activities, which are regulated by federal or state law or regulation.

"EPA" means United States Environmental Protection Agency.

"Financial interest" means financial benefit accruing to an individual or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds, or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination of it, paid or provided by a business that exceeds or may be reasonably expected to exceed \$1,000 annually; (iv) ownership of real or personal property if the interest exceeds \$1,000 in value and excluding ownership in business, income, salary, other compensation, fringe benefits or benefits from the use of property.

"Firm" means any company, partnership, corporation, sole proprietorship, association, or other business entity.

"Friable" means that the material when dry, may be crumbled, pulverized or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Guest instructor" means an instructor who is invited to instruct a specific topic or topics in an accredited asbestos training program and whose instruction is limited to two hours per day.

"Hands-on experience" means the physical participation of students in an asbestos training program. The physical participation includes mock sampling and inspection techniques, report preparation, writing project specifications, glovebag demonstrations and containment construction.

"Immediate family" means (i) a spouse, (ii) a sibling or step sibling, (iii) a parent or step parent, (iv) children or step children, or (v) any other person residing in the same household as the individual.

"Inspection" means an activity undertaken to determine the presence or location, or to access the condition of, friable or

nonfriable asbestos-containing material (ACM) or suspected ACM, whether by visual or physical examination, or by collecting samples of such material. This term includes reinspections of friable and nonfriable known or assumed ACM that has been previously identified. The term does not include the following:

1. Periodic surveillance of the type described in 40 CFR 763.92(b) solely for the purpose of recording or reporting a change in the condition of known or assumed ACM;
2. Inspections performed by employees or agents of federal, state, or local governments solely for the purpose of determining compliance with applicable statutes or regulations; or
3. Visual inspections solely for the purpose of determining completion of response actions.

"Instructor" means a person who instructs one or more accredited asbestos training programs, to include the principal instructor, but excluding guest instructors.

"Licensee" means any person, as defined by § 54.1-500 of the Code of Virginia, who has been issued and holds a currently valid license as an asbestos worker, asbestos supervisor, asbestos inspector, asbestos management planner, asbestos project designer, asbestos project monitor or asbestos contractor under this chapter.

"NIOSH" means National Institute of Occupational Safety and Health.

"NIST" means National Institute of Standards and Technology.

"NVLAP" means National Voluntary Laboratory Accreditation Program.

"Occupied" means any area of any building designed or intended for human occupancy for any purpose.

"OSHA" means the U.S. Department of Labor Occupational Safety and Health Administration.

"OSHA Class III Work" means repair and maintenance operations where asbestos-containing material (ACM), including thermal system insulation and surfacing material, is likely to be disturbed.

"PAT" means Proficiency Analytical Testing.

"PCM" means phase contrast microscopy.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"PLM" means polarized light microscopy.

"Preliminary review" means a review conducted by the department following the submission of training materials to

ascertain if the proposed asbestos training program meets the standards established by this chapter.

"Principal instructor" means an instructor whose main responsibility is to instruct accredited asbestos training programs, supervise other instructors and manage the overall asbestos training program curriculum.

"Removal" means the physical removal of asbestos-containing material (ACM) in accordance with all applicable regulations.

"Renovation" means altering in any way, one or more facility components.

"Repair" means returning damaged asbestos-containing material (ACM) to an undamaged condition or to an intact state so as to prevent fiber release.

"Residential buildings" means site-built homes, modular homes, condominium units, mobile homes, manufactured housing, and duplexes, or other multi-unit dwellings consisting of four units or fewer that are currently in use or intended for use only for residential purposes.

"Response action" means any method, including removal, encapsulation, enclosure, encasement, or operation and maintenance, that protects human health and the environment from friable asbestos-containing material.

"Substantial change" means a change in overall asbestos training program, materials, principal instructors, training managers, directors, ownership, facilities, equipment, examinations, and certificates of completion. The addition of updated regulations, exam questions or news articles shall not be considered a substantial change.

"TEM" means transmission electron microscopy.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of the instructors.

"Visual inspection" means a process of looking for conditions, which if not corrected during the asbestos abatement project, will lead to residual asbestos-containing dust or debris. Visual inspection includes examination of an asbestos abatement project area prior to clearance air monitoring for evidence that the project has been successfully completed as indicated by the absence of residue, dust and debris.

PART III.

~~GENERAL ENTRY AND RENEWAL REQUIREMENTS.~~

**18 VAC 15-20-30. License application. (Repealed.)**

~~A. Application for asbestos licensure shall be made on forms provided by the department.~~

~~B. Each individual applicant shall be at least 18 years of age.~~

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~~C. Each individual applying for initial licensure as a supervisor, inspector, management planner, project designer or project monitor shall provide evidence of successful completion of an EPA/AHERA or board approved initial accredited asbestos training program and all subsequent EPA/AHERA or board approved accredited asbestos refresher training programs, relevant to the applicant's discipline. The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.~~

~~D. Each individual applying for initial licensure as a worker shall provide proof of successful completion of (i) an EPA/AHERA or board approved initial accredited asbestos worker training program and all subsequent EPA/AHERA or board approved accredited asbestos worker refresher training programs or (ii) an EPA/AHERA or board approved initial accredited supervisor asbestos training program and all subsequent EPA/AHERA or board approved accredited asbestos supervisor refresher training programs. The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.~~

~~E. Each applicant for licensure as an asbestos contractor shall submit a completed asbestos contractor application to the department.~~

~~F. Each applicant for licensure as an asbestos analytical laboratory shall submit a completed asbestos analytical laboratory application and all documents required by this chapter to the department.~~

~~G. Each applicant for approval as an accredited asbestos training program shall submit to the board a completed accredited asbestos training program application and all documents required by this chapter.~~

~~H. Each application for a license shall be signed by the applicant and shall include a certification, by the applicant, that the applicant's license or other authorization to perform asbestos related work has not been suspended or revoked by any jurisdiction and that no enforcement action by any jurisdiction is pending against the applicant.~~

~~I. In the event disciplinary actions have been taken against the applicant, in any jurisdiction, the applicant shall submit the following information:~~

- ~~1. A complete list of all prior disciplinary actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.~~
- ~~2. A description of any asbestos abatement or inspection activities, or both, conducted by the applicant that were terminated prior to completion, including the circumstances of the termination.~~
- ~~3. A copy of all reports compiled by the enforcement agency or a copy of a final report.~~

~~J. Each application shall be completed according to the instructions provided by the department with the application. Incomplete applications will be returned to the applicant; fees received shall not be refunded.~~

## **18 VAC 15-20-31. Application procedures.**

All applicants seeking licensure shall submit an application with the appropriate fee specified in 18 VAC 15-20-52. Application shall be made on forms provided by the department.

By signing the application or submitting it electronically to the department, the applicant certifies that he has read and understands the board's statutes and regulations.

The receipt of an application and the deposit of fees by the board does not indicate approval by the board.

The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied.

Applicants will be notified if their application is incomplete. Applicants who fail to complete the process within 12 months after the date the department receives the application shall submit a new application and fee.

## **18 VAC 15-20-32. Qualifications for licensure – individuals.**

A. General. Applicants shall meet all applicable entry requirements at the time application is made.

B. Name. The applicant shall disclose his full legal name.

C. Age. The applicant shall be at least 18 years old.

D. Address. The applicant shall disclose a physical address. A post office box is only acceptable when a physical address is also provided.

### E. Specific entry requirements.

1. Worker. Each individual applying for an initial asbestos worker license shall provide proof of successful completion of (i) an EPA/AHERA or board-approved initial accredited asbestos worker training program and all subsequent EPA/AHERA or board-approved accredited asbestos worker refresher training programs or (ii) an EPA/AHERA or board-approved initial accredited supervisor training program and all subsequent EPA/AHERA or board-approved accredited asbestos supervisor refresher training programs. The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.

2. Supervisor. Each individual applying for an initial asbestos supervisor license shall provide proof of successful completion of an EPA/AHERA or board-approved initial accredited supervisor training program and all subsequent EPA/AHERA or board-approved accredited

asbestos supervisor refresher training programs. The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.

### 3. Inspector.

a. Each individual applying for an initial asbestos inspector license shall provide:

(1) Proof of successful completion of an EPA/AHERA or board-approved initial accredited inspector training program and all subsequent EPA/AHERA or board-approved accredited asbestos inspector refresher training programs; and

(2) Evidence of experience in performing asbestos inspections in buildings or industrial facilities, including collecting bulk samples, categorizing ACM, assessing ACM and preparing inspection reports. The amount of experience required is dependent on the applicant's formal education and is as follows:

(a) An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at least six months' experience or have completed a minimum of five inspections;

(b) An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at least 12 months' experience or have completed a minimum of 10 inspections; or

(c) An applicant with a high school diploma shall have at least 24 months' experience or have completed a minimum of 15 inspections.

b. Experience may be obtained by:

(1) Conducting asbestos inspections in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.

(2) Conducting asbestos inspections under the direct supervision, as defined in this chapter, of a licensed inspector or EPA-accredited inspector where no license is required. All reports prepared by the unlicensed individual shall be signed by the licensed or EPA-accredited inspector in charge. The licensed or EPA-accredited inspector assumes responsibility for all sampling and reports prepared by the unlicensed individual.

### 4. Management planner.

a. Each individual applying for an initial asbestos management planner license shall provide:

(1) Proof of successful completion of an EPA/AHERA or board-approved initial accredited management

planner training program and all subsequent EPA/AHERA or board-approved accredited asbestos management planner refresher training programs; and

(2) Evidence of experience evaluating inspection reports, selecting response actions, analyzing the cost of response actions, ranking response actions, preparing operations and maintenance plans and preparing management plans. The amount of experience required is dependent on the applicant's formal education and is as follows:

(a) An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at least six months' experience or shall have completed a minimum of five management plans.

(b) An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at least 12 months' experience or shall have completed a minimum of 10 management plans.

(c) An applicant with a high school diploma shall have at least 24 months' experience or shall have completed a minimum of 15 management plans.

b. Experience may be obtained by:

(1) Preparing management plans or conducting asbestos inspections in jurisdictions outside of Virginia in accordance with all federal, state and local statutes; or

(2) Preparing management plans or conducting asbestos inspections under the direct supervision, as defined in this chapter, of a licensed management planner or inspector, or EPA-accredited management planner or inspector where no license is required. All reports prepared by the unlicensed individual shall be signed by the licensed or EPA-accredited management planner or inspector in charge. The licensed or EPA-accredited management planner or inspector assumes responsibility for all sampling and reports prepared by the unlicensed individual.

### 5. Project designer.

a. Each individual applying for an initial asbestos project designer license shall provide:

(1) Proof of successful completion of an EPA/AHERA or board-approved initial accredited project designer training program and all subsequent EPA/AHERA or board-approved accredited asbestos project designer refresher training programs; and

(2) Evidence of experience in the preparation of project designs or project specifications. The amount

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of experience required is dependent on the applicant's formal education and is as follows:

(a) An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have six months' experience or shall have completed a minimum of five project designs.

(b) An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, physical science or related field shall have 12 months' experience or shall have completed a minimum of 10 project designs.

(c) An applicant with a high school diploma shall have at least 24 months' experience or shall have completed a minimum of 15 project designs.

b. Experience may be obtained by:

(1) Preparing asbestos project designs in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.

(2) Preparing asbestos project designs under the direct supervision, as defined in this chapter, of a licensed asbestos project designer, or EPA-accredited asbestos project designer where no license is required. All project designs prepared by the unlicensed individual shall be signed by the licensed EPA-accredited project designer in charge. The licensed or EPA-accredited project designer assumes responsibility for all project design reports prepared by the unlicensed individual.

6. Project monitor.

a. Each individual applying for an initial asbestos project monitor license shall provide:

(1) Proof of (i) a current certification by EPA as an asbestos project designer or asbestos supervisor and successful completion of a board-approved asbestos project monitor training program of 16 hours, including the examination or (ii) successful completion of a board-approved asbestos project monitor training program of 40 hours, including examination. Only project monitor training programs that are board approved shall be accepted for meeting the training requirement; and

(2) Evidence of 160 hours of experience in performing asbestos project monitoring through field work on project sites. This includes, but is not limited to, evaluating and monitoring asbestos work practices, collecting environmental asbestos air samples during abatement, performing visual inspections and taking final air samples to grant clearance for asbestos abatement projects.

b. Experience may be obtained by:

(1) Acting as an asbestos project monitor in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.

(2) Acting as an asbestos project monitor under the direct supervision, as defined in this chapter, of a licensed asbestos project monitor or an accredited asbestos project monitor where no license is required. All project monitoring reports prepared by the unlicensed individual shall be signed by the licensed or accredited project monitor in charge. The licensed or accredited project monitor assumes responsibility for all reports and documents prepared by the unlicensed individual.

F. Experience and education verification. Each application for inspector, management planner, project monitor and project designer shall include a completed Experience Verification Form signed by a supervisor verifying the applicant's experience. In lieu of a verifying signature for experience, an applicant who is self employed may submit a copy of three completed inspections, management plans, project designs or project monitor reports, whichever is applicable. A letter from a supervisor verifying the experience may be submitted in lieu of the Experience Verification Form. If verification of a degree is required, the Education Verification Form shall be sent directly from the school to the department.

G. Conviction or guilt. The applicant shall not have been convicted or found guilty, regardless of adjudication, in any jurisdiction of any felony or of any misdemeanor involving lying, cheating or stealing or any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time of appeal having lapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The record of conviction, finding or case decision shall be considered prima facie evidence of a conviction or finding of guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.

H. Standards of practice and conduct. Applicants shall be in compliance with the standards of practice and conduct set forth in 18 VAC 15-20-400 through 18 VAC 15-20-450 and 18 VAC 455 through 18 VAC 15-20-459.1, as applicable at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

I. Standing. The applicant shall be in good standing in every jurisdiction where licensed and the applicant shall not have had a license that was suspended, revoked or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its

discretion, may deny licensure or certification to any applicant based on disciplinary action by any jurisdiction.

## **18 VAC 15-20-33. Qualifications for licensure – business entities.**

A. General. Every business entity shall secure a license before transacting business.

B. Name. The business name shall be disclosed on the application. The name under which the entity conducts business and holds itself out to the public (i.e., the trade or fictitious name) shall also be disclosed on the application. Business entities shall register their trade or fictitious names with the State Corporation Commission or the clerk of court in the county or jurisdiction where the business is to be conducted in accordance with §§ 59.1-69 through 59.1-76 of the Code of Virginia before submitting their application to the board.

C. Address. The applicant shall disclose the firm's mailing address, and the firm's physical address. A post office box is only acceptable as a mailing address when a physical address is also provided.

D. Form of organization. Applicants shall meet the additional requirements listed below for their business type:

1. Corporations. All applicants shall have been incorporated in the Commonwealth of Virginia or, if a foreign corporation, shall have obtained a certificate of authority to conduct business in Virginia from the State Corporation Commission in accordance with § 13.1-544.2 of the Code of Virginia. The corporation shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

2. Limited liability companies. All applicants shall have obtained a certificate of organization in the Commonwealth of Virginia or, if a foreign limited liability company, shall have obtained a certificate of registration to do business in Virginia from the State Corporation Commission in accordance with § 13.1-1105 of the Code of Virginia. The company shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

3. Partnerships. All applicants shall have a written partnership agreement. The partnership agreement shall state that all professional services of the partnership shall be under the direction and control of a licensed or certified professional.

4. Sole proprietorships. Sole proprietorships desiring to use an assumed or fictitious name, that is, a name other than the individual's full name, shall have their assumed or fictitious name recorded by the clerk of the court of the county or jurisdiction wherein the business is to be conducted.

## E. Qualifications.

1. Asbestos contractor. Each applicant shall hold a valid Virginia contractor license issued by the Virginia Board for Contractors with an asbestos specialty and shall be in compliance with all other requirements found in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.

2. Asbestos analytical laboratory. Each applicant shall submit evidence of meeting the standards to perform one or more of the following analysis:

a. For PLM analysis, a current NVLAP accreditation for bulk asbestos fiber analysis or a current AIHA accreditation and proficiency in the AIHA bulk asbestos program. A copy of the NVLAP Certificate of Accreditation, Scope of Accreditation and documentation of NVLAP proficiency or a copy of an AIHA accreditation certificate and proof of proficiency in the AIHA bulk program shall be submitted with the application.

b. For PCM analysis:

(1) At fixed laboratory sites, a current accreditation by AIHA or evidence that each facility has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations, or evidence that each analyst is listed or has applied for listing in the Asbestos Analyst Registry (AAR) and has a performance rating of "acceptable" for the most recent Asbestos Analyst Testing (AAT) round. Each analyst shall have completed the NIOSH 582 training program or equivalent.

(2) For on-site analysis, each on-site analyst shall be listed or shall have applied for listing in the AAR and have a performance rating of "acceptable" for the most recent AAT round, or is accredited by AIHA or has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations. Each analysis shall have completed the NIOSH 582 training program or equivalent.

c. For TEM analysis, a current accreditation by NVLAP to analyze asbestos airborne fibers using TEM. A copy of the NVLAP Certificate of Accreditation, Scope of Accreditation and documentation of NVLAP proficiency shall be submitted with the application.

F. Conviction or guilt. Neither the firm nor the owners, officers or directors shall have been convicted or found guilty, regardless of adjudication, in any jurisdiction of any felony or of any misdemeanor involving lying, cheating or stealing or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal

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pending therefrom or the time of appeal having lapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

G. Standards of practice and conduct. Applicants shall be in compliance with the standards of practice and conduct set forth 18 VAC 15-20-400 through 18 VAC 15-20-454 and 18 VAC 15-20-459.2 through 18 VAC 15-20-459.5 at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

H. Standing. Both the firm and the owners, officers and directors shall be in good standing in every jurisdiction where licensed and the applicant shall not have had a license that was suspended, revoked or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure to any applicant based on disciplinary action by any jurisdiction.

I. Denial of license. The board may refuse to issue a license to any asbestos contractor or asbestos analytical laboratory applicant if the applicant or its owners, officers or directors have a financial interest in an asbestos contractor whose asbestos license has been revoked, suspended, or denied renewal in any jurisdiction.

## **18 VAC 15-20-34. Qualifications for accredited asbestos training program approval.**

A. Training programs desiring board approval shall meet the minimum requirements established in this chapter. Persons requesting approval as an accredited asbestos training program to prepare training program participants for licensure requirements shall submit an accredited asbestos Training Program Review and Audit Application with the following required information:

1. Training provider's business name, physical address, mailing address, and phone number.
2. Copies of approval letters issued by EPA or other states granting approval of asbestos training programs presented by the provider.
3. Applicable fee specified in 18 VAC 15-20-52.
4. The training program curriculum.
5. A narrative explanation that states how the training program meets the requirements for approval in the following areas:
  - a. Length of training in hours.

b. Amount and type of hands-on training.

c. Examinations (length, format and passing score).

d. Topics covered in the training program.

e. Assurances of test security and how exams are administered.

6. A copy of all training program materials including, but not limited to, student manuals, instructor notebooks, handouts, and training aids.

7. A copy of the examination(s) used and applicable answer sheets.

8. The names and qualifications, including education and experience, of each instructor and subject areas that each instructor will teach.

9. A description of and an example of a certificate that will be issued to students who successfully complete the accredited asbestos training program. The certificate shall contain the information required by this chapter.

10. A proposed training program date for auditing purposes. The proposed date will be confirmed or an alternate date will be proposed within 10 business days after receipt of a complete accredited asbestos training program submission and the required fee.

B. A complete submission shall consist of all information required by this section. Receipt of application and deposit of fees by the department in no way indicates approval of a training program.

C. A complete application shall be submitted to the department no less than 45 days prior to the requested audit date.

D. Upon receipt of a completed application, a preliminary review will be conducted to ensure all written material and other documentation is accurate and up to date. If any deficiencies are noted, a letter will be sent to the applicant indicating the deficiencies and necessary steps to correct them. All deficiencies noted during the preliminary review shall be corrected prior to the on-site audit.

E. Upon successful completion of the preliminary review, an on-site audit shall be conducted to complete the application process. If any deficiencies are noted during the audit, the training provider will be informed, either in writing or verbally, and offered an opportunity to correct them. Once the audit is complete and any deficiencies corrected, a letter of approval will be sent to the accredited asbestos training program.

F. All accredited asbestos training programs approved by the board shall have a monitored, final written examination, except for asbestos workers needing an oral examination. The board recommends the examination include a practical component to test skill in asbestos abatement techniques.

Students shall obtain a minimum examination grade of 70% correct. Records of the participant's examination shall be maintained in accordance with this chapter.

~~G. Letters of approval for accredited asbestos training programs shall be maintained at the business address listed on the approval letter and made accessible to the public. Each provider of an approved accredited asbestos training program shall maintain all records at the business address. The required records shall be available for review upon demand by the board or its representatives.~~

**18 VAC 15-20-40. Experience and Education Verification Forms. (Repealed.)**

~~Each application for inspector, management planner, project monitor and project designer shall include an Experience Verification Form completed by the applicant and signed by a supervisor verifying the job description of the applicant during the term of employment. The form shall contain the name and address of the employer, a complete and concise job description, a job title, the dates of employment or dates of work performed and the signature, typewritten or printed name, address and phone number of the supervisor verifying the experience. In lieu of a verifying signature for experience, an applicant who is self-employed may submit a copy of three completed inspections, management plans, project designs or project monitor reports, whichever is applicable. A letter from a supervisor verifying the experience may be submitted in lieu of the Experience Verification Form. If verification of a degree is required, the Education Verification Form shall be sent directly from the school to the department.~~

PART IV.  
FEES.

**18 VAC 15-20-50. Fees. (Repealed.)**

~~A. The fee for an initial application for or a renewal of an asbestos worker, supervisor, inspector, management planner, project designer, or project monitor license shall be \$25.~~

~~B. The renewal fee for an asbestos worker, supervisor, inspector, management planner, project designer, or project monitor license not renewed within 30 days after its expiration date shall be \$50.~~

~~C. The fee for an initial application for or a renewal of an asbestos analytical laboratory license shall be \$40.~~

~~D. The renewal fee for asbestos analytical laboratory licenses not renewed within 30 days after its expiration date shall be \$65.~~

~~E. The fee for an initial application for or a renewal of an asbestos contractor's license shall be \$40.~~

~~F. The renewal fee for asbestos contractor licenses not renewed within 30 days after its expiration date shall be \$65.~~

~~G. The fee for an initial application for approval of an accredited asbestos training program shall be \$400 per day of training.~~

~~H. The renewal fee for an accredited asbestos training program shall be \$50.~~

~~I. The renewal fee for accredited asbestos training programs not renewed within 30 days after its expiration date shall be \$75.~~

~~J. A license not renewed within six months after the expiration date printed on the license shall not be renewed and the person shall apply for a new license.~~

~~K. All checks or money orders shall be made payable to the Treasurer of Virginia.~~

~~L. Fees received shall not be refunded.~~

**18 VAC 15-20-51. General fee requirements.**

All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be made payable to the Treasurer of Virginia.

**18 VAC 15-20-52. Application fees.**

Application fees are set out in this section.

Fee Type	Fee Amount	When Due
<u>Application for worker, supervisor, inspector, management planner, project designer or project monitor license</u>	<u>\$25</u>	<u>With application</u>
<u>Application for asbestos analytical laboratory license</u>	<u>\$40</u>	<u>With application</u>
<u>Application for an asbestos contractor license</u>	<u>\$40</u>	<u>With application</u>
<u>Application for accredited asbestos training program approval</u>	<u>\$400 per day of training</u>	<u>With application</u>

**18 VAC 15-20-53. Renewal and late renewal fees.**

Renewal and late renewal fees are set out in this section.

Fee Type	Fee Amount	When Due
<u>Renewal for worker, supervisor, inspector, management planner, project designer or project monitor license</u>	<u>\$25</u>	<u>With renewal application</u>
<u>Renewal for asbestos analytical laboratory license</u>	<u>\$40</u>	<u>With renewal application</u>
<u>Renewal for asbestos contractor's license</u>	<u>\$40</u>	<u>With renewal application</u>
<u>Renewal for accredited</u>	<u>\$50</u>	<u>With renewal</u>



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<u>asbestos training program approval</u>		<u>application</u>
<u>Late renewal for worker, supervisor, inspector, management planner, project designer or project monitor license (includes a \$25 late renewal fee in addition to the regular \$25 renewal fee)</u>	<u>\$50</u>	<u>With renewal application</u>
<u>Late renewal for asbestos analytical laboratory license (includes a \$25 late renewal fee in addition to the regular \$40 renewal fee)</u>	<u>\$65</u>	<u>With renewal application</u>
<u>Late renewal for asbestos contractor's license (includes a \$25 late renewal fee in addition to the regular \$40 renewal fee)</u>	<u>\$65</u>	<u>With renewal application</u>
<u>Late renewal for accredited asbestos training program approval (includes a \$25 late renewal fee in addition to the regular \$50 renewal fee)</u>	<u>\$75</u>	<u>With renewal application</u>

## PART V. RENEWAL.

### **18 VAC 15-20-60. Expiration Renewal required.**

A. Each individual asbestos license issued under this chapter shall expire one year from the last day of the month in which it was issued.

B. Each asbestos contractor and each asbestos analytical laboratory license issued under this chapter shall expire one year from the last day of the month in which it was issued.

~~C. Each accredited asbestos training program approved prior to January 2, 2002 shall expire on January 31, 2004, and may be renewed for 24 months at a time thereafter. Each accredited asbestos training program approved after January 2, 2002, shall expire 24 months from the last day of the month in which it was approved.~~

D. A fee shall be required for renewal as specified in 18 VAC 15-20-53.

### **18 VAC 15-20-70. Procedures for renewal application.**

A. The department shall mail a renewal notice to each licensee and to each approved accredited asbestos training program at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee or the approved accredited asbestos training program of the obligation to renew in a timely fashion.

B. Prior to the expiration date shown on the license or approval letter, each licensed asbestos contractor, and

~~licensed asbestos analytical laboratory and approved accredited asbestos training program~~ desiring to renew the license ~~or approval~~ shall return the renewal notice ~~and together with the appropriate fee specified in 18 VAC 15-20-53~~ to the department. Should the licensee fail to receive the renewal notice, a copy of the current license may be submitted with the required fee. ~~Should an approved accredited asbestos training program fail to receive the renewal notice, a letter indicating the desire to renew and the applicable fee may be submitted.~~

C. Prior to the expiration date shown on the individual's current license, the individual desiring to renew that license shall provide evidence of meeting the annual refresher training requirement for license renewal and the appropriate fee specified in 18 VAC 15-20-53. The board will accept any asbestos training programs that are approved by EPA/AHERA or the board. A copy of the training certificate documenting the successful completion of the refresher training for the license discipline being renewed and meeting the requirements outlined in this chapter shall accompany the renewal notice and fee.

D. Prior to the expiration date shown on the approval letter, each accredited asbestos training program desiring to renew the approval shall return the renewal notice to the department together with the following:

1. Appropriate fee specified in 18 VAC 15-20-53.
2. Any changes made to the training program.
3. Dates on which the training material was last updated.
4. Statement indicating that the training program continues to meet the regulation requirements established in this chapter.

Should an approved accredited asbestos training program fail to receive the renewal notice, a letter indicating the desire to renew and the applicable fee may be submitted.

~~D.~~ E. Project monitors who also hold a valid Virginia asbestos supervisor or project designer license may meet the renewal training requirements by completing the supervisor refresher or project designer refresher, whichever is applicable. Project monitors who hold only a project monitor license shall complete an accredited asbestos project monitor refresher training program to meet the renewal training requirements.

~~E.~~ F. Annual refresher training certificates shall only be used once to renew an individual license.

~~F.~~ G. Each license and each accredited asbestos training program approval that is not renewed within 30 days of the expiration date on the license or approval shall be subject to late renewal fees as established in 18 VAC 15-20-50 18 VAC 15-20-53.

~~G. H.~~ Each license and each approved accredited asbestos training program not renewed within six months after the expiration date shall not be renewed and the licensee or approved accredited asbestos training program shall apply for a new license or new approval.

**18 VAC 15-20-80. Change of address or name. (Repealed.)**

~~Each licensee and approved accredited asbestos training program shall notify the board, in writing, of any change of address or name. This notification shall be sent to the board within 30 days of such relocation or name change.~~

**PART IV.**

**ASBESTOS WORKER LICENSING REQUIREMENTS.**

**18 VAC 15-20-90. Qualifications for licensure. (Repealed.)**

~~Each individual applying to the board for licensure as an asbestos worker shall submit a completed application, all training documentation as required by 18 VAC 15 20 30 D and the appropriate fee as required by 18 VAC 15 20 50.~~

**PART V.**

**ASBESTOS SUPERVISOR LICENSING REQUIREMENTS.**

**18 VAC 15-20-101. Qualifications for licensure. (Repealed.)**

~~Each individual applying to the board for licensure as an asbestos supervisor shall submit a completed application, all training documentation as required by 18 VAC 15 20 30 C and the appropriate fee as required by 18 VAC 15 20 50.~~

**PART VI.**

**ASBESTOS CONTRACTOR LICENSING REQUIREMENTS.**

**18 VAC 15-20-110. Qualifications for licensure. (Repealed.)**

~~A. Each applicant shall submit a completed asbestos contractor application and fee as required by 18 VAC 15-20-50.~~

~~B. Each applicant shall hold a valid Virginia contractor license with an asbestos specialty and shall be in compliance with all other requirements found in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.~~

**18 VAC 15-20-150. Denial of license. (Repealed.)**

~~The board may refuse to issue a license to any asbestos contractor applicant if the applicant or its owners, officers or directors have a financial interest in an asbestos contractor whose asbestos license has been revoked, suspended or denied renewal in any jurisdiction.~~

**PART VII.**

**ASBESTOS INSPECTOR LICENSING REQUIREMENTS.**

**18 VAC 15-20-250. Qualifications for licensure. (Repealed.)**

~~A. Each individual applying to the board for licensure as an asbestos inspector shall submit a completed application, all training documents as required by 18 VAC 15 20 30 C, the appropriate fee as established in 18 VAC 15 20 50, and evidence of meeting the experience requirements as established in subsection B of this section. Evidence of experience and education shall comply with 18 VAC 15 20 40.~~

~~B. The applicant shall provide evidence of experience in performing asbestos inspections in buildings or industrial facilities, including collecting bulk samples, categorizing ACM, assessing ACM and preparing inspection reports. The amount of experience required is dependent on the applicant's formal education and is as follows:~~

- ~~1. An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at least six months' experience or have completed a minimum of five inspections.~~
- ~~2. An applicant with a two year associate's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at least 12 months' experience or have completed a minimum of 10 inspections.~~
- ~~3. An applicant with a high school diploma shall have at least 24 months' experience or have completed a minimum of 15 inspections.~~

**18 VAC 15-20-251. Qualifying experience. (Repealed.)**

~~Experience may be obtained by:~~

- ~~1. Conducting asbestos inspections in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.~~
- ~~2. Conducting asbestos inspections under the direct supervision, as defined in this chapter, of a licensed inspector, or EPA accredited inspector where no license is required. All reports prepared by the unlicensed individual shall be signed by the licensed or EPA accredited inspector in charge. The licensed or EPA accredited inspector assumes responsibility for all sampling and reports prepared by the unlicensed individual.~~

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## PART VIII.

### ASBESTOS MANAGEMENT PLANNER LICENSING REQUIREMENTS.

#### **18 VAC 15-20-270. Qualifications for licensure. (Repealed.)**

~~A. Each individual applying to the board for licensure as an asbestos management planner shall submit a completed application, all training documents as required by 18 VAC 15-20-30 C, the appropriate fee as required by 18 VAC 15-20-50, and evidence of meeting the experience requirements established by 18 VAC 15-20-250 B and subsection B of this section. The applicant shall also meet all qualifications to be licensed as an asbestos inspector, whether or not the license is held. Evidence of experience and education shall comply with 18 VAC 15-20-40.~~

~~B. The applicant shall provide evidence of experience evaluating inspection reports, selecting response actions, analyzing the cost of response actions, ranking response actions, preparing operations and maintenance plans and preparing management plans. The amount of experience required is dependent on the applicant's formal education and is as follows:~~

- ~~1. An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at least six months' experience or shall have completed a minimum of five management plans.~~
- ~~2. An applicant with a two year associate's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at least 12 months' experience or shall have completed a minimum of 10 management plans.~~
- ~~3. An applicant with a high school diploma shall have at least 24 months' experience or shall have completed a minimum of 15 management plans.~~

#### **18 VAC 15-20-271. Qualifying experience. (Repealed.)**

~~Experience may be obtained by:~~

- ~~1. Preparing management plans or conducting asbestos inspections in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.~~
- ~~2. Preparing management plans or conducting asbestos inspections under the direct supervision, as defined in this chapter, of a licensed management planner or inspector, or EPA accredited management planner or inspector where no license is required. All reports prepared by the unlicensed individual shall be signed by the licensed or EPA accredited management planner or inspector in charge. The licensed or EPA accredited management planner or inspector assumes responsibility for all sampling and reports prepared by the unlicensed individual.~~

## PART IX.

### ASBESTOS PROJECT DESIGNER LICENSING REQUIREMENTS.

#### **18 VAC 15-20-290. Qualifications for licensure. (Repealed.)**

~~A. Each individual applying to the board for licensure as an asbestos project designer shall submit a completed application, all training documents as established in 18 VAC 15-20-30 C, the appropriate fee as established in 18 VAC 15-20-50, and evidence of meeting the experience requirements as established in subsection B of this section. Evidence of experience and education shall comply with 18 VAC 15-20-40.~~

~~B. The applicant shall provide evidence of experience in the preparation of project designs or project specifications. The amount of experience required is dependent on the applicant's formal education and is as follows:~~

- ~~1. An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, physical science or related field shall have six months' experience or shall have completed a minimum of five project designs.~~
- ~~2. An applicant with a two year associate's degree in engineering, architecture, industrial hygiene, physical science or related field shall have 12 months' experience or shall have completed a minimum of 10 project designs.~~
- ~~3. An applicant with a high school diploma shall have at least 24 months' experience or shall have completed a minimum of 15 project designs.~~

#### **18 VAC 15-20-291. Qualifying experience. (Repealed.)**

~~Experience may be obtained by:~~

- ~~1. Preparing asbestos project designs in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.~~
- ~~2. Preparing asbestos project designs under the direct supervision, as defined in this chapter, of a licensed asbestos project designer, or EPA accredited asbestos project designer where no license is required. All project designs prepared by the unlicensed individual shall be signed by the licensed EPA accredited project designer in charge. The licensed or EPA accredited project designer assumes responsibility for all project design reports prepared by the unlicensed individual.~~

## PART X.

### ASBESTOS PROJECT MONITOR LICENSING REQUIREMENTS.

#### **18 VAC 15-20-330. Qualifications for licensure. (Repealed.)**

~~A. Each individual applying for licensure as an asbestos project monitor shall submit a completed application, all~~

training documents as required by 18 VAC 15-20-30 C, the appropriate fee as established in 18 VAC 15-20-50, and evidence of meeting the experience requirements as established in subsection B of this section. Evidence of experience and education shall comply with 18 VAC 15-20-40.

~~B. The applicant shall provide evidence of experience in performing asbestos project monitoring through field work on project sites. This includes, but is not limited to, evaluating and monitoring asbestos work practices, collecting environmental asbestos air samples during abatement, performing visual inspections and taking final air samples to grant clearance for asbestos abatement projects. Each applicant shall provide evidence of 160 hours of said experience.~~

**18 VAC 15-20-331. Qualifying experience. (Repealed.)**

Experience may be obtained by:

- ~~1. Acting as an asbestos project monitor in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.~~
- ~~2. Acting as an asbestos project monitor under the direct supervision, as defined in this chapter, of a licensed asbestos project monitor, or an accredited asbestos project monitor where no license is required. All project monitoring reports prepared by the unlicensed individual shall be signed by the licensed or accredited project monitor in charge. The licensed or accredited project monitor assumes responsibility for all reports and documents prepared by the unlicensed individual.~~

**18 VAC 15-20-332. Project monitor training requirements. (Repealed.)**

~~A. An applicant currently certified by the EPA as an asbestos project designer or asbestos supervisor shall successfully complete a board-approved asbestos project monitor training program of 16 hours and examination. Evidence of current project designer or current supervisor accreditation shall be submitted with the application.~~

~~B. An applicant not currently certified as an asbestos project designer or asbestos supervisor shall successfully complete a board-approved asbestos project monitor training program of 40 hours and examination. Evidence of completion of the 40 hour training program shall be submitted with the application.~~

~~C. Only project monitor training programs that are board approved will be accepted for meeting the training requirements.~~

**PART XI.**

**ASBESTOS ANALYTICAL LABORATORY LICENSING REQUIREMENTS.**

**18 VAC 15-20-361. Qualifications for licensure. (Repealed.)**

~~A. Each applicant for an asbestos analytical laboratory license shall submit a completed application, the appropriate fee as required by 18 VAC 15-20-50, and evidence of meeting the standards to perform one or more of the analyses described in subsections B, C and D of this section. Each license issued shall indicate which kind of analysis the asbestos analytical laboratory is seeking authorization to perform.~~

~~B. For authorization to analyze bulk materials using PLM, the applicant shall provide evidence that the asbestos analytical laboratory is currently NVLAP accredited for bulk asbestos fiber analysis or evidence that the asbestos analytical laboratory is AIHA accredited and proficient in the AIHA bulk asbestos program. A copy of the NVLAP Certificate of Accreditation, Scope of Accreditation and documentation of NVLAP proficiency or a copy of an AIHA accreditation certificate and proof of proficiency in the AIHA bulk program shall be submitted with the application for licensure.~~

~~C. For authorization to analyze airborne fibers using PCM:~~

~~1. For fixed laboratory sites, the applicant shall provide evidence that each facility is accredited by AIHA or that each facility has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations, or the applicant shall provide evidence that each analyst is listed or has applied for listing in the Asbestos Analyst Registry (AAR) and has a performance rating of "acceptable" for the most recent Asbestos Analyst Testing (AAT) round. The applicant shall also provide evidence that each analyst has completed the NIOSH 582 training program or equivalent.~~

~~2. For laboratories that will be conducting on-site analysis, the applicant shall provide evidence that each on-site analyst is listed or has applied for listing in the AAR and has a performance rating of "acceptable" for the most recent AAT round within six months after January 2, 2002, or is accredited by AIHA or has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations. The applicant shall also provide evidence that each analyst has completed the NIOSH 582 training program or equivalent.~~

~~D. For licensure to analyze asbestos airborne fibers using TEM, the applicant shall provide evidence that the asbestos analytical laboratory is currently NVLAP accredited to analyze asbestos airborne fibers using TEM. A copy of the NVLAP Certificate of Accreditation, Scope of Accreditation and documentation of NVLAP proficiency shall be submitted with the application.~~

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PART ~~XII~~ VI.  
GENERAL STANDARDS OF PRACTICE AND  
CONDUCT.

**18 VAC 15-20-400. Responsibility to the public.**

The primary obligation of the ~~regulant~~ licensee is to the public. If the ~~regulant's~~ licensee's judgment is overruled under circumstances when the safety, health, property and welfare of the public are endangered, the ~~regulant~~ licensee shall inform the employer or client of the possible consequences and notify appropriate authorities if the situation is not resolved. The ~~regulant~~ licensee shall take such action only when his authority to correct a problem has been ignored or overruled.

**18 VAC 15-20-410. Public statements.**

A. The ~~regulant~~ licensee shall be truthful in all matters relating to the performance of asbestos abatement or asbestos consulting services.

B. When serving as an expert or technical witness, the ~~regulant~~ licensee shall express an opinion only when it is based on an adequate knowledge of the facts in issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the ~~regulant~~ licensee shall issue no statements, reports, criticisms, or arguments on matters relating to practices which are inspired or paid for by an interested party or parties, unless one has prefaced the comment by disclosing the identities of the party or parties on whose behalf the ~~regulant~~ licensee is speaking, and by revealing any self-interest.

C. ~~A~~ ~~regulant~~ Licensees or applicants shall not knowingly make a materially false statement, submit falsified documents or fail to disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for licensure or renewal.

**18 VAC 15-20-420. Solicitation of work.**

In the course of soliciting work:

1. The ~~regulant~~ licensee shall not bribe.
2. The ~~regulant~~ licensee shall not falsify or permit misrepresentation of the ~~regulant's~~ licensee's work or an associate's academic or professional qualifications, nor shall the ~~regulant~~ licensee misrepresent the degree of responsibility for prior assignments.
3. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associates, joint ventures or past accomplishments of any kind.

4. Materials used in the solicitation of services shall not misrepresent facts of approval, federal, or state requirements.

**18 VAC 15-20-430. Professional responsibility.**

A. The licensee or ~~approved entity~~ accredited asbestos training provider shall, upon request or demand, produce to the board, or any of its representatives, any plan, document, book, record or copy of it in his possession concerning a transaction covered by this chapter, and shall cooperate in the investigation of a complaint filed with the board against a licensee or ~~approved entity~~ accredited asbestos training provider.

B. A licensee or ~~approved entity~~ accredited asbestos training provider shall not use the design, plans or work of another licensee or ~~approved entity~~ accredited asbestos training provider without the original professional's knowledge and consent and after consent, a thorough review to the extent that full responsibility shall be assumed by the user.

C. Accredited asbestos training providers shall admit board representatives for the purpose of conducting an on-site audit, or any other purpose necessary to evaluate compliance with this chapter and other applicable laws and regulations.

**18 VAC 15-20-440. Good standing in other jurisdictions.**

A. ~~Regulants~~ Licensees, accredited asbestos training providers, training managers, or principal instructors who perform project monitoring, project design, inspections, management planning, asbestos abatement training, asbestos contracting or supervisor work in other jurisdictions shall be in good standing in every jurisdiction where licensed, certified, or approved and shall not have had a license, certification or approval suspended, revoked or surrendered in connection with a disciplinary action.

B. ~~Regulants~~ Licensees, accredited asbestos training providers, training managers, or principal instructors shall notify the board in writing no later than 10 days after the final disciplinary action taken by another jurisdiction against their license or other approval to conduct asbestos abatement activities.

C. ~~Regulants~~ Licensees, accredited asbestos training providers, training managers, or principal instructors may be subject to disciplinary action or removal of an asbestos training program accreditation for disciplinary actions taken by another jurisdiction.

**18 VAC 15-20-450. Grounds for disciplinary action.**

A. The board shall have the authority to fine any licensee or accredited asbestos training program, accredited asbestos training provider or instructor, and to deny renewal, suspend, revoke or deny application for any license or approval as an accredited asbestos training program, accredited asbestos

training provider or instructor provided for under Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia for:

1. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this chapter.
2. Obtaining a license, approval as an accredited asbestos training program, approval as an accredited asbestos training provider or approval as an instructor through fraudulent means.
3. ~~Altering, or falsifying or issuing a fraudulent~~ Virginia Asbestos License or a training certificate ~~issued by~~ from an accredited asbestos training program.
4. Violating any provision of AHERA or ASHARA, or any federal or state regulation pertinent to asbestos activity.
5. Having been found guilty by the board, an administrative body, or by a court of any misrepresentation in the course of performing his asbestos-related operating duties.
6. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation while engaged in environmental remediation activity, which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.
7. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.
8. Negligence, or a continued pattern of incompetence, in the practice of the discipline in which the asbestos license is held.
9. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.
10. Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of lawful compliance inspections.

11. Failing to notify the board in writing within 30 days after any change in address or name.

12. Acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business.

Any unlawful act or violation of any provision of Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia or of the regulations of the board by any asbestos supervisor or asbestos worker may be cause for disciplinary action against the asbestos contractor for whom he works if it appears to the satisfaction of the board that the asbestos contractor knew or should have known of the unlawful act or violation.

B. Any individual or firm whose license, approval as an accredited asbestos training program, or approval as an accredited asbestos training provider is revoked under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of revocation. The individual or firm shall meet all education, experience and training requirements, complete the application and submit the required fee for consideration as a new applicant.

## PART ~~XIII~~ VII.

### STANDARDS OF PRACTICE AND CONDUCT FOR LICENSED ASBESTOS CONTRACTORS.

#### **18 VAC 15-20-451. Asbestos contractor responsibilities.**

A. Licensed asbestos contractors shall comply with all requirements, procedures, standards and regulations covering any part of an asbestos project established by the U.S. Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, the Virginia Department of Labor and Industry, and the Divisions of Air Pollution and Waste Management of the Department of Environmental Quality (§ 54.1-517 of the Code of Virginia).

B. Licensed asbestos contractors shall comply with the requirements found in § 54.1-1100 of the Code of Virginia governing the regulation of general contractors.

C. A licensed asbestos contractor shall employ only licensed asbestos supervisors and workers to perform work on any asbestos project.

D. A licensed asbestos contractor shall ensure that a licensed asbestos supervisor is present at each job site while an asbestos project is in progress.

E. Prior to the start of any asbestos project, the licensed asbestos contractor shall:

1. Notify the building or property owner or agent of the owner that a licensed project monitor is required to determine that proper work practices are used and compliance with all asbestos laws and regulations is maintained, to collect environmental air samples during the asbestos project, to perform visual inspections of the work

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# Regulations

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area, and to grant final clearance upon completion of the asbestos project.

2. Obtain a written acknowledgment from the owner [ or agent of the owner ] that the owner [ or agent of the owner ] has been notified of the requirement to secure the services of a licensed asbestos project monitor. Such acknowledgment must include the address of the building where the asbestos project is to take place; the date the work is to be performed; the name, address, and license number of the licensed asbestos contractor performing the work; and [ the signature and date of signature of both the building or property owner and the licensed asbestos contractor evidence that the building or property owner or agent of the owner has received the notification ].

3. Conflict of interest situations and relationships between asbestos contractors and asbestos project monitors are set forth in subdivision 2 of 18 VAC 15-20-453.

## 18 VAC 15-20-453. Conflict of interest.

The following situations and relationships between license categories are deemed to represent a conflict of interest and are prohibited.

1. It is a conflict of interest and a violation of ~~these regulations~~ this chapter for an asbestos contractor to have an employee/employer relationship with, or financial interest in, a laboratory utilized by the contractor for asbestos sample analysis. Laboratories owned by the building owner performing analysis on suspect asbestos samples taken from the building owners' property are exempt from this section.

2. It is a conflict of interest and a violation of ~~these regulations~~ this chapter for an asbestos contractor to have an employee/employer relationship with an asbestos project monitor working on an asbestos project performed by that asbestos contractor. An asbestos contractor shall not have any financial interests in the firm of which a project monitor is an employee and provides project monitoring services for that contractor. This section does not relieve a contractor of the OSHA personal monitoring requirements set forth in 29 CFR 1926.1101.

3. It is a conflict of interest and a violation of ~~these regulations~~ this chapter for an asbestos contractor to enter into a contract to perform an asbestos project if the asbestos inspection or project design was performed by individuals with an employer/employee relationship with, or financial interest in, the asbestos contractor, unless the asbestos contractor provides the building owner with the Virginia Asbestos Licensing Consumer Information Sheet and the Virginia Asbestos Licensing Inspector/Project Designer/Contractor Disclosure Form as prescribed by the department. The asbestos contractor's relationship with the asbestos inspector or project designer on the project shall be disclosed. The disclosure form shall be signed and dated

by the licensed contractor and submitted as part of the bid. The disclosure form shall be kept on the asbestos project site and available for review.

## ~~PART XIV VIII.~~

### ~~STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS PROJECT MONITORS.~~

#### ~~18 VAC 15-20-456. Responsibilities.~~

A. Asbestos project monitors shall conduct inspections of the contractor's work practices and inspections of the containment [ ~~when the project monitor is present~~ ].

B. Asbestos project monitors shall be present on the job site each day [ asbestos abatement activities response actions ] are being conducted [ or in accordance with the owner-approved contractual agreement with the project monitor ], shall perform the duties and functions established in 18 VAC 15-20-455, and shall maintain a daily log of all work performed. The daily log shall include, but not be limited to, inspection reports, air sampling data, type of work performed by the contractor, problems encountered and corrective action taken.

C. Asbestos project monitors shall take final air samples on all abatement projects, except for abatement projects in residential buildings.

D. Project monitors who analyze PCM air samples on site shall be employed by a licensed analytical laboratory and shall be listed or have applied for listing in the AAR and rated "acceptable" or is accredited by AIHA or has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations.

## ~~PART XV IX.~~

### ~~STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS PROJECT DESIGNERS.~~

## ~~PART XVI X.~~

### ~~STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS INSPECTORS AND MANAGEMENT PLANNERS.~~

## ~~PART XVII XI.~~

### ~~STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS ANALYTICAL LABORATORIES.~~

## ~~PART XVIII.~~

### ~~ACCREDITED ASBESTOS TRAINING PROGRAM APPROVAL.~~

#### ~~18 VAC 15-20-459.6. Accredited asbestos training program requirements. (Repealed.)~~

~~A. Training programs desiring board approval shall meet the minimum requirements established in this chapter. Persons requesting approval as an accredited asbestos training program to prepare training program participants for licensure requirements shall submit an accredited asbestos Training~~

Program Review and Audit Application with the following required information:

1. Training provider's business name, physical address, mailing address, and phone number.
2. Copies of approval letters issued by EPA or other states granting approval of asbestos training programs presented by the provider.
3. Applicable fee.
4. The training program curriculum.
5. A narrative explanation that states how the training program meets the requirements for approval in the following areas:
  - a. Length of training in hours.
  - b. Amount and type of hands on training.
  - c. Examinations (length, format and passing score).
  - d. Topics covered in the training program.
  - e. Assurances of test security and how exams are administered.
6. A copy of all training program materials including, but not limited to, student manuals, instructor notebooks, handouts, and training aids.
7. A copy of the examination(s) used and applicable answer sheets.
8. The names and qualifications, including education and experience, of each instructor and subject areas that each instructor will teach.
9. A description of and an example of a certificate that will be issued to students who successfully complete the accredited asbestos training program. The certificate shall contain the information required by this chapter.
10. A proposed training program date for auditing purposes. The proposed date will be confirmed or an alternate date will be proposed within 10 business days after receipt of a complete accredited asbestos training program submission and the required fee.

B. A complete submission shall consist of all information required by this section. Receipt of application and deposit of fees by the department in no way indicates approval of a training program.

C. A complete application shall be submitted to the department no less than 45 days prior to the requested audit date.

**18 VAC 15-20-459.7. Approval process. (Repealed.)**

A. Upon receipt of a completed application, a preliminary review will be conducted to ensure all written material and other documentation is accurate and up to date. If any

deficiencies are noted, a letter will be sent to the applicant indicating the deficiencies and necessary steps to correct them. All deficiencies noted during the preliminary review shall be corrected prior to the on-site audit.

B. Upon successful completion of the preliminary review, an on-site audit shall be conducted to complete the application process. If any deficiencies are noted during the audit, the training provider will be informed, either in writing or verbally, and offered an opportunity to correct them. Once the audit is complete and any deficiencies corrected, a letter of approval will be sent to the accredited asbestos training program.

**18 VAC 15-20-459.8. Examination. (Repealed.)**

All accredited asbestos training programs approved by the board shall have a monitored, final written examination, except for asbestos workers needing an oral examination. The board recommends the examination include a practical component to test skill in asbestos abatement techniques. Students shall obtain a minimum examination grade of 70% correct. Records of the participant's examination shall be maintained in accordance with this chapter.

**18 VAC 15-20-459.9. Letters of approval. (Repealed.)**

Letters of approval for accredited asbestos training programs shall be maintained at the business address listed on the approval letter and made accessible to the public. Each provider of an approved accredited asbestos training program shall maintain all records at the business address. The required records shall be available for review upon demand by the board or its representatives.

**18 VAC 15-20-459.10. Refresher approval. (Repealed.)**

A. Refresher training programs shall be one day (8 hours) for supervisors, workers, project designers and project monitors, and one half day (4 hours) for inspectors and management planners. The refresher training program shall review federal and state regulations; discuss changes to the regulations, if applicable, and developments in state of the art procedures; and review key aspects of the initial training program.

B. Persons wishing to conduct refresher training programs shall submit a training program review and audit application as established in 18 VAC 15-20-459.6.

**18 VAC 15-20-459.11. Renewal of accredited asbestos training programs. (Repealed.)**

Providers of accredited asbestos training programs desiring to renew their approval shall submit the renewal notice to the department along with the following:

1. Appropriate fee.
2. Name of the training program for which they are renewing.
3. Any changes made to the training program.



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4. Dates on which the training material was last updated.
5. Statement indicating that the training program continues to meet the regulation requirements established in this chapter.

## **18 VAC 15-20-459.12. ~~Changes to an approved accredited asbestos training program. (Repealed.)~~**

~~Once an accredited asbestos training program has been approved, prior to the continuation of the accredited asbestos training program, substantial changes in the information required by subdivisions 1 through 5 of this section shall be submitted to the board for review and approval. The board will state its approval or disapproval of the changes by mail.~~

1. Training program curriculum.
2. Training program examination.
3. Training program materials.
4. Principal instructors.
5. Certificate of completion.

## **18 VAC 15-20-459.13. ~~Transfer of approval of an accredited asbestos training program. (Repealed.)~~**

~~The transfer of the approval of an accredited asbestos training program will require a review by the following procedure:~~

1. The applicant for transfer shall submit an application to the department and materials for review to determine if substantial changes have been made to the program. All submissions shall be in accordance with 18 VAC 15-20-459.6.
2. Receipt of applications and deposit of fees submitted does not indicate approval of the transfer.
3. A review of the submitted materials shall be performed to determine if substantial changes have been made. A substantial change is defined as a change in training program materials, curriculum, principal instructors or facilities at the time of transfer of the accredited asbestos training program. A complete field audit may be conducted of any applicant believed to have made a substantial change.

## **18 VAC 15-20-459.14. ~~Access by the department. (Repealed.)~~**

~~Accredited asbestos training providers shall permit department representatives to attend, evaluate, and monitor any accredited asbestos training program. Prior notice of attendance by agency representatives is not required.~~

## **18 VAC 15-20-459.15. ~~Suspension or revocation of approval of an accredited asbestos training program. (Repealed.)~~**

~~A. The board may withdraw approval of any accredited asbestos training program for the following reasons:~~

1. The school, instructors, or training programs no longer meet the standards established in this chapter.
2. The board determines that the provider is not conducting the training in a manner that meets the requirements as set forth in this chapter.
3. Suspension or revocation of training approval in another state or by the EPA.

~~B. Decisions regarding withdrawal of approval shall be made by the board under the provisions of the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).~~

### **PART XIX XII.**

#### **ACCREDITED ASBESTOS TRAINING PROGRAM PERFORMANCE STANDARDS OF PRACTICE AND CONDUCT.**

## **18 VAC 15-20-460. ~~General. (Repealed.)~~**

~~This part outlines the recordkeeping responsibilities for an accredited asbestos training provider (training provider) performing asbestos training under Virginia law. All records are required to be available for review by representatives of the board. Records required to be maintained by the training provider shall be maintained at the physical location of the accredited asbestos training provider.~~

## **18 VAC 15-20-461. Changes to an approved accredited asbestos training program.**

Once an accredited asbestos training program has been approved, prior to the continuation of the accredited asbestos training program, substantial changes in the information required by subdivisions 1 through 5 of this section shall be submitted to the board for review and approval. The board will state its approval or disapproval of the changes by mail.

1. Training program curriculum.
2. Training program examination.
3. Training program materials.
4. Principal instructors.
5. Certificate of completion.

## **18 VAC 15-20-462. Transfer of approval of an accredited asbestos training program.**

The transfer of the approval of an accredited asbestos training program will require a review by the following procedure:

1. The applicant for transfer shall submit an application to the department and materials for review to determine if substantial changes have been made to the program. All submissions shall be in accordance with subsections A, B and C of 18 VAC 15-20-34.
2. Receipt of applications and deposit of fees submitted does not indicate approval of the transfer.

3. A review of the submitted materials shall be performed to determine if substantial changes have been made. A substantial change is defined as a change in training program materials, curriculum, principal instructors or facilities at the time of transfer of the accredited asbestos training program. A complete field audit may be conducted of any applicant believed to have made a substantial change.

**18 VAC 15-20-463. Access by the department.**

Accredited asbestos training providers shall permit department representatives to attend, evaluate, and monitor any accredited asbestos training program. Prior notice of attendance by agency representatives is not required. All records are required to be available for review by department representatives. Records required to be maintained by the training provider shall be maintained at the physical location of the accredited asbestos training provider.

**18 VAC 15-20-464. Withdrawal of approval of an accredited asbestos training program.**

A. The board may withdraw approval of any accredited asbestos training program for the following reasons:

1. The school, instructors, or training programs no longer meet the standards established in this chapter.
2. The board determines that the provider is not conducting the training in a manner that meets the requirements as set forth in this chapter.
3. Suspension or revocation of training approval in another state or by the EPA.

B. Decisions regarding withdrawal of approval shall be made by the board under the provisions of the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

**18 VAC 15-20-470. Recordkeeping and provision of records to the board.**

A. The training manager shall notify the board no less than 48 hours prior to the start date of any accredited asbestos training program.

B. The training manager shall provide an updated notification when an accredited asbestos training program will begin on a date other than the start date specified in the original notification as follows:

1. For accredited asbestos training programs beginning prior to the start date provided to the board, an updated notification must be received by the board at least 48 hours before the new start date.
2. For accredited asbestos training programs beginning after the start date provided to the board, an updated notification must be received by the board at least 48 hours before the start date provided to the board.

C. The training manager shall update the board of any change in location of an accredited asbestos training program at least 48 hours prior to the start date provided to the board.

D. The training manager shall update the board regarding any accredited asbestos training program cancellations or any other change to the original notification at least 48 hours prior to the start date provided to the board. This requirement shall not apply to situations or circumstances beyond the control of the training provider.

E. Each notification, including updates, shall include the following:

1. Notification type (original, update, cancellation).
2. Training program name, Virginia accreditation number, address, and telephone number.
3. Course discipline, type (initial/refresher), and the language in which the instruction will be given.
4. Dates and times of training.
5. Training locations, telephone number, and address.
6. Principal instructor's name.
7. Training manager's name and signature.

A. E. For all accredited asbestos training programs approved by the board, the training provider shall keep a training program participant list of all training program participants of the individuals attending the accredited asbestos training program. The training program participant list shall contain the following minimum information:

1. Training provider;
2. Date of training;
3. Location of training program presentation;
4. Type and length of training;
5. Training program manager and principal instructor;
6. Training program participant's name as it will appear on the Certificate of Completion to be issued by the training provider;
7. Participant's employer, if applicable;
8. Participant's name, address, and social security number;
9. Participant's Virginia asbestos license number, if applicable;
10. The resulting certificate number assigned to a participant who successfully completes the accredited asbestos training program when applicable and expiration date; and
11. The participant's examination score, when applicable.

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1. Training program name, Virginia accreditation number, address, and telephone number.
2. Course discipline and type (initial/refresher).
3. Dates of training.
4. Location of training program presentation.
5. Each participant's name, address, social security number, course completion certificate number, and course test score.
6. Principal instructor's name.
7. Training manager's name and signature.

~~B. G.~~ The training program participant list shall be completed by the training ~~provider~~ program principal instructor and training program participants daily.

~~C. H.~~ The training program participant list shall be retained by the training provider for three years following the date of completion of the training program.

~~D. The training provider shall provide to the board the training program participant list as described in subsection A of this section within 24 hours of training program completion.~~

I. The training manager shall provide to the board the accredited asbestos training program participant list no later than 24 hours following the training program completion.

J. Notifications and training program participant lists shall be submitted electronically in the manner established by the board specifically to receive this documentation using a sample form designed by and available from the board. Any variation upon this procedure shall be approved by the board prior to submission.

~~E. K.~~ The training provider shall retain all examinations completed by training program participants for a period of three years.

~~F. Training providers shall notify the department no less than 48 hours prior to conducting an accredited asbestos training program.~~

~~G. L.~~ The department ~~will~~ shall not recognize training certificates from approved training providers that fail to notify or fail to provide a training program participant list.

## PART ~~XX~~ XIII.

### ACCREDITED ASBESTOS TRAINING PROGRAM STANDARDS.

**NOTICE:** The forms used in administering 18 VAC 15-20, Virginia Asbestos Licensing Regulations, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, or at the office

of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

## FORMS

Asbestos License Application Instructions, 33AINS (eff. ~~10/30/04~~ rev. 1/02).

Asbestos License Application, 33ALIC (eff. ~~10/30/04~~ rev. 1/02).

Experience Verification, 33AEXPED (eff. ~~10/30/04~~ rev. 1/05).

Education Verification, 33AEXPED (eff. ~~10/30/04~~ rev. 1/05).

Virginia Asbestos Licensing Consumer Information Sheet, 33ACIS (eff. ~~10/30/04~~ rev. 1/02).

Inspector/Project Designer Contractor Disclosure Form, 33ADIS (eff. ~~10/30/04~~ rev. 1/02).

Asbestos Contractor License Application, 33ACON (eff. ~~10/30/04~~ rev. 1/02).

Asbestos Analytical Laboratory License Application, 33ALAB (eff. ~~10/30/04~~ rev. 1/02).

Asbestos Training Program Review and Audit Application, 33ACRS (eff. ~~10/30/04~~ rev. 4/02); w/instructions, 33ACRSRQ (eff. ~~10/30/04~~ rev. 1/02).

VA.R. Doc. No. R04-241; Filed September 15, 2006, 2:21 p.m.

## Final Regulation

**Title of Regulation:** 18 VAC 15-30. Virginia Lead-Based Paint Activities Regulations (amending 18 VAC 15-30-420, 18 VAC 15-30-510, 18 VAC 15-30-810, and 18 VAC 15-30-820; adding 18 VAC 15-30-51 through 18 VAC 15-30-54, 18 VAC 15-30-161 through 18 VAC 15-30-167, 18 VAC 15-30-332, and 18 VAC 15-30-334; repealing 18 VAC 15-30-30, 18 VAC 15-30-40, 18 VAC 15-30-50, and 18 VAC 15-30-100 through 18 VAC 15-30-330).

**Statutory Authority:** §§ 54.1-201 and 54.1-501 of the Code of Virginia.

**Effective Date:** December 1, 2006.

**Agency Contact:** David E. Dick, Executive Director, Board for Asbestos, Lead, and Home Inspectors, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-2648, FAX (804) 367-6128, or email alhi@dpor.virginia.gov.

### Summary:

*The amendments (i) authorize the board to deny license and approval as well as to take disciplinary action against those "acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business"; (ii) require training providers to submit all*

notices and training program participant lists electronically on forms provided by the board; (iii) replace "date of birth" as a data element required to be submitted to the board on each lead-based paint training program participant list with "social security number"; and (iv) reorganize the regulatory requirements in a format that is consistent with other DPOR regulations.

The proposed regulation was amended to allow training program notices to be received by the board at least 48 hours prior to the date training is to begin instead of the more restrictive seven business days previously required.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

**18 VAC 15-30-30. Licensure required. (Repealed.)**

~~A. Each person who engages in or offers to engage in any lead based paint activity shall first obtain a license from the board.~~

~~B. All licenses must be specific for the discipline being performed.~~

~~C. The board shall issue a license as a lead abatement firm, lead abatement supervisor, lead abatement worker, lead inspector, lead risk assessor, or lead project designer to any person who applies and meets the qualifications specified in this chapter and who is not otherwise in violation of this chapter.~~

**18 VAC 15-30-40. Accreditation required. (Repealed.)**

~~A. Each person who provides a training program or offers to provide a training program for any discipline of lead based paint activity shall first obtain an approval from the board as an accredited lead training provider.~~

~~B. Accredited lead training providers shall offer and provide training only for the disciplines for which they are approved.~~

~~C. The board shall approve an accredited lead training program, training manager and principal instructor for any firm that applies and meets the qualifications specified in this chapter and is not otherwise in violation of this chapter.~~

PART III.

APPLICATION AND RENEWAL REQUIREMENTS  
ENTRY.

**18 VAC 15-30-50. General. (Repealed.)**

~~A. Each person desiring to be issued a license or accreditation shall apply on forms provided by the department.~~

~~B. Individual applicants shall be at least 18 years of age.~~

~~C. Each application shall be completed according to the instructions provided with the application form and shall be accompanied by the fee established in 18 VAC 15-30-160. Incomplete applications shall not be processed by the board.~~

~~Application fees pay the board's costs to evaluate applications and shall not be refunded.~~

~~D. The applicant shall disclose the following information about himself in the case of an individual, or about the firm and every member of the responsible management of the firm in the case of a firm:~~

~~1. A conviction in any jurisdiction of any felony.~~

~~2. A conviction in any jurisdiction of any misdemeanor.~~

~~3. Any disciplinary action taken in another jurisdiction in connection with the applicant's environmental remediation practice including, but not limited to, monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action.~~

~~4. Any current or previously held environmental remediation certifications, accreditations or licenses issued by Virginia or any other jurisdiction.~~

~~Subject to the provisions of § 54.1-204 of the Code of Virginia, the board may deny any application for licensure or accreditation as a lead training provider when any of the parties listed in this subsection have been convicted of any offense listed in this subsection or has been the subject of any disciplinary action listed in subdivision 3 of this subsection. Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. A certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order shall be admissible as prima facie evidence of such conviction or discipline.~~

~~E. Each applicant shall disclose his physical address for all licenses or accreditations. A post office box shall not be acceptable.~~

~~F. The receipt of an application and the deposit of fees by the board does not indicate approval by the board.~~

~~G. Training requirements shall be verified by submittal to the board of the training certificate issued by the accredited lead training provider for that course.~~

~~H. Education requirements shall be verified by submittal to the board on the Education Verification Form sent directly from the school.~~

~~I. Experience requirements shall be verified by resumes, letters of reference, or documentation of work experience.~~

~~J. All persons seeking licensure or accreditation by the board shall have all necessary occupational or professional licenses as required by Virginia statute and local ordinance to transact the business of their profession and shall meet the requirements of this chapter.~~

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## **18 VAC 15-30-51. Application procedures.**

All applicants seeking licensure, interim licensure or accredited lead training program approval shall submit an application with the appropriate fee specified in 18 VAC 15-30-162. Application shall be made on forms provided by the department.

By signing the application or submitting it electronically to the department, the applicant certifies that he has read and understands the board's statutes and regulations.

The receipt of an application and the deposit of fees by the board does not indicate approval by the board.

The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied.

Applicants will be notified if their application is incomplete. Applicants who fail to complete the process within 12 months after the date the department receives the application shall submit a new application and fee.

## **18 VAC 15-30-52. Qualifications for licensure – individuals.**

A. General. Applicants shall meet all applicable entry requirements at the time application is made.

B. Name. The applicant shall disclose his full legal name.

C. Age. The applicant shall be at least 18 years old.

D. Address. The applicant shall disclose a physical address. A post office box is only acceptable when a physical address is also provided.

E. Specific entry requirements.

1. Worker. Each applicant for lead abatement worker licensure shall provide evidence of successful completion of a board-approved initial lead abatement worker course.

2. Project designer. Each applicant for lead project designer licensure shall provide evidence of successful completion of a board-approved initial lead project designer course and successful completion of a board-approved initial lead abatement supervisor course and one of the following:

a. A bachelor's degree in engineering, architecture, or a related profession, and one year experience in building construction and design or a related field; or

b. Four years of experience in building construction and design or a related field.

3. Supervisor.

a. Each applicant for lead abatement supervisor licensure shall provide evidence of:

(1) Successful completion of a board-approved initial lead abatement supervisor course; and

(2) One year experience as a licensed lead abatement worker or two years experience in a related field (e.g., lead, asbestos or environmental remediation) or in the building trades.

b. Each applicant shall pass a board-approved licensing examination for supervisors within 36 months after completion of the board-approved lead abatement supervisor initial training course or the board-approved lead supervisor refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

c. A licensed lead abatement supervisor may perform the duties of a licensed lead abatement worker.

4. Inspector.

a. Each applicant for lead inspector licensure shall provide evidence of successful completion of a board-approved initial lead inspector course.

b. Each applicant shall pass a board-approved licensing examination for lead inspector within 36 months after completion of the board-approved lead inspector initial training course or the board-approved lead inspector refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

5. Risk assessor.

a. Each applicant for lead risk assessor licensure shall provide evidence of successful completion of a board-approved initial lead risk assessor training course and successful completion of a board-approved initial lead inspector training course that was at least three days in length and one of the following:

(1) Certification or licensure as an industrial hygienist, a professional engineer, a registered architect or licensure in a related engineering/health/environmental field;

(2) A bachelor's degree and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction);

(3) An associate's degree and two years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

(4) A high school diploma or its equivalent, and at least three years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction).

b. Each applicant shall pass a board-approved licensure examination for risk assessor within 36 months after completion of the board-approved lead risk assessor initial training course or the board-approved lead risk assessor refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

F. Training verification. Training requirements shall be verified by submittal to the board of the training certificate issued by the accredited lead training provider for that course.

G. Education verification. Education requirements shall be verified by submittal to the board on the Education Verification Form sent directly from the school.

H. Experience verification. Experience requirements shall be verified by resumes, letters of reference, or documentation of work experience.

I. Conviction or guilt. The applicant shall disclose the following information:

1. A conviction in any jurisdiction of any felony.
2. A conviction in any jurisdiction of any misdemeanor.
3. Any disciplinary action taken in another jurisdiction in connection with the applicant's environmental remediation practice including, but not limited to, monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action.
4. Any current or previously held environmental remediation certifications, accreditations or licenses issued by Virginia or any other jurisdiction.

Subject to the provisions of § 54.1-204 of the Code of Virginia, the board may deny any application for licensure or accreditation as a lead training provider when any of the parties listed in this subsection have been convicted of any offense listed in this subsection or has been the subject of any disciplinary action listed in subdivision 3 of this subsection. Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. A certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order shall be admissible as prima facie evidence of such conviction or discipline.

J. Standards of conduct and practice. Applicants shall be in compliance with the standards of conduct and practice set

forth in Part VIII (18 VAC 15-30-510 et seq.) of this chapter at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

K. Standing. The applicant shall be in good standing in every jurisdiction where licensed and the applicant shall not have had a license that was suspended, revoked or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure or approval to any applicant based on disciplinary action by any jurisdiction.

## **18 VAC 15-30-53. Qualifications for licensure – business entities.**

A. General. Every business entity shall secure a license before transacting business.

B. Name. The business name shall be disclosed on the application. The name under which the entity conducts business and holds itself out to the public (i.e., the trade or fictitious name) shall also be disclosed on the application. Business entities shall register their trade or fictitious names with the State Corporation Commission or the clerk of court in the county or jurisdiction where the business is to be conducted in accordance with §§ 59.1-69 through 59.1-76 of the Code of Virginia before submitting their application to the board.

C. Address. The applicant shall disclose the firm's mailing address and the firm's physical address. A post office box is only acceptable as a mailing address when a physical address is also provided.

D. Form of organization. Applicants shall meet the additional requirements listed below for their business type:

1. Corporations. All applicants shall have been incorporated in the Commonwealth of Virginia or, if a foreign corporation, shall have obtained a certificate of authority to conduct business in Virginia from the State Corporation Commission in accordance with § 13.1-544.2 of the Code of Virginia. The corporation shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

2. Limited liability companies. All applicants shall have obtained a certificate of organization in the Commonwealth of Virginia or, if a foreign limited liability company, shall have obtained a certificate of registration to do business in Virginia from the State Corporation Commission in accordance with § 13.1-1105 of the Code of Virginia. The company shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

3. Partnerships. All applicants shall have a written partnership agreement. The partnership agreement shall

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state that all professional services of the partnership shall be under the direction and control of a licensed or certified professional.

4. Sole proprietorships. Sole proprietorships desiring to use an assumed or fictitious name, that is a name other than the individual's full name, shall have their assumed or fictitious name recorded by the clerk of the court of the county or jurisdiction wherein the business is to be conducted.

## E. Qualifications.

1. Lead contractor. Each applicant for lead contractor licensure shall:

a. Hold a valid Virginia contractor license with a lead specialty issued by the Virginia Board for Contractors and comply with the provisions of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.

b. Certify that:

(1) Only properly licensed lead abatement supervisors and workers will be employed to conduct lead-based paint activities;

(2) A licensed lead abatement supervisor is present at each job site during all work site preparation and during post-abatement cleanup, and shall be on site or available by telephone, pager or answering service and able to be present at the work site in no more than two hours when abatement activities are being conducted;

(3) The standards for conducting lead-based paint activities established in this chapter and standards established by the EPA and OSHA shall be followed at all times during the conduct of lead-based paint activities; and

(4) The company is in compliance with all other occupational and professional licenses and standards as required by Virginia statute and local ordinance to transact the business of a lead abatement contractor.

F. Conviction or guilt. Neither the firm nor the owners, officers or directors shall have been convicted or found guilty, regardless of adjudication, in any jurisdiction of any felony or of any misdemeanor involving lying, cheating or stealing or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time of appeal having lapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such

conviction or discipline. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

G. Standards of conduct and practice. Applicants shall be in compliance with the standards of conduct and practice set forth in Part VIII (18 VAC 15-30-510 et seq.) and Part IX (18 VAC 15-30-760 et seq.) of this chapter at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

H. Standing. Both the firm and the owners, officers and directors shall be in good standing in every jurisdiction where licensed and the applicant shall not have had a license that was suspended, revoked or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure to any applicant based on disciplinary action by any jurisdiction.

I. Denial of license. The board may refuse to issue a license to any lead contractor applicant if the applicant or its owners, officers or directors have a financial interest in a lead contractor whose lead license has been revoked, suspended or denied renewal in any jurisdiction.

## **18 VAC 15-30-54. Qualifications for accredited lead training program approval.**

A. For a training program to obtain accreditation from the board to teach lead-based paint activities, the program shall demonstrate through its application material that it meets the minimum requirements for principal instructor qualifications, required topic review, length of training, and recordkeeping for each discipline for which the program is seeking accreditation. Training programs shall offer courses that teach the standards for conducting lead-based paint activities contained in this chapter and other such standards adopted by the EPA.

B. Each applicant for approval as an accredited lead training provider shall meet the requirements established by this chapter before being granted approval to offer an accredited lead training program. Applicants requesting approval of a lead training program to prepare participants for licensure shall apply on a form provided by the board. The application form shall be completed in accordance with the instructions supplied and shall include the following:

1. The course for which it is applying for accreditation.

2. A statement signed by the training program manager, which certifies that the training program meets the minimum requirements established in this chapter.

3. The names and qualifications, including education and experience, of each principal instructor.

4. A copy of the student manuals and instructor manuals or other materials to be used.

5. A copy of the course agenda that includes the time allocation for each course topic.

6. A copy of the test and answer sheet.

7. A description of the facilities and equipment to be used for lecture and hands-on training.

8. A description of the activities and procedures that will be used for conducting the assessment of hands-on skills.

9. A copy of the quality control plan as described in this chapter.

10. An example of a certificate that will be issued to students who successfully complete the course.

11. A proposed course date for auditing purposes.

12. The application fee required by 18 VAC 15-30-162.

C. The completed application form with attachments and fee shall be received by the board no later than 45 days before the desired audit date.

D. An applicant may seek approval for as many initial and refresher courses as it chooses, but shall submit a separate application and fee for each program.

E. Applicants may seek accreditation to offer lead-based paint activities initial or refresher courses in any of the following disciplines: lead abatement worker, lead project designer, lead abatement supervisor, lead inspector, and lead risk assessor.

F. Each training program shall be conducted in compliance with this chapter to qualify for and maintain approval as an accredited lead training program.

G. Upon receipt of an application, the board shall conduct a preliminary review and shall notify the applicant in writing of any deficiencies in the submittal packages. Applicants will have one year from the board's receipt of the application to correct any problems noted in the review.

H. After the application has been found to be complete and in compliance with this chapter, an on-site audit of the training program shall be conducted. The board shall conduct an additional on-site audit, grant approval or deny approval based on the board's evaluation of the level of compliance with this chapter found during the initial on-site audit.

I. Applicants denied approval shall have one year from the date of receipt of the application by the board to correct any deficiencies and notify the board in writing.

J. An accredited training provider shall have been approved by the board before its training certificates shall be accepted by the board as evidence that an individual has completed an accredited lead training program.

K. Each accredited lead training program that is granted approval shall be sent a form indicating the discipline

approved and an expiration date that shall be maintained at the business address listed on the application.

## **18 VAC 15-30-100. Expiration. (Repealed.)**

~~A. Interim licenses shall expire six months from the last day of the month during which the individual completed the board approved initial or refresher accredited lead training program required by Part IV (18 VAC 15 30 170 et seq.) of this chapter regardless of the date on which the board received the application for initial licensure or the date the board issued the license.~~

~~B. Interim licenses shall not be renewed or extended.~~

~~C. Individual licenses shall expire 12 months from the last day of the month wherein the individual completed the initial training program or refresher training program required by Part IV (18 VAC 15 30 170 et seq.) of this chapter, regardless of the date on which the board received the application for individual licensure or the date the board issued the license. In no case shall an individual license expire later than the last day of the month which is 36 months after the date the individual completed the initial training program or most recent refresher training program.~~

~~D. Contractor licenses shall expire 12 months from the last day of the month wherein issued.~~

~~E. Accredited lead training programs approval shall expire 24 months from the last day of the month in which the board granted approval.~~

## **18 VAC 15-30-110. Refresher training and individual license renewal. (Repealed.)**

~~A. Licensees desiring to maintain an individual license shall satisfactorily complete the refresher training program established by this chapter and assure that the board receives documentation of satisfactory completion no later than the last day of the month that is 36 months after the date of completion of the initial training program or refresher training program established by Part IV (18 VAC 15 30 170 et seq.) of this chapter and not less often than once each 36 months thereafter. In the case of a proficiency-based course completion, refresher training is required every 60 months instead of 36 months.~~

~~B. The board shall renew an individual license for an additional 12 months upon receipt of a renewal application and fee in compliance with 18 VAC 15 30 140 and 18 VAC 15 30 160, provided that the licensee has complied with subsection A of this section. In no case shall an individual license expire later than the last day of the month that is 36 months, or in the case of proficiency-based course 60 months, after the initial training program or most recent refresher training program was completed.~~



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## **18 VAC 15-30-120. Licensed contractor renewal. (Repealed.)**

The board shall renew a contractor license for an additional 12 months upon receipt of a renewal application and the renewal fee in compliance with 18 VAC 15-30-140 and 18 VAC 15-30-160.

## **18 VAC 15-30-130. Accredited training program renewal. (Repealed.)**

A. Accredited lead training providers desiring to maintain approval of their accredited lead training program shall cause the board to receive the following no later than 48 months after the date of initial approval and not less often than once each 48 months thereafter:

1. The training provider's name, address, and telephone number.
2. A list of courses for which it is applying for re-accreditation.
3. A statement signed by the training program manager which certifies that:
  - a. The course materials for each course meet the requirements of Part VIII (18 VAC 15-30-440 et seq.) of this chapter.
  - b. The training manager and principal instructors meet the qualifications listed in 18 VAC 15-30-340.
  - c. The training program manager complies at all times with all requirements of this chapter.
  - d. The quality control program meets the requirements noted in 18 VAC 15-30-410.
  - e. The recordkeeping requirements of this chapter will be followed.

B. The board shall renew an accredited lead training program for an additional 24 months upon receipt of a renewal application and fee, provided that the accredited lead training provider is in compliance with subsection A of this section.

C. An audit by a board representative may be performed to verify the certified statements and the contents of the application before relicensure is granted.

## **18 VAC 15-30-140. Renewal application. (Repealed.)**

A. The board shall mail a renewal notice to the licensee or accredited lead training provider at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee or accredited lead training provider of the obligation to renew.

B. Prior to the expiration date shown on the license or approval, each licensee or accredited lead training provider desiring to renew the license or approval shall return to the

board the renewal notice and the renewal fee. Documentation of refresher training programs for individuals and of the requirements in 18 VAC 15-30-130 A for accredited lead training programs shall be sent to the board.

C. Should the licensee or accredited lead training provider fail to receive the renewal notice, a photocopy of the current lead license or accredited lead training program approval may be substituted for the renewal notice and mailed with the required fee to the board.

D. Interim licensure shall not be renewed or extended. Each applicant who wishes a second interim license must provide to the board evidence of having retaken and satisfactorily completed the initial training requirements and make a new application to the board.

E. If the renewal fee is not received by the board within 30 days after the expiration date printed on the license or accredited lead training program approval, a late renewal fee shall be required in addition to the renewal fee.

F. Any licensee or accredited lead training provider who fails to renew his license or accredited lead training program approval within six months after the expiration date on the license or approval shall not be permitted to renew and shall apply as a new applicant.

## **18 VAC 15-30-150. Change of address or name. (Repealed.)**

Each licensed individual, licensed firm, and accredited lead training provider shall notify the board, in writing, of any change of address or name. This notification shall be sent to the board within 30 days of such relocation or name change.

## **18 VAC 15-30-160. Fees. (Repealed.)**

A. The fee for an initial or a renewal of a lead abatement worker, lead abatement supervisor, lead inspector, lead risk assessor, or lead project designer license shall be \$25.

B. The renewal fee for an individual license not renewed within 30 days after the expiration date on the license shall be \$50, which consists of the \$25 renewal fee and a \$25 late renewal fee.

C. The fee for an initial or a renewal of a lead abatement contractor license shall be \$40.

D. The renewal fee for a lead abatement contractor license not renewed within 30 days after the expiration date shall be \$65, which consists of the \$40 renewal fee and a \$25 late renewal fee.

E. The application fee for approval of an accredited lead training program shall be \$400 for each eight hours of course duration required by 18 VAC 15-30-380.

F. The application fee for approval of an accredited lead refresher training program shall be \$400, except for the project designer refresher, which shall be \$200.

G. The renewal fee for an accredited lead training program and an accredited lead refresher training program shall be \$100 per course.

H. The renewal fee for an accredited lead training program and an accredited lead refresher training program not renewed within 30 days after the expiration date shall be \$125 per course, which consists of the \$100 renewal fee and a \$25 late renewal fee.

I. Fees for approval of an accredited lead training program and an accredited lead refresher training program shall not be imposed on any state, local government, or nonprofit training program.

J. The examination fee shall consist of the administration expenses of the board ensuing from the board's examination procedures and contract charges. Examination service contracts shall be established through competitive negotiations in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). The examination shall not exceed a cost of \$75 to the candidate.

K. Applicants who submit a dishonored check will be charged a \$25 service fee in addition to the required application fee.

**PART IV.  
FEES.**

**18 VAC 15-30-161. General fee requirements.**

A. All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be made payable to the Treasurer of Virginia.

B. Fees for approval and renewal of an accredited lead training program and an accredited lead refresher training program shall not be imposed on any state, local government, or nonprofit training program.

C. The examination fee shall consist of the administration expenses of the board ensuing from the board's examination procedures and contract charges. Examination service contracts shall be established through competitive negotiations in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). The examination shall not exceed a cost of \$75 to the candidate.

**18 VAC 15-30-162. Application fees.**

Application fees are as follows:

Fee Type	Fee Amount	When Due
Application for worker, supervisor, inspector, risk assessor or project designer license	\$25	With application

Application for a lead contractor license	\$40	With application
Application for accredited lead training program approval	\$400 per day of training	With application
Application for accredited lead refresher training program approval except for project designer refresher	\$400	With application
Application for accredited lead project designer refresher training program approval	\$200	With application

**18 VAC 15-30-163. Renewal and late renewal fees.**

Renewal and late renewal fees are as follows:

Fee Type	Fee Amount	When Due
Renewal for worker, supervisor, inspector, risk assessor or project designer license	\$25	With renewal application
Renewal for lead contractor's license	\$40	With renewal application
Renewal for accredited asbestos training program approval	\$100	With renewal application
Late renewal for worker, supervisor, inspector, risk assessor or project designer license (includes a \$25 late renewal fee in addition to the regular \$25 renewal fee)	\$50	With renewal application
Late renewal for lead contractor's license (includes a \$25 late renewal fee in addition to the regular \$40 renewal fee)	\$65	With renewal application
Late renewal for accredited lead training program approval (includes a \$25 late renewal fee in addition to the regular \$100 renewal fee)	\$125	With renewal application

**PART V.  
RENEWAL.**

**18 VAC 15-30-164. Renewal required.**

A. Interim licenses shall expire six months from the last day of the month during which the individual completed the board-approved initial or refresher accredited lead training program required by 18 VAC 15-30-52 regardless of the date on which the board received the application for initial licensure or the date the board issued the license.

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B. Interim licenses shall not be renewed or extended.

C. Individual licenses shall expire 12 months from the last day of the month wherein the individual completed the initial training program or refresher training program required by 18 VAC 15-30-52 regardless of the date on which the board received the application for individual licensure or the date the board issued the license. In no case shall an individual license expire later than the last day of the month which is 36 months after the date the individual completed the initial training program or most recent refresher training program.

D. Contractor licenses shall expire 12 months from the last day of the month wherein issued.

E. Accredited lead training programs approval shall expire 24 months from the last day of the month in which the board granted approval.

## **18 VAC 15-30-165. Procedures for renewal.**

A. The board shall mail a renewal notice to the licensee or accredited lead training provider at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee or accredited lead training provider of the obligation to renew.

B. Prior to the expiration date shown on the license or approval, each licensee or accredited lead training provider desiring to renew the license or approval shall return to the board the renewal notice and the renewal fee. Documentation of refresher training programs for individuals and of the requirements in 18 VAC 15-30-166 C for accredited lead training programs shall be sent to the board.

C. Should the licensee or accredited lead training provider fail to receive the renewal notice, a photocopy of the current lead license or accredited lead training program approval may be substituted for the renewal notice and mailed with the required fee to the board.

D. Interim licensure shall not be renewed or extended. Each applicant who wishes a second interim license must provide to the board evidence of having retaken and satisfactorily completed the initial training requirements and make a new application to the board.

## **18 VAC 15-30-166. Qualifications for renewal.**

A. Individuals.

1. Licensees desiring to maintain an individual license shall satisfactorily complete the refresher training program established by this chapter and assure that the board receives documentation of satisfactory completion no later than the last day of the month that is 36 months after the date of completion of the initial training program or refresher training program and not less often than once each 36 months thereafter. In the case of a proficiency-

based course completion, refresher training is required every 60 months instead of 36 months.

2. The board shall renew an individual license for an additional 12 months upon receipt of a renewal application and fee in compliance with 18 VAC 15-30-163 and 18 VAC 15-30-165, provided that the licensee has complied with subdivision 1 of this subsection. In no case shall an individual license expire later than the last day of the month that is 36 months, or in the case of proficiency-based course 60 months, after the initial training program or most recent refresher training program was completed.

B. Contractors. The board shall renew a contractor license for an additional 12 months upon receipt of a renewal application and the renewal fee in compliance with 18 VAC 15-30-163 and 18 VAC 15-30-165. Return of the renewal application and renewal fee to the board shall constitute a certification that the licensee is in full compliance with the board's regulations.

C. Accredited training programs.

1. Accredited lead training providers desiring to maintain approval of their accredited lead training program shall cause the board to receive the following no later than 48 months after the date of initial approval and not less often than once each 48 months thereafter:

a. The training provider's name, address, and telephone number.

b. A statement signed by the training program manager that certifies that:

(1) The course materials for each course meet the requirements of Part VII (18 VAC 15-30-440 et seq.) of this chapter.

(2) The training manager and principal instructors meet the qualifications listed in 18 VAC 15-30-340.

(3) The training program manager complies at all times with all requirements of this chapter.

(4) The quality control program meets the requirements noted in 18 VAC 15-30-410.

(5) The recordkeeping requirements of this chapter will be followed.

2. Return of the renewal application and renewal fee to the board shall constitute a certification that the accredited lead training provider is in full compliance with the board's regulations.

3. An audit by a board representative may be performed to verify the certified statements and the contents of the application before relicensure is granted.

4. Accredited lead training programs determined by the board to have met the renewal requirements shall be issued an approval for an additional 24 months.

**18 VAC 15-30-167. Late renewal.**

A. If the renewal fee is not received by the board within 30 days after the expiration date printed on the license or accredited lead training program approval, a late renewal fee shall be required in addition to the renewal fee.

B. Any licensee or accredited lead training provider who fails to renew his license or accredited lead training program approval within six months after the expiration date on the license or approval shall not be permitted to renew and shall apply as a new applicant.

**PART IV.**

**INDIVIDUAL LICENSURE REQUIREMENTS.**

**18 VAC 15-30-170. Licensed lead abatement worker. (Repealed.)**

~~Each applicant for lead abatement worker licensure shall comply with the application requirements established in 18 VAC 15 30 50 and include evidence of successful completion of a board approved initial lead abatement worker course.~~

**18 VAC 15-30-180. Licensed lead project designer. (Repealed.)**

~~Each applicant for lead project designer licensure shall comply with the application requirements established in 18 VAC 15 30 50 and include evidence of successful completion of a board approved initial lead project designer course and successful completion of a board approved initial lead abatement supervisor course and one of the following:~~

- ~~1. A bachelor's degree in engineering, architecture, or a related profession, and one year experience in building construction and design or a related field; or~~
- ~~2. Four years of experience in building construction and design or a related field.~~

**18 VAC 15-30-205. Licensed lead abatement supervisor. (Repealed.)**

~~A. Each applicant for lead abatement supervisor licensure shall comply with the application requirements established in 18 VAC 15 30 50 and include evidence of:~~

- ~~1. Successful completion of a board approved initial lead abatement supervisor course; and~~
- ~~2. One year experience as a licensed lead abatement worker or two years experience in a related field (e.g., lead, asbestos or environmental remediation) or in the building trades.~~

~~B. Each applicant shall pass a board approved licensing examination for supervisors within 36 months after~~

~~completion of the board approved lead abatement supervisor initial training course or the board approved lead supervisor refresher course.~~

~~C. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.~~

~~D. A licensed lead abatement supervisor may perform the duties of a licensed lead abatement worker.~~

**18 VAC 15-30-225. Licensed lead inspector. (Repealed.)**

~~A. Each applicant for lead inspector licensure shall comply with the application requirements established in 18 VAC 15 30 50 and include evidence of successful completion of a board approved initial lead inspector course.~~

~~B. Each applicant shall pass a board approved licensing examination for lead inspector within 36 months after completion of the board approved lead inspector initial training course or the board approved lead inspector refresher course.~~

~~C. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.~~

**18 VAC 15-30-245. Licensed lead risk assessor. (Repealed.)**

~~A. Each applicant for lead risk assessor licensure shall comply with the application requirements established in 18 VAC 15 30 50 and include evidence of successful completion of a board approved initial lead risk assessor training course and successful completion of a board approved initial lead inspector training course that was at least three days in length and one of the following:~~

- ~~1. Certification or licensure as an industrial hygienist, a professional engineer, a registered architect or licensure in a related engineering/health/environmental field;~~
- ~~2. A bachelor's degree and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction);~~
- ~~3. An Associate's degree and two years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or~~
- ~~4. A high school diploma or its equivalent, and at least three years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction).~~

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~~B. Each applicant shall pass a board approved licensure examination for risk assessor within 36 months after completion of the board approved lead risk assessor initial training course or the board approved lead risk assessor refresher course.~~

~~C. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.~~

## ~~PART V.~~

### ~~LICENSED CONTRACTOR REQUIREMENTS.~~

#### ~~18 VAC 15-30-250. Requirements for licensure. (Repealed.)~~

~~A. Each applicant for lead contractor licensure shall hold a valid Virginia contractor license with a lead specialty issued by the Virginia Board for Contractors, and shall comply with the provisions of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.~~

~~B. Firms seeking contractor licensing shall certify that:~~

- ~~1. Only properly licensed lead abatement supervisors and workers will be employed to conduct lead based paint activities;~~
- ~~2. A licensed lead abatement supervisor is present at each job site during all work site preparation and during post abatement cleanup, and shall be on site or available by telephone, pager or answering service, and able to be present at the work site in no more than two hours when abatement activities are being conducted; and~~
- ~~3. The standards for conducting lead based paint activities established in this chapter and standards established by the EPA and OSHA shall be followed at all times during the conduct of lead based paint activities; and~~
- ~~4. The company is in compliance with all other occupational and professional licenses and standards as required by Virginia statute and local ordinance to transact the business of a lead abatement contractor.~~

## ~~PART VI.~~

### ~~TRAINING PROGRAM ACCREDITATION.~~

#### ~~18 VAC 15-30-260. General. (Repealed.)~~

~~A. Each applicant for approval as an accredited lead training provider shall meet the requirements established by this chapter before being granted approval to offer an accredited lead training program. Applicants requesting approval of a lead training program to prepare participants for licensure shall apply on a form provided by the board. The application~~

~~form shall be completed in accordance with the instructions supplied and shall include the following:~~

- ~~1. The course for which it is applying for accreditation.~~
- ~~2. A statement signed by the training program manager, which certifies that the training program and each principal instructor meets the minimum requirements established in this chapter.~~
- ~~3. A copy of the student manuals and instructor manuals or other materials to be used.~~
- ~~4. A copy of the course agenda which includes the time allocation for each course topic.~~
- ~~5. A copy of the test and answer sheet.~~
- ~~6. A description of the facilities and equipment to be used for lecture and hands on training.~~
- ~~7. A description of the activities and procedures that will be used for conducting the assessment of hands on skills.~~
- ~~8. A copy of the quality control plan as described in this chapter.~~
- ~~9. An example of a certificate that will be issued to students who successfully complete the course.~~
- ~~10. A proposed course date for auditing purposes.~~
- ~~11. The application fee required by 18 VAC 15-30-160.~~

~~B. The completed application form with attachments and fee shall be received by the board no later than 45 days before the desired audit date.~~

~~C. An applicant may seek approval for as many initial and refresher courses as it chooses, but shall submit a separate application and fee for each program.~~

~~D. Applicants may seek accreditation to offer lead based paint activities initial or refresher courses in any of the following disciplines: lead abatement worker, lead project designer, lead abatement supervisor, lead inspector, and lead risk assessor.~~

~~E. Each training program shall be conducted in compliance with this chapter to qualify for and maintain approval as an accredited lead training program.~~

#### ~~18 VAC 15-30-270. Board review and audit procedures. (Repealed.)~~

~~A. Upon receipt of an application, the board shall conduct a preliminary review and shall notify the applicant, in writing, of any deficiencies in the submittal packages. Applicants will have one year from the board's receipt of the application to correct any problems noted in the review.~~

~~B. After the application has been found to be complete and in compliance with this chapter, an on site audit of the training program shall be conducted. The board shall conduct an~~

~~additional on-site audit, grant approval or deny approval based on the board's evaluation of the level of compliance with this chapter found during the initial on-site audit.~~

~~C. Applicants denied approval shall have one year from the date of receipt of the application by the board to correct any deficiencies and notify the board in writing.~~

~~D. An accredited training provider shall have been approved by the board before its training certificates shall be accepted by the board as evidence that an individual has completed an accredited lead training program.~~

**18 VAC 15-30-280. Accreditation approval. (Repealed.)**

~~Each accredited lead training program which is granted approval shall be sent a form indicating the discipline approved and an expiration date which shall be maintained at the business address listed on the application.~~

**18 VAC 15-30-290. Changes to an approved course. (Repealed.)**

~~Once a training course has been approved, substantial changes in any of the approved items must be submitted to the board for review and approval prior to the continuation of the training course. These items include, but are not limited to:~~

- ~~1. Course curriculum.~~
- ~~2. Course examination.~~
- ~~3. Course materials.~~
- ~~4. Training manager and principal instructor or instructors.~~
- ~~5. Certificate of completion.~~

~~The board shall communicate its approval or disapproval in the same manner as for initial applications for accreditation approval.~~

**18 VAC 15-30-300. Change of ownership. (Repealed.)**

~~When an accredited lead training provider offering an accredited lead training program has a change of ownership, the new owner shall apply anew.~~

PART VII VI.  
REQUIREMENTS FOR THE ACCREDITATION OF  
STANDARDS OF PRACTICE AND CONDUCT FOR  
ACCREDITED LEAD TRAINING PROGRAMS.

**18 VAC 15-30-330. General. (Repealed.)**

~~For a training program to obtain accreditation from the board to teach lead-based paint activities, the program shall demonstrate through its application material that it meets the minimum requirements for principal instructor qualifications, required topic review, length of training, and recordkeeping for each discipline for which the program is seeking accreditation. Training programs shall offer courses which teach the standards for conducting lead-based paint activities~~

~~contained in this chapter, and other such standards adopted by the EPA.~~

**18 VAC 15-30-332. Changes to an approved course.**

Once a training course has been approved, substantial changes in any of the approved items must be submitted to the board for review and approval prior to the continuation of the training course. These items include, but are not limited to:

1. Course curriculum.
2. Course examination.
3. Course materials.
4. Training manager and principal instructor or instructors.
5. Certificate of completion.

The board shall communicate its approval or disapproval in the same manner as for initial applications for accreditation approval.

**18 VAC 15-30-334. Change of ownership.**

When an accredited lead training provider offering an accredited lead training program has a change of ownership, the new owner shall apply anew.

**18 VAC 15-30-420. Recordkeeping and provision of records to the board.**

A. Each accredited lead training program shall maintain and make available upon request from the board the following records:

1. All documents specified in 18 VAC 15-30-360 that demonstrate the qualifications listed in 18 VAC 15-30-340 of the training manager and principal instructors.
2. Current curriculum/course materials and documents reflecting any changes made to these materials.
3. Course examination.
4. Information on how the hands-on assessment is conducted including, but not limited to, who conducts the assessment, how the skills are graded, what facilities are used, and the pass/fail rate.
5. The quality control plan described in 18 VAC 15-30-410.
6. Results of the student's hands-on skills assessments and course examination and a copy of each student's course completion certificate.
7. Any other material not listed in this chapter that was submitted to the board as part of the application for accreditation.

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The accredited lead training provider shall retain these records at the location specified on the training program application for a minimum of three years and six months.

B. The training manager shall notify the board at least [ ~~seven business days~~ 48 hours ] prior to the start date of any accredited lead training program. [ ~~For the purposes of this section, a business day shall mean Monday through Friday with the exception of federal holidays.~~ ]

C. The training manager shall provide an updated notification when an accredited lead training program will begin on a date other than the start date specified in the original notification as follows:

1. For accredited lead training programs beginning prior to the start date provided to the board, an updated notification must be received by the board at least [ ~~seven business days~~ 48 hours ] before the new start date.
2. For accredited lead training programs beginning after the start date provided to the board, an updated notification must be received by the board at least [ ~~two business days~~ 48 hours ] before the start date provided to the board.

D. The training manager shall update the board of any change in location of an accredited lead training program at least seven business days prior to the start date provided to the board.

E. The training manager shall update the board regarding any accredited lead training program cancellations or any other change to the original notification at least two business days prior to the start date provided to the board. This requirement shall not apply to situations or circumstances beyond the control of the training provider.

F. Each notification, including updates, shall include the following:

1. Notification type (original, update, cancellation).
2. Training program name, Virginia accreditation number, address, and telephone number.
3. Course discipline, type (initial/refresher), and the language in which the instruction will be given.
4. Dates and times of training.
5. Training locations, telephone number, and address.
6. Principal instructor's name.
7. Training manager's name and signature.

G. The training program participant list shall be completed by the training provider and training program participants daily.

H. The training program participant list shall be retained by the training provider for three years following the date of completion of the training program.

I. The training manager shall provide to the board the accredited lead training program participant list no later than 10 business days following the training program completion. For the purposes of this section, a business day shall mean Monday through Friday with the exception of federal holidays.

J. The training program participant list shall include the following:

1. Training program name, Virginia accreditation number, address, and telephone number.
2. Course discipline and type (initial/refresher).
3. Dates of training.
4. Each participant's name, address, ~~date of birth~~ social security number, course completion certificate number, and course test score.
5. Training manager's name and signature.

~~K. Written notifications and training program participant lists must be submitted using the U.S. Postal Service, by fax, by commercial delivery service, or hand delivered using a sample form available from the board or a similar form that contains the information required by this section. Notifications and training program participant lists may also~~ shall be submitted electronically via an e-mail address in the manner established by the board specifically to receive this documentation using a sample form designed by and available from the board. Any variation upon this procedure shall be approved by the board prior to submission.

L. The training provider shall retain all examinations completed by training program participants for a period of three years.

M. The department ~~will~~ shall not recognize training certificates from approved training providers that fail to notify or fail to provide a training program participant list.

## ~~PART VII~~ PART VII.

### TRAINING COURSE CURRICULA REQUIREMENTS.

## ~~PART VIII~~ PART VIII.

### STANDARDS FOR CONDUCTING LEAD-BASED PAINT ACTIVITIES.

#### **18 VAC 15-30-510. General requirements.**

A. This part establishes work practice standards for conducting lead-based paint activities in target housing and child-occupied facilities.

B. Notification shall be sent by the licensed lead abatement contractor to the Virginia Department of Labor and Industry prior to the commencement of any lead-based paint abatement activities. The notification shall be sent in a manner prescribed by the Virginia Department of Labor and Industry.

C. No licensed lead abatement contractor shall enter into a contract to perform a lead abatement project if the lead inspection or project design is to be performed by individuals with an employer/employee relationship with, or financial interest in, the lead abatement contractor unless the contractor provides the building owner with a "Virginia Lead Consumer Information and Disclosure Sheet," which is available from the board. Persons licensed to perform post-abatement clearance procedures shall be independent of and have no financial interest in or an employer/employee relationship with the licensed lead abatement contractor.

D. The relationships described in subsection C of this section must be disclosed and the disclosure form must be signed and dated by the building owner, or his agent, and the contracting entity prior to the signing of any contract to conduct lead-based paint activities. The contractor must provide the disclosure form to all parties involved in the lead abatement project. The disclosure form shall be kept on the lead abatement project site and available for review.

E. When performing a lead-based paint inspection, lead-hazard screen, risk assessment or abatement, a licensed individual must perform that activity in compliance with documented methodologies. Documented methodologies that are appropriate for this chapter include the following:

1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995 edition, including the 1997 Revision to Chapter 7: Lead-Based Paint Inspection.
2. 40 CFR Part 745, Subpart D.
3. EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil (60 FR 47248-47257).
4. EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report (EPA 747-R-95-001, March 1995).
5. Any future EPA or HUD guidance that may replace the above methodologies.
6. Regulations, guidance, methods or protocols authorized by the board.

F. Individuals conducting lead-based paint activities shall comply with the work practice standards enumerated in this chapter.

G. Any lead-based paint activities, as described in this chapter, shall be performed only by individuals licensed by the board to perform such activities.

H. All reports and plans required by 18 VAC 15-30-520 through 18 VAC 15-30-651 shall be maintained by the licensed firm or individual who prepared the report for at least three years. The licensed firm or individual also shall

provide copies of these reports to the building owner or person who contracted for its services.

~~PART IX.~~  
GENERAL STANDARDS OF PRACTICE AND CONDUCT.

**18 VAC 15-30-810. Grounds for denial of application, denial of renewal, or discipline.**

A. The board shall have the authority to fine any licensee or accredited lead training provider, training manager or principal instructor, and to deny renewal, to suspend, to revoke or to deny application for any license or approval as an accredited lead training program, accredited lead training provider, training manager or principal instructor provided for under Chapter 5 of Title 54.1 of the Code of Virginia for:

1. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this chapter.
2. Obtaining a license, approval as an accredited lead training program, approval as an accredited lead training provider or approval as a training manager or principal instructor through fraudulent means.
3. Altering, falsifying or issuing a fraudulent Virginia lead license or a training certificate issued by an accredited lead training provider.
4. Violating any provision of any federal or state regulation pertinent to lead-based paint activities.
5. Having been found guilty by the board, another regulatory authority, or by a court, of any misrepresentation in the course of performing his operating duties.
6. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.
7. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity that



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resulted in the significant harm or the imminent threat of significant harm to human health or the environment.

8. Negligence, or a continued pattern of incompetence, in the practice of the discipline in which a lead license is held.

9. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.

10. Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of lawful compliance inspections.

11. Any unlawful act or violation of any provision of Chapter 5 of Title 54.1 of the Code of Virginia or of the regulations of the board by any lead abatement supervisor or lead abatement worker may be cause for disciplinary action against the lead abatement contractor for whom he works if it appears to the satisfaction of the board that the lead abatement contractor knew or should have known of the unlawful act or violation.

12. Failing to notify the board in writing within 30 days after any change in address or name.

13. Acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business.

B. Any individual or firm whose license, approval as an accredited lead training program, approval as an accredited lead training provider or approval as a training manager or principal instructor is revoked under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of revocation. The individual or firm shall meet all education, experience, and training requirements, complete the application, and submit the required fee for consideration as a new applicant.

C. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019 and 2.2-4021 of the Administrative Process Act.

## **18 VAC 15-30-820. Suspension or revocation of approval of an accredited lead training provider.**

A. The board may suspend, revoke, or modify an accredited lead training program's approval if an accredited lead training provider, training manager, or other person with supervisory authority over the training program has:

1. Misrepresented the contents of a training course to the board or the student population.
2. Failed to submit required information or notification in a timely manner.
3. Failed to submit training program notifications as required and in the manner described in 18 VAC 15-30-420.

4. Failed to submit training program participant lists as required and in the manner described in 18 VAC 15-30-420.

5. Failed to maintain required records.

6. Falsified accreditation records, qualifications of the training manager and principal instructors, or other accreditation information.

7. Failed to comply with the federal, state, or local lead-based paint statutes or regulations.

8. Acted as an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the accredited lead training provider's business.

B. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019 and 2.2-4021 of the Administrative Process Act.

**NOTICE:** The forms used in administering 18 VAC 15-30, Virginia Lead-Based Paint Activities Regulations, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

### FORMS

Lead Contractor License Application, 33LCON (rev. ~~5/03~~ 5/00).

Lead License Application Requirements, 33LINS (rev. ~~5/03~~ 10/03).

Lead License Application, 33LLIC (rev. ~~5/03~~ 10/03).

Experience Verification Form, 33LEXP (rev. ~~5/03~~ 12/04).

Education Verification Form, 33LED (rev. ~~5/03~~ 5/00).

Lead Training Course Application Requirements, 33LCRSRQ (rev. ~~5/03~~ 10/03).

Lead Training Course Application, 33LCRS (rev. ~~7/03~~ 10/03).

Training Notification, 33LTN (~~eff. 7/04~~ rev. 9/04).

Training Program Participant List, 33LPL (~~eff. 7/04~~ rev. 9/04).

Inspector/Risk Assessor/Project Designer/Contractor Disclosure Form, 33LDIS (eff. 1/04).

Virginia Lead Consumer Information and Disclosure Sheet, 33LCIS (eff. 1/04).

VA.R. Doc. No. R04-239; Filed September 15, 2006, 2:25 p.m.

**BOARD OF NURSING****Proposed Regulation**

**Title of Regulation: 18 VAC 90-25. Regulations Governing Certified Nurse Aides (amending 18 VAC 90-25-15 through 18 VAC 90-25-80 and 18 VAC 90-25-100 through 18 VAC 90-25-130; adding 18 VAC 90-25-71, 18 VAC 90-25-72 and 18 VAC 90-25-81).**

**Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.**

**Public Hearing Date: November 14, 2006 - 11:30 a.m.**

Public comments may be submitted until 5 p.m. on December 15, 2006.

(See Calendar of Events section for additional information)

**Agency Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, or email jay.douglas@dhp.virginia.gov.**

**Basis: Section 54.1-2400 of the Code of Virginia provides the Board of Nursing the authority to promulgate regulations to administer the regulatory system.**

The specific authorization to promulgate regulations for registration and certification of nurse aides is found in the Nurse Practice Act in § 54.1-3005 of the Code of Virginia.

**Purpose: The primary purpose of the action is to resolve several issues with compliance and enforcement of the regulations where they are not as clearly stated as they could be. Staff of the Board of Nursing identified those rules that have been problematic or have raised questions from educational program coordinators, program site visitors, or the certified nurse aides themselves. The goal of the proposal is to address those areas of ambiguity in order to encourage compliance with the intent and purpose of the regulation, which is to educate nurse aides and ensure minimal competency to work with a vulnerable population of elderly clients in a manner that protects their health and safety.**

**Substance: The substantive changes include (i) the addition of a program change (physical location) that would need to be reported to the board within 10 days; (ii) a reduction from 24 to 16 in the number of core curriculum hours that must be completed before a student can have direct client contact; and (iii) additions to the grounds for unprofessional conduct to include providing false information to staff or board members in the course of an investigation or proceeding. A new rule that a certificate holder can only petition the board one time for removal of a finding of neglect is a restatement of a current guidance document adopted in 1998 and revised in 2003 (90-32) and has been the policy of the board.**

**Issues: The primary advantage to the public is the assurance that aides who work with clients in long-term care facilities will be adequately trained and deemed competent by completion of an educational program and competency examination. In addition, there must accountability for the work and behaviors of aides who must practice under standards set by the board or face possible disciplinary action. The changes to regulation are intended to make the standards more clear for educational programs and individual aides. There are no disadvantages of the regulations.**

Clarification and additional specificity should improve enforceability and reduce some confusion or questions about the intent of some requirements, resulting in greater efficiency for the agency.

**Department of Planning and Budget's Economic Impact Analysis:**

Summary of the proposed regulation. The Board of Nursing (board) proposes to amend the Regulations Governing Certified Nurse Aides to require nursing aide programs to report any change of physical location to the board and to specify that the licenses required of program coordinators and instructors be current and unrestricted. The board also proposes to dedicate 16 of the 24 training hours that nursing aide students are required to complete, before they have contact with nursing facility patients, to five enumerated core curriculum topics. Further, the board proposes to add one provision to the list of actions that may lead to disciplinary action and specify that a nursing aide certificate holder can only petition the board once to remove a finding of neglect.

Result of analysis. The benefits likely exceed the costs for all proposed regulatory changes encompassed by this regulation.

Estimated economic impact. Current regulation requires that nursing aide program coordinators and primary instructors be registered nurses. Also, any substantive change in nursing aide programs must be reported to the board within 10 days. Substantive changes include any change in program coordinator, primary instructor, program ownership or licensure ownership. The board proposes to add language to this regulation that will clarify that registered nurses who are serving as program coordinators or primary instructors must hold current and unrestricted licenses. The proposed regulation will also specify that changes in "physical location of the program" are substantive changes and, therefore, must be reported to the board within 10 days.

The requirement that nursing aide program coordinators and primary instructors hold current, unrestricted licenses has been long standing board policy that is already reflected in guidance documents. Adding this requirement to the proposed regulation will likely have no economic impact since it does not represent a change from current practice for the regulated community.

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The board proposes to specify that changes in physical address have to be reported to the board within 10 days because, they report, at least one program has in the past moved without informing the board. The proposed regulation is silent as to how these programs must report substantive changes but any method program owners might choose will have only very minimal cost attached. Reporting these changes could take as little effort as making a phone call to a board representative or as much effort as typing up a letter and mailing it. Either way, the benefits of the board actually knowing where the programs they regulate are located likely far outweigh the costs that nursing aide programs will accrue to comply with this requirement.

Currently, nursing aide program students are required to complete 24 hours of training in their program's core curriculum before they have contact with nursing home patients. The board proposes to decrease the number of hours of training needed in core curriculum areas from 24 to 16. Primary instructors for these programs, and the board, feel that 16 hours of training in the areas considered core curriculum is sufficient and that the remaining eight hours of training that are required before students have patient contact would be better spent on subjects outside the core curriculum. The proposed regulation will not change the total hours of training nursing aide students must undertake, it only changes what will be taught to them during those hours. Accordingly, regulated entities, nursing aide program owners and students, are unlikely to incur any extra expenses because of this regulatory change.

Current regulation allows the board to discipline nursing aides for securing a certificate through fraud or deceit or for engaging in unprofessional conduct; the regulation explicitly lists the situations that fall under the definition of each of these disciplinary grounds. The board proposes to add "providing false information to staff or board members during the course of an investigation or proceeding" to the list of activities that counts as unprofessional conduct and, so, merits disciplinary action.

Although the board does not offer a rationale for making this change, it makes sense that it would be necessary. Allowing regulants to lie with impunity would tend to limit the board's ability to ferret out the truth during investigations; penalizing lying will help to reduce regulants' willingness to lie. The benefits of this regulatory change for the public and employers, who will have better information with which to make healthcare decisions and employment decisions, respectively, will likely outweigh the costs that nursing aides may accrue if they lose their certification for lying to the board.

In addition to the above change in nursing aide disciplinary policy, the board proposes to add a regulatory limit to the number of times that a nursing aide may petition to have a finding of neglect stricken from their record. Although

current regulation is silent as to how many times nursing aides are allowed to make such a petition, the board's current policy and guidance documents only allow for it to happen once. Since this regulatory change will not change current practice, regulated entities will likely incur no extra costs because of its promulgation.

**Businesses and entities affected.** Currently, 41,436 individuals are certified by the Commonwealth as nursing aides. The regulated community affected by this proposed regulation comprises these individuals plus the more than 100 nursing aide training programs that operate in Virginia.

**Localities particularly affected.** The proposed regulation will affect all localities in the Commonwealth.

**Projected impact on employment.** The proposed regulation is unlikely to have any impact on employment opportunities for nursing aides.

**Effects on the use and value of private property.** The proposed regulation contains no substantive changes to the regulatory requirements under which nursing aide programs currently operate; nursing aide programs operators are unlikely to see the value of their programs either increase or decrease because of this regulation.

**Small businesses: costs and other effects.** Nursing aide programs that qualify as small businesses will incur the very minimal cost of informing the board of any changes in physical address.

**Small businesses: alternative method that minimizes adverse impact.** There are likely no other methods of accomplishing the board's goals that would further minimize any adverse impact on small businesses.

**Legal mandate.** The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected

small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Nursing concurs with the analysis of the Department of Planning and Budget on proposed amendments to 18 VAC 90-25, Regulations Governing Certified Nurse Aides.

Summary:

*The proposed amendments (i) require nursing aide programs to report any change of physical location to the board, (ii) specify that the licenses required of program coordinators and instructors be current and unrestricted, (iii) dedicate 16 of the 24 training hours that nursing aide students are required to complete before they have contact with nursing facility patients to five enumerated core curriculum topics, (iv) provide that providing false information to staff or board members in the course of an investigation or proceeding may lead to disciplinary action, and (v) specify that a nursing aide certificate holder can only petition the board once to remove a finding of neglect.*

**18 VAC 90-25-15. Identification; accuracy of records.**

A. Any person regulated by this chapter who provides direct patient care shall, while on duty, wear identification that is clearly visible and indicates the person's first and last name and the appropriate title issued to such person by the board under which he is practicing in that setting.

B. A certificate holder who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order evidencing the change. A duplicate certificate shall be issued by the board upon receipt of such evidence.

C. Each certificate holder shall maintain a record of his current mailing address with the board, and any change of address shall be submitted in writing to the board within 30 days of such change. All notices required by law and by this chapter to be mailed by the board to any certificate holder shall be validly given when mailed to the latest address on file with the board.

**18 VAC 90-25-20. Establishing and maintaining a nurse aide education program.**

A. Establishing a nurse aide education program.

1. A program provider wishing to establish a nurse aide education program shall submit an application to the board at least 90 days in advance of the expected opening date.

2. The application shall provide evidence of the ability of the institution to comply with subsection B of this section.

3. The committee shall, in accordance with § 2.2-4019 of the Code of Virginia, receive and review the application and shall make a recommendation to the board to grant or deny approval.

4. If the committee's recommendation is to deny approval, no further action will be required of the board unless the program requests a hearing before the board or a panel thereof in accordance with § 2.2-4020 and subdivision 11 of § 54.1-2400 of the Code of Virginia.

B. Maintaining an approved nurse aide education program. To maintain approval, the nurse aide education program shall:

1. Demonstrate evidence of compliance with the following essential elements:

a. Curriculum content and length as set forth in subsection A of 18 VAC 90-25-40 and subsection C of 18 VAC 90-25-50.

b. Maintenance of qualified instructional personnel as set forth in 18 VAC 90-25-30.

c. Classroom facilities that meet requirements set forth in subsection D of 18 VAC 90-25-50.

d. Maintenance of records as set forth in subsection A of 18 VAC 90-25-50.

e. Skills training experience in a nursing facility that has not been subject to penalty or penalties as provided in 42 CFR 483.151(b)(2) (Medicare and Medicaid Programs: Nurse Aide Training and Competency Evaluation Programs and Paid Feeding Assistants, ~~effective April 1, 1992~~ revised October 1, 2005) in the past two years. The foregoing shall not apply to a nursing facility that has received a waiver from the state survey agency in accordance with federal law.

f. Agreement that board representatives may make unannounced visits to the program.

g. Financial support and resources sufficient to meet requirements of this chapter as evidenced by a copy of the current annual budget or a signed statement from the administration specifically detailing its financial support and resources.

h. Completion and submission of biennial on-site review reports and program evaluation reports as requested by the board.

2. Impose no fee for any portion of the program on any nurse aide who, on the date on which the nurse aide begins the program, is either employed or has an offer of employment from a nursing facility.

3. Provide documentation that each student applying to or enrolled in such program has been given a copy of applicable Virginia law regarding criminal history records

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checks for employment in certain health care facilities, and a list of crimes that pose a barrier to such employment.

4. Report all substantive changes in subdivision 1 of this subsection within 10 days of the change to the board to include, but not be limited to, a change in the program coordinator, primary instructor, program ownership, physical location of the program or licensure status.

5. Provide each student with a copy of his certificate of completion.

## **18 VAC 90-25-30. Requirements for instructional personnel.**

### A. Program coordinator.

1. Each program shall have a program coordinator who must be a registered nurse who holds a current, unrestricted license in Virginia or a multistate licensure privilege.

2. The program coordinator in a nursing facility based program may be the director of nursing services. The director of nursing may assume the administrative responsibility and accountability for the nurse aide education program but shall not engage in the actual classroom and clinical teaching.

3. The primary instructor may be the program coordinator in any nurse aide education program.

### B. Primary instructor.

1. Each program shall have a primary instructor who must be a registered nurse who holds a current, unrestricted license in Virginia or a multistate licensure privilege.

2. Qualifications. The primary instructor, who does the majority of the actual teaching of the students shall:

a. Hold a current, unrestricted Virginia license as a registered nurse who holds a current, unrestricted license in Virginia or a multistate licensure privilege; and

b. Have two years of experience as a registered nurse within the previous five years and at least one year of experience in the provision of long-term care facility services. Such experience may include, but not be limited to, employment in a nurse aide education program or employment in or supervision of nursing students in a nursing facility or unit, geriatrics department, chronic care hospital, home care or other long-term care setting. Experience should include varied responsibilities, such as direct resident care, supervision and education.

3. Responsibilities. The primary instructor is responsible for the teaching and evaluation of students and, in addition, shall:

a. Participate in the planning of each learning experience;

b. Ensure that course objectives are accomplished;

c. Ensure that the provisions of subsection F of this section are maintained;

d. Maintain records as required by subsection A of 18 VAC 90-25-50;

e. Perform other activities necessary to comply with subsection B of 18 VAC 90-25-20; and

f. Ensure that students do not perform services for which they have not received instruction and been found proficient by the instructor.

### C. Other instructional personnel.

1. Instructional personnel who assist the primary instructor in providing classroom or clinical supervision shall be registered nurses or licensed practical nurses.

a. A registered nurse shall:

(1) Hold a current, unrestricted Virginia license as a registered nurse; and

(2) Have had at least one year of direct patient care experience as a registered nurse.

b. A licensed practical nurse shall:

(1) Hold a current, unrestricted Virginia license as a practical nurse;

(2) Hold a high school diploma or equivalent;

(3) Have been graduated from a state-approved practical nursing program; and

(4) Have had at least two years of direct patient care experience as a licensed practical nurse.

2. Responsibilities. Other instructional personnel shall provide instruction under the supervision of the primary instructor.

D. Prior to being assigned to teach the nurse aide education program, all instructional personnel shall demonstrate competence to teach adults by one of the following:

1. Satisfactory completion of a course in teaching adults that includes (i) basic principles of adult learning; (ii) teaching methods and tools for adult learners; and (iii) evaluation strategies and measurement tools for assessing the learning outcomes; or

2. Have experience in teaching adults or high school students.

E. To meet planned program objectives, the program may, under the direct, on-site supervision of the primary instructor, use other persons who have expertise in specific topics and have had at least one year of experience in their field.

F. When students are giving direct care to clients in clinical areas, instructional personnel must be on site solely to

supervise the students. The ratio of students to each instructor shall not exceed 10 students to one instructor.

## **18 VAC 90-25-40. Requirements for the curriculum.**

A. Curriculum content. The curriculum shall include, but shall not be limited to, classroom and clinical instruction in the following:

1. Initial core curriculum. Prior to the direct contact ~~of a student~~ with a nursing facility client, a student shall have completed a total of at least 24 hours of instruction. Sixteen of those hours shall be in the following five areas—must be presented:

- a. Communication and interpersonal skills.
  - b. Infection control.
  - c. Safety and emergency procedures, including dealing with obstructed airways and fall prevention.
  - d. Promoting client independence.
  - e. Respecting clients' rights.
2. Basic skills.
- a. Recognizing changes in body functioning and the importance of reporting such changes to a supervisor.
  - b. Measuring and recording routine vital signs.
  - c. Measuring and recording height and weight.
  - d. Caring for the clients' environment.
  - e. Measuring and recording fluid and food intake and output.
  - f. Performing basic emergency measures.
  - g. Caring for a client when death is imminent.
3. Personal care skills.
- a. Bathing and oral hygiene.
  - b. Grooming.
  - c. Dressing.
  - d. Toileting.
  - e. Assisting with eating and hydration, including proper feeding techniques.
  - f. Caring for skin, to include prevention of pressure ulcers.
  - g. Transfer, positioning and turning.
4. Individual client's needs, including mental health and social service needs.
- a. Modifying the aide's behavior in response to the behavior of clients.

b. Identifying developmental tasks associated with the aging process.

c. Demonstrating principles of behavior management by reinforcing appropriate behavior and causing inappropriate behavior to be reduced or eliminated.

d. Demonstrating skills supporting age-appropriate behavior by allowing the client to make personal choices, and by providing and reinforcing other behavior consistent with the client's dignity.

e. Utilizing the client's family or concerned others as a source of emotional support.

f. Responding appropriately to the client's behavior; including, but not limited to, aggressive behavior and language.

g. Providing appropriate clinical care to the aged and disabled.

h. Providing culturally sensitive care.

5. Care of the cognitively or sensory (visual and auditory) impaired client.

a. Using techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others).

b. Communicating with cognitively or sensory impaired clients.

c. Demonstrating an understanding of and responding appropriately to the behavior of cognitively or sensory impaired clients.

d. Using methods to reduce the effects of cognitive impairment.

6. Skills for basic restorative services.

a. Using assistive devices in transferring, ambulation, eating and dressing.

b. Maintaining range of motion.

c. Turning and positioning, both in bed and chair.

d. Bowel and bladder training.

e. Caring for and using prosthetic and orthotic devices.

f. Teaching the client in self-care according to the client's abilities as directed by a supervisor.

7. Clients' rights.

a. Providing privacy and maintaining confidentiality.

b. Promoting the client's right to make personal choices to accommodate individual needs.

c. Giving assistance in resolving grievances and disputes.

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d. Providing assistance necessary to participate in client and family groups and other activities.

e. Maintaining care and security of the client's personal possessions.

f. Promoting the client's rights to be free from abuse, mistreatment and neglect and the need to report any instances of such treatment to appropriate staff.

g. Avoiding the need for restraints in accordance with current professional standards.

8. Legal and regulatory aspects of practice as a certified nurse aide, including, but not limited to, consequences of abuse, neglect, misappropriation of client property and unprofessional conduct.

9. Occupational health and safety measures.

10. Appropriate management of conflict.

## B. Unit objectives.

1. Objectives for each unit of instruction shall be stated in behavioral terms that are measurable.

2. Objectives shall be reviewed with the students at the beginning of each unit.

C. Curriculum changes. Changes in curriculum shall be approved by the board prior to implementation and shall be submitted at the time of the on-site visit or with the report submitted by the program coordinator in the intervening year.

## 18 VAC 90-25-50. Other program requirements.

### A. Records.

1. Each nurse aide education program shall develop and maintain an individual record of major skills taught and the date of performance by the student. At the completion of the nurse aide education program, the program shall provide each nurse aide ~~must receive~~ with a copy of this record and a certificate of completion from the program.

2. A record of the reports of graduates' performance on the approved competency evaluation program shall be maintained.

3. A record that documents the disposition of complaints against the program shall be maintained.

B. Student identification. The nurse aide students shall wear identification that clearly distinguishes them as a "nurse aide student."

### C. Length of program.

1. The program shall be at least 120 clock hours in length.

2. The program shall provide for at least 24 hours of instruction prior to direct contact of a student with a nursing facility client.

3. Skills training in clinical settings shall be at least 40 hours of providing direct client care. Five of the clinical hours may be in a setting other than a nursing home. Hours of observation shall not be included in the required 40 hours of skills training.

4. Employment orientation to facilities used in the education program must not be included in the 120 hours allotted for the program.

D. Classroom facilities. The nurse aide education program shall provide facilities that meet federal and state requirements including:

1. Comfortable temperatures.

2. Clean and safe conditions.

3. Adequate lighting.

4. Adequate space to accommodate all students.

5. Instructional technology and equipment needed for simulating client care.

## 18 VAC 90-25-60. Requirements for continued approval; interruption or closing of a program.

### A. Program review.

1. Each nurse aide education program shall be reviewed annually either by a visit on site by an agent of the board or by a written program evaluation. Each program shall be reviewed by an on-site visit at least every two years following initial review or whenever deemed necessary by the board to ensure continued compliance.

2. The program coordinator shall prepare and submit a program evaluation report on a form provided by the board in the intervening year that an on-site review is not conducted.

B. Decision on continued approval. The committee, in accordance with § 2.2-4019 of the Code of Virginia, shall receive and review the report of the on-site visit or program evaluation report and shall make recommendations to the board to grant continued approval, place a program on conditional approval or deny continued approval.

a. Granting continued approval. A nurse aide education program shall continue to be approved provided the requirements set forth in subsection B of 18 VAC 90-25-20 are maintained.

b. Placing a program on conditional approval. If the committee determines that a nurse aide education program has not filed its program evaluation report or is not maintaining the requirements of subsection B of 18 VAC 90-25-20, the committee may recommend to the board that the program be placed on conditional approval and the program provider shall be given a reasonable period of time to correct the identified deficiencies ~~or the~~

~~matter shall be referred to the board or a panel of the board for a hearing.~~

(1) The committee shall receive and review reports of progress toward correcting identified deficiencies and, when a final report is received at the end of the specified time showing corrections of deficiencies, make a recommendation to the board ~~for to grant of~~ continued approval.

(2) If the program provider fails to correct the identified deficiencies within the time specified by the committee or the board, the board or a panel thereof may withdraw approval following a hearing in accordance with § 2.2-4020 and subdivision 11 of § 54.1-2400 of the Code of Virginia.

(3) The program provider may request a formal hearing before the board or a panel thereof pursuant to § 2.2-4020 and subdivision 11 of § 54.1-2400 of the Code of Virginia if it objects to any action of the board relating to conditional approval.

c. Denying continued approval. If the committee determines that a nurse aide education program is not maintaining the requirements of subsection B of 18 VAC 90-25-20, it may recommend that continued approval be denied and refer the matter to the board or a panel of the board for a hearing in accordance with § 2.2-4020 of the Code of Virginia.

~~B.~~ C. Interruption of program.

1. When a program provider does not hold classes for a period not to exceed one year, the provider may request that the program be placed on inactive status and shall not be subject to compliance with subsection B of 18 VAC 90-25-20 for the specified time.

2. Unless the program provider notifies the board that it intends to admit students, the program will be considered closed at the end of the one-year period and be subject to the requirements of subsection ~~E~~ D of this section.

3. If the program provider does not hold classes for two consecutive years, the program shall be considered closed and shall be subject to the requirements of subsection ~~E~~ D of this section.

E. D. Closing of a nurse aide education program. When a nurse aide education program closes, the program provider shall:

1. Notify the board of the date of closing.
2. Submit to the board a list of all graduates with the date of graduation of each.

**18 VAC 90-25-70. Initial certification for the nurse aide registry.**

A. The executive director of the board shall issue a certificate as a certified nurse aide to each applicant who qualifies for such a certificate under §§ 54.1-3024, 54.1-3025, 54.1-3026 and 54.1-3028 of the Code of Virginia and provisions of this chapter.

B. Nurse aide competency evaluation.

1. The board may contract with a test service for the development and administration of a competency evaluation.

2. All individuals completing a nurse aide education program in Virginia shall successfully complete the competency evaluation required by the board prior to ~~making application for certification~~ being certified and to using the title Certified Nurse Aide.

3. The board shall determine the minimum passing standard on the competency evaluation.

C. Initial certification shall be for two years.

**18 VAC 90-25-71. Certification by examination.**

~~+~~ To be placed on the registry and certified by examination, the nurse aide must:

~~a.~~ 1. (i) Satisfactorily complete a nurse aide education program approved by the board; (ii) be enrolled in a nursing education program preparing for registered nurse or practical nurse licensure, and have satisfactorily completed at least one clinical nursing course that includes at least 40 hours of clinical experience involving direct client care; or (iii) have completed a nursing education program preparing for registered nurse licensure or practical nurse licensure;

~~b.~~ 2. Pass the competency evaluation required by the board; and

~~c.~~ 3. Submit the required application and testing fee as prescribed by the board.

**18 VAC 90-25-72. Certification by endorsement.**

~~2.~~ To be placed on the registry and be certified by endorsement, the nurse aide ~~must~~ shall:

~~a.~~ 1. Be a graduate of a state-approved nurse aide education program that meets the requirements for clinical training and competency set forth in 42 CFR 483.152;

~~b.~~ 2. Have satisfactorily completed a competency evaluation program;

~~c.~~ 3. Be currently registered in another state, with no finding of abuse, neglect or misappropriation of property;

~~d.~~ 4. Submit the required application; and



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e. 5. Submit the required verification form to the credentialing agency in each state in which the applicant has been registered, certified or licensed.

~~3. Initial certification shall be for two years.~~

## **18 VAC 90-25-80. Renewal or reinstatement of certification.**

### A. Renewal of certification.

1. No less than 30 days prior to the expiration date of the current certification, a notice for renewal shall be mailed by the board to the last known address of each currently registered certified nurse aide.

2. The certified nurse aide shall submit a completed application with the required fee of \$50 and verification of performance of nursing-related activities for compensation within the two years immediately preceding the expiration date.

3. Failure to receive the application for renewal shall not relieve the certificate holder of the responsibility for renewing the certification by the expiration date.

4. A certified nurse aide who has not performed nursing-related activities for compensation during the two years preceding the expiration date of the certification shall repeat and pass the nurse aide competency evaluation prior to applying for recertification.

5. The board shall also charge a fee of \$35 for a returned check.

### B. Reinstatement of certification.

1. An individual whose certification has lapsed for more than 90 days shall ~~file~~ submit the required application and renewal fee and provide:

a. Verification of performance of nursing-related activities for compensation in the two years prior to the expiration date of the certificate and within the preceding two years; or

b. ~~When nursing activities have not been performed during the preceding two years, evidence~~ Evidence of having repeated and passed the nurse aide competency evaluation.

2. An individual who has previously had a finding of abuse, neglect or misappropriation of property is not eligible for reinstatement of his certification, except as provided in subsection C of this section.

## **18 VAC 90-25-81. Removal of a finding of neglect.**

~~C. A.~~ A. If a finding of neglect was made against a certificate holder based on a single occurrence, an individual may petition for removal of the finding of neglect provided:

1. A period of at least one year has passed since the finding was made; and

2. The individual seeking reinstatement demonstrates sufficient evidence that employment and personal history do not reflect a pattern of abusive behavior or neglect.

B. A certificate holder can petition the board only once for removal of a finding of neglect.

## **18 VAC 90-25-100. Disciplinary provisions for nurse aides.**

The board has the authority to deny, revoke or suspend a certificate issued, or to otherwise discipline a certificate holder upon proof that he has violated any of the provisions of § 54.1-3007 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

1. Fraud or deceit in order to procure or maintain a certificate shall mean, but shall not be limited to:

a. Filing false credentials;

b. Falsely representing facts on an application for initial certification, reinstatement or renewal of a certificate; or

c. Giving or receiving assistance in taking the competency evaluation.

2. Unprofessional conduct shall mean, but shall not be limited to:

a. Performing acts beyond those authorized for practice as a nurse aide or an advanced certified nurse aide as defined in Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia, and beyond those authorized by the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) or by provisions for delegation of nursing tasks in Part X (§18 VAC 90-20-420 et seq.) of §18 VAC 90-20.

b. Assuming duties and responsibilities within the practice of a nurse aide or an advanced certified nurse aide without adequate training or when competency has not been maintained;

c. Obtaining supplies, equipment or drugs for personal or other unauthorized use;

d. Falsifying or otherwise altering client or employer records, including falsely representing facts on a job application or other employment-related documents;

e. Abusing, neglecting or abandoning clients;

f. Having been denied a license or certificate or having had a license or certificate issued by the board revoked or suspended;

g. Giving to or accepting from a client property or money for any reason other than fee for service or a nominal token of appreciation;

h. Obtaining money or property of a client by fraud, misrepresentation or duress;

i. Entering into a relationship with a client that constitutes a professional boundary violation in which the nurse aide uses his professional position to take advantage of ~~a client's~~ the vulnerability of a client or his family, to include but not limited to actions that result in personal gain at the expense of the client, an inappropriate personal involvement or sexual conduct with a client; ~~or~~

j. Violating state laws relating to the privacy of client information, including but not limited to § 32.1-127.1:03 of the Code of Virginia; ~~or~~

k. Providing false information to staff or board members during the course of an investigation or proceeding.

3. For the purposes of interpreting provisions of § 54.1-3007 (7) of the Code of Virginia, a restriction on nurse aide certification shall be interpreted as having a finding of abuse, neglect or misappropriation of patient property made in another state or being placed on the abuse registry in another state.

**18 VAC 90-25-110. Requirements for initial certification as an advanced certified nurse aide.**

A. In order to be certified as and use the title of "Advanced Certified Nurse Aide," an applicant shall meet the following qualifications:

1. Hold current certification as a certified nurse aide in Virginia;
2. Have been certified for at least three years as a certified nurse aide;
3. Have never had a finding of abuse, neglect or misappropriation of patient property entered on ~~the Nurse Aide Registry~~ a nurse aide registry in any jurisdiction and have not had any disciplinary actions taken by the board within the five years preceding application for advanced certification;
4. Have a recommendation for advanced certification from a licensed nurse who has supervised the applicant in providing direct patient care for at least six months within the past year; and
5. Have successfully completed a minimum of 120 hours of advanced training in an approved program that includes a competency evaluation acceptable to the board.

B. An application for certification shall be accompanied by an application fee of \$25.

**18 VAC 90-25-120. Renewal and reinstatement of certification as an advanced certified nurse aide.**

A. Current certification as a nurse aide in Virginia must be maintained in order to hold certification as an advanced certified nurse aide.

~~A. B.~~ Renewal. If an individual is not eligible to renew as a certified nurse aide, certification as an advanced certified nurse aide may not be renewed. An advanced certification shall be renewed concurrently with the biennial renewal of the basic certification as a nurse aide in Virginia by:

1. Submitting a completed renewal form and renewal fee of \$20; and
2. Attesting to ~~completing completion of~~ at least three contact hours per year of continuing education and training in any of the competency areas identified in the advanced certification training program. ~~Completion of the continuing education and training required by an advanced certified nurse aide shall be verified by the employer on the renewal form.~~ The board may grant an extension or waiver of the continuing education requirement based on good cause shown by the certified nurse aide.

~~B. C.~~ Late renewal. An advanced certified nurse aide may renew certification for 90 days following the expiration date by meeting the requirements of subsection A of this section.

~~C. D.~~ Reinstatement. If an advanced certification has not been renewed for 90 days following the expiration date, it shall only be reinstated if the applicant for reinstatement:

1. Holds current certification as a nurse aide in Virginia;
2. Submits a completed reinstatement application on a form provided by the board;
3. Pays the reinstatement fee of \$30; and
4. Provides evidence that he has completed all required hours of continuing education and training.

**18 VAC 90-25-130. Requirements for an approved advanced certification education program.**

A. The advanced certification education program shall be approved by the Virginia Board of Nursing. An approved advanced certification education program shall also be an approved nurse aide education program as set forth in 18 VAC 90-25-20.

B. An advanced certification education program shall consist of a minimum of 120 hours including a minimum of 40 hours of clinical skills instruction in direct client care with on-site supervision by instructional personnel. When nurse aides are engaged in direct client care in the course of advanced certification training, the ratio shall not exceed 10 students to one instructor.

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C. The instructional personnel in an approved advanced certification education program shall meet the requirements as set forth in 18 VAC 90-25-30.

D. The curricula of an approved advanced certification education program shall, at a minimum, meet the requirements of 18 VAC 90-25-140.

E. Each advanced certification program shall develop an individual record of major skills taught and the date of performance by the student. At the completion of the program, the program shall provide each nurse aide ~~must receive~~ with a copy of this record and a certificate of completion.

F. An advanced certification education program shall develop and submit to the board a competency evaluation based on the curriculum content required in 18 VAC 90-25-140. Such an evaluation shall include both a written test on the curriculum and an assessment of manual skills. A record of the reports of graduates' performance on the approved competency evaluation program shall be maintained for a minimum of three years.

G. Program review shall be in accordance with requirements of 18 VAC 90-25-60 and shall be conducted concurrently with the on-site review of the basic nurse aide education program. Loss of board approval for the basic nurse aide education program shall automatically result in the loss of approval for the advanced certification education program.

H. When an advanced certification education program closes, the provider shall notify the board of the date of closing and submit a list of all graduates with their date of graduation.

**NOTICE:** The forms used in administering 18 VAC 90-25, Regulations Governing Certified Nurse Aides, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

## FORMS

Instructions for Application for Nurse Aide Certification by Endorsement (rev. ~~12/02~~ 1/06).

Application for Nurse Aide Certification by Endorsement (rev. ~~12/02~~ 8/06).

Nurse Aide Certification Verification Form (rev. 12/02).

Instructions for Applicant for Advanced Certified Nurse Aide Registration (eff. ~~2/03~~ 8/06).

Application for Certification as Advanced Certified Nurse Aide (eff. ~~2/03~~ rev. 8/06).

Instructions for Application for Reinstatement of Nurse Aide Certification (rev. ~~12/02~~ 8/06).

Application for Reinstatement of Nurse Aide Certification (rev. ~~12/02~~ 8/06).

Instructions for Application for Reinstatement of Advanced Nurse Aide Certification (eff. 2/03).

Application for Reinstatement of Advanced Nurse Aide Certification (eff. 2/03).

Application to Establish Nurse Aide Education Program (rev. 12/02).

Application to Establish an Advanced Certification Nurse Aide Education Program (eff. 12/02).

Nurse Aide Education Program Evaluation Report (rev. 11/02).

Nurse Aide Education Program-On-site Review Report (rev. 11/02).

Advanced Certification Nurse Aide Education Program-On-site Review Report (eff. 12/02).

Evaluation of On-Site Visitor (rev. 12/02).

Request for Statistical Information (rev. 12/02).

Renewal Notice (eff. 4/05).

Renewal Notice and Application, 1401, Certified Nurse Aide (rev. 12/02).

Renewal Notice and Application, Advanced Certified Nurse Aide (eff. 12/02).

V.A.R. Doc. No. R06-306; Filed September 26, 2006, 12:02 p.m.

## **DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

### **Proposed Regulation**

**Title of Regulation: 18 VAC 120-30. Regulations Governing Polygraph Examiners (amending 18 VAC 120-30-100).**

**Statutory Authority: §§ 54.1-201 and 54.1-1802 of the Code of Virginia.**

**Public Hearing Date: December 11, 2006 - 1 p.m.**

Public comments may be submitted until December 15, 2006.

(See Calendar of Events section for additional information)

**Agency Contact: Kevin E. Hoefft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-6166, FAX (804) 367-0674, or email polygraph@dpor.virginia.gov.**

**Basis:** Section 54.1-201 of the Code of Virginia authorizes the board to levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department of Professional and Occupational Regulation and the Board for Professional and Occupational Regulation. In addition, § 54.1-201 authorizes the board to promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.

Section 54.1-1802 of the Code of Virginia requires that the Director of the Department of Professional and Occupational Regulation promulgate regulations that are not inconsistent with the laws of Virginia necessary to carry out the provisions of Chapter 18 (§ 54.1-1800 et seq.) and Chapter 1 (§ 54.1-100 et seq.) of Title 54.1 of the Code of Virginia.

**Purpose:** The intent of the proposed regulatory changes is to increase licensing fees for polygraph examiners and polygraph examiner interns. The department must establish fees adequate to support the costs of program operations and a proportionate share of the department's operations for that program. By the close of this biennium, current licensing fees will not provide adequate revenue for those costs.

The department provides protection for the safety and welfare of the citizens of the Commonwealth by ensuring that only those individuals that meet specific criteria set forth in the statutes and regulations are eligible to practice as polygraph examiners, as well as ensuring that polygraph examinations are conducted in a manner consistent with both federal law and Virginia law. Without adequate funding there would be delays in the administration of licensing examinations and in the investigation of citizen complaints against polygraph examiner licensees. The majority of licensed polygraph examiners are law-enforcement officers who use the polygraph to investigate criminal activity and to conduct pre-employment examinations. With an increased emphasis on local, state and national security, it is imperative that the department ensure that no unnecessary obstacles block individuals' ability to become licensed polygraph examiners.

Decades of technological advancements have resulted in changes in equipment and theories in the polygraph field. These changes have been incorporated into the polygraph examiner license examinations of other states and the curricula of schools approved to provide prelicensure training to polygraph examiners. After reviewing the current polygraph examiner license examination, the Polygraph Examiner Advisory Board advised that the license examination should be updated to incorporate these advancements to ensure that prospective Virginia polygraph examiners are adequately tested for competency, thereby

affording a level of protection to those individuals who are subject to polygraph examinations in Virginia. Consequently, in 2005 the director authorized the expenditure of approximately \$16,500 to update the polygraph examiner license examination, which was finalized in September 2005 and implemented in December 2005.

The Department of Professional and Occupational Regulation receives no general fund money. Instead, it is funded almost entirely from revenue collected through applications for licensure, renewals, examination fees, and other licensing fees. The department is self-supporting and must collect adequate revenue to support its mandated and approved activities and operations. Fees must be established at levels to provide that revenue. Fee revenues collected on behalf of the boards fund the department's authorized special revenue appropriation.

The department has no other source of revenue from which to fund its operations for the licensure of polygraph examiners and polygraph examiner interns.

**Substance:** The existing regulations are being amended to increase the fees applicable to several licensing items:

1. The fee for a polygraph examiner's license by reciprocity is increased from \$45 to \$95.
2. The fee for a polygraph examiner intern registration is increased from \$20 to \$75.
3. The fee for a polygraph examiner's license by examination is increased from \$75 to \$200.
4. The fee for a polygraph examiner's license by reexamination is increased from \$75 to \$200.
5. The fee for renewal of a polygraph examiner's license is increased from \$15 to \$55.
6. The fee for reinstatement of a polygraph examiner's license is increased from \$50 to \$75.
7. The dishonored check fee will be removed from the regulations.

**Issues:** This proposed regulatory action represents no disadvantages to the public or the Commonwealth. Fees for licensed polygraph examiners and prospective licensed polygraph examiners will be increased to a level that meets the board's operating expenses, pays for the cost to implement a new polygraph examiner license examination, and is consistent with other states' polygraph examiner licensing fees.

**Department of Planning and Budget's Economic Impact Analysis:**

Summary of the proposed regulation. The Department of Professional and Occupational Regulation (DPOR) proposes to change the fee structure associated with obtaining and maintaining a polygraph examiner license.

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Result of analysis. The benefits likely exceed the costs for all proposed regulatory changes encompassed by this regulation.

Estimated economic impact. Current regulation requires polygraph examiners who are currently licensed in another state to pay a \$45 fee to be licensed by reciprocity. Fees for intern registration, initial examiner's license by examination and for examiner's license by reexamination are \$20, \$75 and \$75, respectively. Polygraph examiners must also pay a license renewal fee of \$15 and, if renewing their license one to six months after its expiration date, a reinstatement fee of \$50.

DPOR proposes to increase all of these fees considerably. The fee for an examiner's license by reciprocity will, under this proposal, increase to \$95. The fees for intern registration, initial examiner's license by examination and for examiner's license by reexamination will increase to \$75, \$200 and \$200, respectively. The license renewal fee will increase to \$55 and the program reinstatement fee will increase to \$75.

The competency examination that polygraph examiners now take tests them on polygraph methods and equipment that are obsolete. Polygraph examiners no longer use the polygraph equipment popularly associated with the field (equipment where needles scroll back and forth making lines on long thin strips of paper); polygraph examiners now use digital equipment and computer programs in performing their jobs. Given the changes that have occurred in the field of polygraph examination over the last decade, DPOR believes the public is best served by overhauling the test they use to assess polygraph examiners. The increased revenue generated by proposed fee increases will cover the approximately \$18,000 cost of updating this examination that will, in turn, allow DPOR to accurately assess applicant polygraph examiners' proficiency in their craft.

In addition to increasing polygraph licensing fees, DPOR proposes to harmonize this regulation with others in the department by dropping the dishonored check fee of \$25. Individuals who write uncashable checks to DPOR will still have to pay a fee, but it will be based on actual charges imposed on DPOR by the bank.

Businesses and entities affected. There are approximately 350 licensed polygraph examiners in the Commonwealth; in addition, the board receives between 10 and 15 applications for new licenses each year.

Localities particularly affected. The proposed regulation will affect all localities in the Commonwealth.

Projected impact on employment. Because all regulated entities are public employees, or private contractors who work for public agencies, and because public employers are, within the confines of their budget, largely motivated by considerations other than costs, increased polygraph examiner fees are unlikely to lead to decreased numbers of licensed

polygraph examiners. Therefore, this proposed regulation is not likely to have any measurable effect on employment.

Effects on the use and value of private property. The proposed regulation will affect polygraph examiners that are employed by public agencies as well as private polygraph examiners who will likely only be able to contract their services to public agencies. Increasing fees are not likely to affect public agency decisions to hire, or not hire, a polygraph examiner (or the services of a polygraph examiner). Given this, the value of a polygraph examiner license to its holder is unlikely to be affected by the proposed regulation.

Small businesses: Costs and other effects. DPOR does not know how many of its polygraph licensees are private contractors, but any polygraph examiner who falls into this category would qualify as a small business and will face more than doubled fees to get and maintain his license. Given the current legal restrictions on the use of polygraph testing, however, it is very likely that most, if not all, private contractors would find themselves working for public agencies that will more readily allow any license fee increases to be passed on to them. The pass through rate for these license fee increases will, even for public agency contracts, vary inversely with the number of polygraph examiners in a geographical area. In any case, fee increases are not so great that polygraph examiners would be likely to experience a significant reduction in profits.

Small businesses: Alternative method that minimizes adverse impact. There are likely no other methods of accomplishing the board's goals that would further minimize any adverse impact on small businesses.

Legal mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative

methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis completed by the Department of Planning and Budget.

Summary:

*The proposed amendments increase fees for licensed polygraph examiners and polygraph examiner interns, add a certificate of licensure fee, and eliminate the dishonored check fee.*

**18 VAC 120-30-100. Fees.**

A. All application fees for licenses and registrations are nonrefundable and shall not be prorated. The date of receipt by the department is the date which will be used to determine whether or not the fee is on time.

B. Application and examination fees must be submitted with the application for licensure. All other fees are discussed in greater detail in later sections of this chapter.

C. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus ~~the additional processing charge shown below~~ an additional processing charge set by the department.

D. The following fees listed in the table apply:

FEE TYPE	AMOUNT DUE	WHEN DUE
Application for Examiner's License by <u>Reciprocity</u>	<del>\$45</del> <u>\$95</u>	With application
Application for Intern Registration	<del>\$20</del> <u>\$75</u>	With application
<del>Dishonored Check</del>	<del>\$25</del>	<del>Upon notification by financial institution</del>
<u>Application for Examiner's License by Examination</u>	<del>\$75</del> <u>\$200</u>	With application
Reexamination	<del>\$75</del> <u>\$200</u>	With approval letter
Renewal	<del>\$15</del> <u>\$55</u>	Up to one calendar month after the expiration date on license
Reinstatement	<del>\$50</del> <u>\$75</u>	One to six calendar months after the expiration date on license
Duplicate Wall Certificate	\$25	With written request
<u>Certificate of Licensure</u>	<u>\$25</u>	<u>With written request</u>

**NOTICE:** The forms used in administering 18 VAC 120-30, Regulations Governing Polygraph Examiners, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Board of Nursing, 6603 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Internship Completion & License Exam Application/Internship Completion Form, 16EXINT (eff. ~~11/99~~ rev. 9/06).

License/Intern Registration Application, 16LIC (eff. ~~11/99~~ rev. 9/06).

Polygraph School Curriculum Approval Application, ~~POLYSCHL~~ 16SCHL (~~12/97~~ rev. 11/02).

Supervisor Endorsement Form, ~~POLYSEND~~ 16SEND (~~12/97~~ rev. 11/02).

VA.R. Doc. No. R06-177; Filed September 18, 2006, 2:15 p.m.

**TITLE 20. PUBLIC UTILITIES AND COMMUNICATIONS**

**STATE CORPORATION COMMISSION**

**REGISTRAR'S NOTICE:** The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

**Final Regulation**

**Title of Regulation:** **20 VAC 5-315. Regulations Governing Net Energy Metering (amending 20 VAC 5-315-10, 20 VAC 5-315-20, 20 VAC 5-315-30 and 20 VAC 5-315-40).**

**Statutory Authority:** §§ 12.1-13 and 56-594 of the Code of Virginia.

**Effective Date:** September 26, 2006.

**Agency Contact:** Kara Hart, Attorney, Office of General Counsel, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9671, FAX (804) 371-9240, toll free 1-800-552-7945 or email kara.hart@scc.virginia.gov.

**Summary:**

*The amendments revise and expand the definition of "eligible customer-generator" to conform the regulation*

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# Regulations

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with § 56-594 of the Code of Virginia as amended by Chapter 470 of the 2006 Acts of Assembly. The amendment of the definition of "eligible customer-generator" provides that it include not only a customer who owns and operates an electrical generating facility, but also one who contracts with other persons to own, operate, or both, the electrical generating facility. The amendments also (i) expand the types of permissible fuels for the electrical generating facility to include energy from waste, wave motion, tides, and geothermal power and (ii) provide that the generator be located on the customer's premises and be connected to the customer's wiring on the customer's side of its interconnection with the distributor.

The final amendments incorporate several changes from the proposed amendments. The commission adopted (i) a definition of the term "person" in 20 VAC 5-315-20 to be clear as to the meaning of the term which appeared in the proposed regulation; (ii) language in 20 VAC 5-315-30 requiring notice to the electric distribution company, or energy service provider if applicable, to include certain contact information for the owner or operator, or both; and (iii) a new subsection of 20 VAC 5-315-40 requiring immediate notification of any changes in ownership of or operational responsibility for the generator.

AT RICHMOND, SEPTEMBER 25, 2006

COMMONWEALTH OF VIRGINIA ex rel.  
STATE CORPORATION COMMISSION

CASE NO. PUE-2006-00073

Ex Parte: In the matter of amending  
regulations governing net energy metering

## ORDER ADOPTING FINAL REGULATIONS

The Regulations Governing Net Energy Metering, 20 VAC 5-315-10 et seq. ("Net Energy Metering Rules"), adopted by the State Corporation Commission ("Commission") pursuant to § 56-594 of the Virginia Electric Utility Restructuring Act, Chapter 23 (§ 56-576 et seq.) of Title 56 of the Code of Virginia ("Restructuring Act"), establish the requirements for participation by an eligible customer-generator in net energy metering in the Commonwealth. The Net Energy Metering Rules include conditions for interconnection and metering, billing, and contract requirements between net metering customers, electric distribution companies, and energy service providers.

On June 23, 2006, the Commission entered an Order Establishing Proceeding to amend the Net Energy Metering Rules to reflect statutory changes enacted by Chapter 470 of the 2006 Acts of Assembly, which amended § 56-594 of the Restructuring Act to revise the definition of eligible customer-generator. As amended, eligible customer-generator means a customer that owns and operates, or

contracts with other persons to own, operate, or both, an electrical generating facility that: (i) has a capacity of not more than 10 kilowatts for residential customers and 500 kilowatts for nonresidential customers; (ii) uses as its total source of fuel renewable energy, as defined in Va. Code § 56-576; (iii) is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements.

The Commission proposed amendments to the Net Energy Metering Rules ("Proposed Rules") to reflect an expansion of the definition of eligible customer-generator such that it will include not only a customer who owns and operates an electrical generating facility, but also one who contracts with other persons to own, operate, or both, the electrical generating facility. The Proposed Rules also reflects the expansion of the types of permissible fuels for the electrical generating facility. In addition to previously permitted solar, wind, and hydro, energy from waste, wave motion, tides, and geothermal power are now permissible fuels.<sup>1</sup> Moreover, now not only is the generator required to be located on the customer's premises, but it must also be connected to the customer's wiring on the customer's side of its interconnection with the distributor.

Notice of the proceeding was published in the Virginia Register of Regulations and in newspapers of general circulation throughout the Commonwealth. Interested persons were directed to file any comments and requests for hearing on the Proposed Rules.

Appalachian Power Company ("APCO"); Michel A. King, President, Old Mill Power Company ("Mr. King"), and Debra A. Jacobson, Professorial Lecturer in Energy Law, George Washington University Law School ("Professor Jacobson"); Virginia Electric and Power Company ("Virginia Power"); Virginia, Maryland & Delaware Association of Electric Cooperatives ("Cooperatives");<sup>2</sup> and J. R. Yago & Associates, Consulting Engineers ("J. R. Yago"), filed comments on or before the August 21, 2006, deadline.

The Cooperatives stated that it is necessary for the electric utility to have detailed contact information of the generation facilities' actual owner/operator and proposed to revise the Proposed Rules to require such information. The Cooperatives indicated that the landowner may be unfamiliar

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<sup>1</sup> Va. Code § 56-576. Renewable energy does not include energy derived from coal, oil, natural gas or nuclear power.

<sup>2</sup> On behalf of its Virginia members: A & N Electric Cooperative, BARC Electric Cooperative, Central Virginia Electric Cooperative, Community Electric Cooperative, Craig-Botetourt Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Northern Virginia Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, and Southside Electric Cooperative.

with the actual operations of the generating facility or that the electric utility may need to directly interact with the owner or operator of a facility in the instance of, e.g., a failure of paralleling switches, generator controls or other customer-generator equipment. Finally, the Cooperatives stated its belief in the importance of the net energy metering capacity cap and the necessity of fundamentally restructuring the system of cost allocation for net energy metering if the cap is modified or eliminated in the future.

APCO endorsed the Cooperatives' comments with respect to the expansion of the class of customers eligible for net metering service as it may be necessary for an electric utility to contact the third party owner of the generation facilities, rather than the landowner that contracted with the third party to own and operate the facilities on the landowner's property.

Mr. King and Professor Jacobson expressed agreement with the Proposed Rules insofar as they implement the amendments to § 56-594 of the Restructuring Act. However, Mr. King and Professor Jacobson requested that the scope of the instant proceeding be expanded so that the Commission consider time-of-use net metering. Among other things, Mr. King and Professor Jacobson reiterated their comments filed in Case No. PUE-2006-00003<sup>3</sup> that net metering customers may not currently employ time-of-use metering and that time-based rate schedules would enable a customer to manage energy use and cost.

Virginia Power indicated that the Proposed Rules appropriately incorporated Chapter 470 and suggested that the definition of "person" as defined in § 56-576 of the Restructuring Act be included in the final amendments.

J. R. Yago stated that it took no exception to the Proposed Rules.

NOW THE COMMISSION, upon consideration of the record and applicable statutes, is of the opinion and finds that the regulations attached hereto as Appendix A should be adopted as final rules. We will not expand the scope of this proceeding to consider issues beyond those required to implement the amendments to § 56-594 of the Restructuring Act.

We agree that the electric utilities must be able to readily contact those net metering customers contracting with other persons to own, operate, or both, a renewable fuel generator under a net metering service arrangement. Therefore, we will adopt the language proposed by the Cooperatives requiring contact information for the owner, operator, or both. Rule 20 VAC 5-315-30 will be amended to insert after the first sentence of that section:

If the prospective net metering customer has contracted with another person to own, operate, or both, the renewable fuel generator, then the notice will include detailed, current and accurate contact information for the owner, operator, or both, including without limitation, the name and title of one or more individuals responsible for the interconnection and operation of the generator, a telephone number, a physical street address other than a post office box, a fax number, and an e-mail address for each such person or persons.

In addition, we will adopt the new subsection proposed by the Cooperatives requiring immediate notification of any changes in ownership or operational responsibility. Rule 20 VAC 5-315-40 will be amended by adding a new subsection D:

The net energy metering customer shall immediately notify the electric distribution company of any changes in the ownership of, operational responsibility for, or contact information for the generator.

The Proposed Rules incorporated amendments that introduced the term "person" in the Net Energy Metering Rules. We will adopt the definition of "person" as contained in § 56-576 of the Restructuring Act in order to be clear as to the meaning of the term. Rule 20 VAC 5-315-20 will be amended by adding the following:

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

Accordingly, IT IS ORDERED THAT:

- (1) The Regulations Governing Net Energy Metering are hereby adopted as shown in Appendix A to this Order.
- (2) A copy of this Order and the Regulations Governing Net Energy Metering shall be forwarded to the Registrar of Regulations for publication in the Virginia Register of Regulations.
- (3) On or before November 3, 2006, all electric utilities in the Commonwealth subject to Chapter 10 (§ 56-232 et seq.) of Title 56 of Code of Virginia shall file with the Commission's Division of Energy Regulation any revised tariff provisions necessary to implement the regulations as adopted herein.
- (4) There being nothing further to come before the Commission, this case shall be removed from the docket and the papers filed herein be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the State Corporation Commission, c/o Document Control

<sup>3</sup> Case No. PUE-2006-00003, Commonwealth of Virginia ex rel. State Corporation Commission, Ex Parte: In the matter of considering § 1252 of the Energy Policy Act of 2005, Comments, Doc. No. 369260, May 12, 2006.



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# Regulations

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Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, Virginia 23219.

## 20 VAC 5-315-10. Applicability and scope.

These regulations are promulgated pursuant to the provisions of § 56-594 of the Virginia Electric Utility Restructuring Act (§ 56-576 et seq. of the Code of Virginia) They establish requirements intended to facilitate net energy metering for customers owning and operating, or contracting with persons to own or operate, or both, an electrical generator that uses renewable energy, as defined by § 56-576 of the Code of Virginia as its total fuel source solar, wind or hydro energy. These regulations will standardize the interconnection requirements for such facilities and will govern the metering, billing and contract requirements between net metering customers, electric distribution companies and energy service providers.

## 20 VAC 5-315-20. Definitions.

The following words and terms when used in this chapter shall have the following ~~meaning~~ meanings unless the context clearly indicates otherwise:

"Billing period" means, as to a particular customer, the time period between the dates on which the electric distribution company or energy service provider, as the case may be, issues the customer's bills.

"Electric distribution company" means the entity that owns and/or operates the distribution facilities delivering electricity to the net metering customer's premises.

"Energy service provider" means the entity providing electric energy to a net metering customer, either as a tariffed, competitive, or default service pursuant to § 56-585 of the Code of Virginia.

"Net metering customer" means a customer owning and operating, or contracting with other persons to own or operate, or both, a renewable fuel generator under a net metering service arrangement.

"Net metering period" means each successive 12-month period beginning with the first meter reading date following the date of final interconnection of the renewable fuel generator with the electric distribution company's facilities.

"Net metering service" means measuring the difference, over the net metering period between electricity supplied to a net metering customer from the electric grid and the electricity generated and fed back to the electric grid by the net metering customer, using a single meter or, as provided in 20 VAC 5-315-70, additional meters.

[ "Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity and the Commonwealth or any municipality. ]

"Renewable fuel generator" means an electrical generating facility that:

1. Has an alternating current capacity of not more than 10 kilowatts for residential customers and not more than 500 kilowatts for nonresidential customers;
2. Uses renewable energy, as defined by § 56-576 of the Code of Virginia, as its total fuel source ~~solar, wind, or hydro energy~~;
3. ~~Is owned and operated by the net metering customer and is located on the customer's premises~~ The net metering customer owns and operates, or has contracted with other persons to own [ ; or ] operate, or both;
4. Is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor;
- ~~4.~~ 5. Is interconnected pursuant to a net metering arrangement and operated in parallel with the electric distribution company's facilities; and
- ~~5.~~ 6. Is intended primarily to offset all or part of the net metering customer's own electricity requirements.

## [ 20 VAC 5-315-30. Company notification.

A. The prospective net metering customer shall submit a completed commission-approved notification form to the electric distribution company and, if different from the electric distribution company, to the energy service provider, according to the ~~following~~ time limits in this subsection. If the prospective net metering customer has contracted with another person to own or operate, or both, the renewable fuel generator, then the notice will include detailed, current and accurate contract information for the owner or operator, or both including without limitation, the name and title of one or more individuals responsible for the interconnection and operation of the generator, a telephone number, a physical street address other than a post office box, a fax number, and an email address for each such person or persons.

1. For a renewable fuel generator with an alternating current capacity of 25 kilowatts or less, the notification form shall be submitted at least 30 days prior to the date the customer intends to interconnect his renewable fuel generator to the electric distribution company's facilities. Such net metering customer shall have all equipment necessary to complete the grid interconnection installed prior to such notification. The electric distribution company shall have 30 days from the date of notification to determine whether the requirements contained in 20 VAC 5-315-40 have been met. The date of notification shall be considered to be the third day following the mailing of such notification form by the prospective net metering customer.
2. For a renewable fuel generator with an alternating current capacity greater than 25 kilowatts, the notification

form shall be submitted at least 60 days prior to the date the customer intends to interconnect his renewable fuel generator to the electric distribution company's facilities. Such net metering customer shall have all equipment necessary to complete the grid interconnection installed prior to such notification. Such net metering customer should contact his electric distribution company prior to making financial commitments. The electric distribution company shall have 60 days from the date of notification to determine whether the requirements contained in 20 VAC 5-315-40 have been met. The date of notification shall be considered to be the third day following the mailing of such notification form by the prospective net metering customer.

B. Thirty-one days after the date of notification for renewable fuel generators with a rated capacity of 25 kilowatts or less, and 61 days after the date of notification for renewable fuel generators with an alternating current capacity greater than 25 kilowatts, a net metering customer may interconnect his renewable fuel generator and begin operation of said renewable fuel generator unless the electric distribution company or the energy service provider requests a waiver of this requirement under the provisions of 20 VAC 5-315-80 prior to said 31st or 61st day, respectively. In cases where the electric distribution company or energy service provider requests a waiver, a copy of the request for waiver must be mailed simultaneously by the requesting party to the net metering customer and to the commission's Division of Energy Regulation.

C. The electric distribution company shall file with the commission's Division of Energy Regulation a copy of each completed notification form within 30 days of final interconnection.

**20 VAC 5-315-40. Conditions of interconnection.**

A. A prospective net metering customer may begin operation of his renewable fuel generator on an interconnected basis when:

1. The net metering customer has properly notified both the electric distribution company and energy service provider (in accordance with 20 VAC 5-315-30) of his intent to interconnect;
2. If required by the electric distribution company's net metering tariff, the net metering customer has installed a lockable, electric distribution company accessible, load breaking manual disconnect switch;
3. A licensed electrician has certified, by signing the commission-approved notification form, that any required manual disconnect switch has been installed properly and that the renewable fuel generator has been installed in accordance with the manufacturer's specifications as well as all applicable provisions of the National Electrical Code;

4. The vendor has certified, by signing the commission-approved notification form, that the renewable fuel generator being installed is in compliance with the requirements established by Underwriters Laboratories or other national testing laboratories in accordance with IEEE Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, July 2003;

5. In the case of static inverter-connected renewable fuel generators with an alternating current capacity in excess of 10 kilowatts, the net metering customer has had the inverter settings inspected by the electric distribution company. The inspecting electric distribution company may impose a fee on the net metering customer of no more than \$50 for such inspection;

6. In the case of nonstatic inverter-connected renewable fuel generators, the net metering customer has interconnected according to the electric distribution company's interconnection guidelines and the electric distribution company has inspected all protective equipment settings. The inspecting electric distribution company may impose a fee on the net metering customer of no more than \$50 for such inspection.

7. In the case of renewable fuel generators with an alternating current capacity greater than 25 kilowatts, the following requirements shall be met before interconnection may occur:

- a. Electric distribution facilities and customer impact limitations. A renewable fuel generator shall not be permitted to interconnect to distribution facilities if the interconnection would reasonably lead to damage to any of the electric distribution company's facilities or would reasonably lead to voltage regulation or power quality problems at other customer revenue meters due to the incremental effect of the generator on the performance of the electric distribution system, unless the customer reimburses the electric distribution company for its cost to modify any facilities needed to accommodate the interconnection.
- b. Secondary, service, and service entrance limitations. The capacity of the renewable fuel generator shall be less than the capacity of the electric distribution company-owned secondary, service, and service entrance cable connected to the point of interconnection, unless the customer reimburses the electric distribution company for its cost to modify any facilities needed to accommodate the interconnection.
- c. Transformer loading limitations. The renewable fuel generator shall not have the ability to overload the electric distribution company transformer, or any transformer winding, beyond manufacturer or nameplate ratings, unless the customer reimburses the electric

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distribution company for its cost to modify any facilities needed to accommodate the interconnection.

d. Integration with electric distribution company facilities grounding. The grounding scheme of the renewable fuel generator shall comply with IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, July 2003, and shall be consistent with the grounding scheme used by the electric distribution company. If requested by a prospective net metering customer, the electric distribution company shall assist the prospective net metering customer in selecting a grounding scheme that coordinates with its distribution system.

e. Balance limitation. The renewable fuel generator shall not create a voltage imbalance of more than 3.0% at any other customer's revenue meter if the electric distribution company transformer, with the secondary connected to the point of interconnection, is a three-phase transformer, unless the customer reimburses the electric distribution company for its cost to modify any facilities needed to accommodate the interconnection.

B. A prospective net metering customer shall not be allowed to interconnect a renewable fuel generator if doing so will cause the total rated generating alternating current capacity of all interconnected renewable fuel generators within that customer's electric distribution company's Virginia service territory to exceed 0.1% of that company's Virginia peak-load forecast for the previous year. In any case where a prospective net metering customer has submitted a notification form required by 20 VAC 5-315-30 and that customer's interconnection would cause the total rated generating alternating current capacity of all interconnected renewable fuel generators within that electric distribution company's service territory to exceed 0.1% of that company's Virginia peak-load forecast for the previous year, the electric distribution company shall, at the time it becomes aware of the fact, send written notification to such prospective net metering customer and to the commission's Division of Energy Regulation that the interconnection is not allowed. In addition, upon request from any customer, the electric distribution company shall provide to the customer the amount of capacity still available for interconnection pursuant to § 56-594 D of the Code of Virginia.

C. Neither the electric distribution company nor the energy service provider shall impose any charges upon a net metering customer for any interconnection requirements specified by this chapter, except as provided under subdivisions A 5 and 6 of this section, and 20 VAC 5-315-50 as related to off-site metering.

D. The net energy metering customer shall immediately notify the electric distribution company of any changes in the ownership of, operational responsibility for, or contact information for the generator. ]

VA.R. Doc. No. R06-280; Filed September 26, 2006, 1:05 p.m.

## Final Regulation

**Title of Regulation: 20 VAC 5-413. Rules Governing Disconnection of Local Exchange Telephone Service (amending 20 VAC 5-413-10, 20 VAC 5-413-20, 20 VAC 5-413-30, and 20 VAC 5-413-40; adding 20 VAC 5-413-5, 20 VAC 5-413-25, 20 VAC 5-413-35, and 20 VAC 5-413-50).**

**Statutory Authority: § 12.1-13 of the Code of Virginia.**

**Effective Date: December 1, 2006.**

**Agency Contact: Katie Cummings, Deputy Director, Division of Communications, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9101, FAX (804) 371-9069, or email [katie.cummings@scc.virginia.gov](mailto:katie.cummings@scc.virginia.gov).**

### Summary:

*The regulations contain certain provisions codified originally at 20 VAC 5-400-151 and later recodified at 20 VAC 5-413. The regulations set forth the requirements and circumstances under which telephone companies may disconnect their customers' local exchange and long-distance services for nonpayment. The regulations recognize and incorporate changes in the telecommunications marketplace since the regulations were originally approved on May 10, 1999, in Case No. PUC-1997-00113.*

*The regulations reflect a number of changes suggested by parties who provided input and comments in a previous docket, Case No. PUC-2004-00162, "Application of Virginia Telecommunications Industry Association, for modifications to rules governing disconnection of local exchange telephone service." The regulations reflect incorporation of definitions, certain clarifications or modifications, and inclusion of rules and procedures the staff of the Division of Communications believed were required to provide due process and to assure customer notification prior to disconnection.*

*The regulations include identification and treatment of bundled services, requirements on customer notification before disconnection of service, resolution of customer billing disputes, and a customer's responsibility to pay for certain identified fees and surcharges to prevent disconnection of local exchange service.*

*A change from the proposed regulation includes an addition of a mechanism for local exchange carriers to petition the commission for recovery of other fees or surcharges in addition to those originally identified.*

AT RICHMOND, SEPTEMBER 13, 2006

COMMONWEALTH OF VIRGINIA, ex rel.

## STATE CORPORATION COMMISSION

CASE NO. PUC-2006-00072

Ex Parte: Amendment of Rules  
Governing Disconnection of Local  
Exchange Telephone Service

FINAL ORDER APPROVING RULES GOVERNING  
DISCONNECTION OF LOCAL EXCHANGE  
TELEPHONE SERVICE

By Order entered June 6, 2006,<sup>1</sup> the State Corporation Commission ("Commission") took under consideration the Staff's proposed Rules Governing Disconnection of Local Exchange Telephone Service (to be codified at 20 VAC 5-413-5 et seq.) ("proposed DNP Rules") amending the existing Rules Governing Disconnection of Local Exchange Telephone Services codified at 20 VAC 5-413-10 et seq. ("current DNP Rules"). Pursuant to the Order for Notice and Comment, interested parties were permitted to comment on, propose modifications or supplements to, or request a hearing on the proposed DNP Rules.

Comments were filed by the following participants: Virginia Telecommunications Industry Association ("VTIA"); the Office of the Attorney General, Division of Consumer Counsel ("Consumer Counsel"); Citizens Telephone Cooperative ("Citizens"); and Cox Virginia Telcom, Inc. ("Cox"). In addition, the Commission received comments from one individual, Mr. Theodore R. Reiff. No one requested a hearing on this matter.

The Division of Communications ("Staff") filed its Comments on August 23, 2006 ("Staff Comments"). The Staff Comments, at pp. 2-4, summarized the comments received from other participants and then, at pp. 4-7, discussed issues that had been raised and suggested an addition (C 3) to proposed Rule 20 VAC 5-413-10 to accommodate the VTIA's request for similar treatment of other fees and surcharges not enumerated in the rules. The new rule would allow any local exchange company ("LEC") to petition the Commission to afford similar treatment of other fees or surcharges, in addition to the Subscriber Line Charge ("SLC"), Universal Service Fee ("USF"), and Telecommunications Relay Service ("TRS").

In addition, the Staff Comments discuss Mr. Reiff's recommendation to require LECs to accept the partial payment amount as stated on the bill or disconnection notice that is necessary to avoid disconnection (rather than the total) by any payment means the company utilizes. The Staff states that it is unable to comment on this suggestion without further technical and economic information on the LECs' abilities to accept partial payment in such instances.

NOW THE COMMISSION, having considered the comments submitted herein is of the opinion and finds that the current rules should be amended as set out in the proposed DNP Rules, with the revisions discussed below, effective December 1, 2006. The complete amended DNP Rules appear in Attachment A, appended to this Order.

With regard to the Staff's proposed Rule 20 VAC 5-413-10 C 3, we find that it is reasonable and appears to satisfy the concerns raised by VTIA and Cox, so it should be adopted, with minor modifications to conform to the Virginia Administrative Code.

With regard to Mr. Reiff's comments on partial payments, we find that a revision to the proposed rules is unnecessary. We recognize that there may be technical limitations on accepting partial payments under various payment methods; however, we expect LECs to provide customers with reasonable and practical means to make partial payments in order to avoid disconnection of basic local exchange telephone service.

Accordingly, IT IS ORDERED THAT:

- (1) The current rules codified at 20 VAC 5-413 are hereby amended, effective December 1, 2006, to be replaced by the amended DNP Rules as shown in Attachment A hereto.
- (2) The Commission's Division of Information Resources shall forward this Order and the attached amended DNP Rules to the Registrar of Regulations for publication in the Virginia Register of Regulations.
- (3) There being nothing further to come before the Commission, this matter is hereby closed and the record shall be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; Richard D. Gary, Esquire, Counsel for Virginia Telecommunications Industry Association, Hunton & Williams LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; E. Ford Stephens, Esquire, and Cliona M. Robb, Esquire, Christian & Barton, L.L.P., 1200 Mutual Building, Suite 1200, 909 East Main Street, Richmond, Virginia 23219-3095; Douglas C. Nelson, Attorney, State Regulatory Affairs, Sprint-Nextel, 233 Peachtree Street, N.E., Atlanta, Georgia 30303; Irene Leech, President, Virginia Citizens Consumer Council, 4220 North Fork Road, Elliston, Virginia 24087; all local exchange carriers certificated in Virginia as set out in Appendix A, all interexchange carriers certificated in Virginia as set out in Appendix B; and the Commission's Office of General Counsel and Division of Communications.

<sup>1</sup> Order Prescribing Notice and Inviting Comments or Requests for Hearing, June 6, 2006, Case No. PUC-2006-00072 ("Order for Notice and Comment").

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# Regulations

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## 20 VAC 5-413-5. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Ancillary services" mean a service or services that are supplemental or incidental to the provision of basic telephone service including, but not limited to, directory assistance, directory listings, voice mail, vertical services, or detailed billing.

"Basic bundle" means a bundled service that includes basic telephone service and additional service components in the designated group of services. The additional service components of the basic bundle are limited to vertical and ancillary services, interstate and intrastate interexchange services provided by the LEC or an affiliated carrier of the LEC, or any combination of these additional components.

"Basic telephone service" means the customer's dial tone line and local usage. Local usage can be purchased on a flat rate, measured, or per message basis, or some combination thereof.

"Bona fide dispute" means (i) a dispute on an identified charge or charges between the LEC and its customer that is being investigated and is pending a determination by the LEC or (ii) a dispute on an identified charge or charges being investigated and pending disposition by the commission.

"Bundled service" means a designated group of services or products offered to customers at a package or set price. A bundled service may consist of regulated and nonregulated services or products.

"Commission" means the State Corporation Commission.

"Customer" means any person, firm, partnership, corporation, or lawful entity that purchases local exchange telecommunications services.

"Dial tone" means the audible sound that a customer hears when the telephone is taken off hook. The sound advises a customer that the telephone line is active and available for use.

"Disconnect" means the LEC's intentional cessation of service or services to a customer.

"Fee or surcharge" means an additional charge appearing on the customer's bill separate from the rates and charges for a service or product. These charges may be specifically authorized by a regulatory or legislative body, or in other instances, may be initiated by a LEC or other carrier.

"Interexchange carrier [ ] (IXC) [ ] means a carrier that offers interexchange long distance telecommunications services.

"Interexchange service" means interexchange telephone service as defined by § 56-1 of the Code of Virginia.

"Interstate" means service that originates in one state and terminates in another state.

"Intrastate" means service that originates and terminates within a state.

"Local exchange carrier [ ] (LEC) [ ] means a certificated provider of local exchange services.

"Local exchange service" or "local exchange services" for purposes of this chapter means the offerings provided by a LEC certificated pursuant to Chapter 10.1 (§ 56-265.1 et seq.) of Title 56 of the Code of Virginia.

"Selective toll blocking" means the ability to block calls from a specific customer's telephone line or lines from being routed to, or carried by, a specific IXC.

"Subscriber line charge [ ] (SLC) [ ] means a per line charge allowed by the Federal Communications Commission appearing on a customer's local telephone bill intended to recover a portion of a LEC's interstate costs. A SLC or comparable charge may be identified on the bill by other names, such as access line charge or end user common line charge.

"Telecommunications relay service [ ] (TRS) [ ] means telecommunications relay service as defined by § 56-484.4 of the Code of Virginia or successor statute.

"Universal service fund [ ] (USF) [ ] means a federal government program, the goal of which is to help make telephone service affordable and available to all households. The USF provides support for low income households, high cost (i.e. rural) LECs, schools and libraries, and rural healthcare. The USF is funded by assessments on telecommunications carriers, many of which charge their customers a fee to recover the assessments.

"Vertical services" means optional, advanced calling features associated with a customer's basic telephone service such as, but not limited to, the ability to identify callers and manage multiple calls.

## **20 VAC 5-413-10. Disconnection [ of local exchange service ] for failure to pay.**

A. A Local Exchange Carrier ("LEC") may terminate disconnect local exchange services, including basic telephone service ~~only~~ for a customer's failure to pay ~~fully~~ for ~~noncompetitive~~ such local exchange services ~~billed on behalf of the LEC or basic telephone service when the local exchange those services are found in tariffs the LEC's tariff on file with the State Corporation commission and there is no bona fide dispute concerning the those services. A LEC may not terminate local exchange service for a customer's failure to pay for the LEC's intraLATA toll services.~~

B. A LEC may disconnect a bundled service for a customer's failure to pay fully for the bundled service when the bundled service is considered a basic bundle and the description and

full price of the basic bundle are found in the LEC's tariff on file with the commission, and there is no bona fide dispute concerning the basic bundle.

C. A LEC may disconnect local exchange services, including basic telephone service, or a basic bundle identified in subsections A and B of this section, for a customer's failure to pay the SLC, USF, or TRS fees or surcharges billed by the LEC. If billed on behalf of an affiliate, the SLC, USF, or TRS fees or surcharges or a portion thereof must be associated with a basic bundle.

1. The LEC must provide written notice to the commission's Division of Communications of the SLC, USF, or TRS fees or surcharges. This notice shall include the fee or surcharge name as it appears on the customer's bill, an explanation of the charge, and the billed amount. The LEC is responsible for the timely submission of information to the Division of Communications on any changes to the amount, name, explanation, or applicability of the fees or surcharges. A LEC shall not disconnect a customer's local exchange services, including basic telephone service, or a basic bundle, for failure to pay any of these fees or surcharges if this notice has not been submitted to the Division of Communications, or the information provided is not current.

2. The SLC, USF, and TRS fees and surcharges must be separately identified on the customer's bill for the LEC to have authority to disconnect local exchange services, including basic telephone service, or a basic bundle, for nonpayment of any of these fees or surcharges.

[ 3. A LEC may petition the commission for similar treatment of additional fees or surcharges as is provided for the SLC, USF, and TRS in this subsection. Any such petition shall provide sufficient documentation and rationale for the request. The commission may grant such treatment for an additional fee or surcharge for an individual LEC or on behalf of all LECs. ]

D. A LEC may disconnect any local exchange service that the LEC is not required by the commission to include in tariffs on file with the commission for nonpayment of such service; however, the LEC may disconnect only those nontariffed local exchange services for a customer's failure to pay for those nontariffed local exchange services.

E. Nothing in this chapter is intended to alter the responsibility of a customer to pay for services or products used or subscribed to, or other charges that appear on the customer's bill from a LEC.

**20 VAC 5-413-20. Notice Customer bill and directory information.**

A. LECs A LEC shall indicate on a customers' monthly bills bill either those items for which service local exchange services, including basic telephone service, or a basic bundle,

may be terminated disconnected, or those items for which service such services may not be terminated disconnected for failure to pay, and shall include an explanation, by footnote or otherwise, that local telephone service exchange services, including basic telephone service, or a basic bundle, may not be terminated disconnected for failure to pay for certain other services.

B. The form of this notification and any subsequent modifications must receive prior approval from the commission's Division of Communications.

C. LEC White Pages telephone directories shall include an explanation of the services for which local exchange service services, including basic telephone service and basic bundles, may be terminated disconnected for failure to pay, an explanation that billing disputes may be referred to the commission's Division of Communications, and a listing of the division's toll-free and local telephone numbers.

**20 VAC 5-413-25. Customer notice of disconnection.**

A. A LEC shall provide a customer written notice by mail, or may use e-mail notice if the customer elects to be billed electronically, of the potential disconnection of basic telephone service or a basic bundle. Notice shall be sent separate from the customer's bill, and must be mailed at least 10 days prior to the planned disconnection date stated on the notice.

B. A LEC may be permitted to provide the notice required in subsection A in a different format or vehicle if a request with supporting rationale is submitted to and approved by the Division of Communications.

C. The notice shall clearly identify the amount that must be paid to prevent disconnection of the customer's basic telephone service or a basic bundle. That amount may or may not be the total outstanding amount owed to the LEC. The notice shall also include the date by which the payment must be received by the LEC to avoid disconnection.

D. The notice shall include the toll-free number of the LEC for customer inquiries about the notice or to make payment arrangements.

**20 VAC 5-413-30. Access to other interexchange carriers.**

A LEC billing on behalf of an interexchange carrier may, together with the interexchange carrier, block a customer's access to the interexchange carrier when the toll charges of the interexchange carrier, at the request of an IXC, may use selective toll blocking to restrict a customer's access to that IXC when the long-distance charges of that IXC have not been paid by that customer; but the LEC may not block that customer's access to other interexchange carriers IXCs for such nonpayment.

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# Regulations

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## **20 VAC 5-413-35. Customer billing disputes.**

A. Any billing dispute between the LEC and a customer that is being investigated by the LEC shall be considered a bona fide dispute until the LEC completes its investigation and advises the customer of its determination. The customer's service or services, which are subject to the dispute, shall not be disconnected pending resolution of a bona fide dispute.

B. Any billing dispute between a customer and a LEC that is being investigated by the Division of Communications shall be considered a bona fide dispute until such time as the Division of Communications completes its investigation and advises the customer and LEC of the disposition of the dispute. A customer's service or services, which are subject to the dispute, shall not be disconnected pending resolution by the Division of Communications of a bona fide dispute.

C. A customer with a bona fide dispute under investigation by either the LEC or commission is required to pay on time the undisputed portion of the bill. If requested, the LEC shall assist the customer with determining the undisputed portion of the bill, including any associated taxes, surcharges, and fees.

## **20 VAC 5-413-40. Payment credit credits.**

Customer payments that are less than the total bill balance shall be credited first to ~~any noncompetitive~~ tariffed local exchange services, with any including basic telephone service, basic bundles, and fees and surcharges, where nonpayment would result in a customer being disconnected from basic telephone service or a basic bundle. Any remainder shall be credited to any other charges on the bill.

## **20 VAC 5-413-50. Waiver.**

The commission may, at its discretion, waive or grant exceptions to any provision of this chapter.

V.A.R. Doc. No. R06-261; Filed September 18, 2006, 11:02 a.m.



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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Total Maximum Daily Load (TMDL) - Dodd Creek

The Department of Conservation and Recreation and the Virginia Department of Environmental Quality (DEQ) invite citizens to a public meeting to present the water quality implementation plan (IP) to address fecal coliform bacteria impairments in the Dodd Creek watershed in Floyd County. A total maximum daily load (TMDL) study for the impairments was approved by EPA in 2002 and is available on DEQ's website at [www.deq.virginia.gov/TMDL](http://www.deq.virginia.gov/TMDL). The IP identifies ways to meet the pollution reductions outlined in the TMDL study.

The final public meeting on the development of the IP for the Dodd Creek watershed will be held on Thursday, November 9, 2006, at 7 p.m., Floyd County High School, 721 Baker Street, Floyd, Virginia.

The purpose of the meeting is to present and discuss the draft implementation plan for the fecal coliform impairments. The Code of Virginia requires the development of an IP for approved TMDLs. The IP includes the corrective actions needed to reduce sources of bacteria and the associated costs, benefits and environmental impacts. The IP also provides measurable goals and a timeline of expected achievement of water quality objectives. A fact sheet on the development of the IP is available upon request.

How to comment: The public comment period on the IP will end on December 11, 2006. Oral comments will be accepted and addressed at the public meeting. Additional questions or information requests should be addressed to Jason Ericson. Written comments and inquiries should include the name, address, and telephone number of the person submitting the comments and should be sent to: Jason Ericson, Virginia Department of Conservation and Recreation, 101 N. 14th Street, 11th Floor, Richmond, VA 23219, telephone (804) 225-3389, FAX (804) 371-0771, or email [jason.ericson@dcr.virginia.gov](mailto:jason.ericson@dcr.virginia.gov).

### Announcement of an Effort to Restore Water Quality in Garden Creek in Buchanan County, Virginia

Public meeting: Twin Valley Elementary and Middle School Auditorium on Route 460 in Oakwood, Virginia, on November 9, 2006, from 7 p.m. to 9 p.m.

Purpose of notice: The Virginia Department of Environmental Quality, Department of Mines, Minerals and Energy and the Department of Conservation and Recreation are announcing the start of a study to restore water quality, a public comment opportunity, and public meeting.

Meeting description: First public meeting on a study to restore water quality.

Description of study: DEQ is working to identify sources of pollutants affecting the aquatic organisms, sources of chlorides and sources of bacteria contamination in the waters of Garden Creek. Garden Creek is in Buchanan County and flows along Route 624 to Levisa Fork River near Oakwood, Virginia. The "impaired" stream segment was estimated to be approximately 1.81 miles long, from the confluence between Right Fork Garden Creek and Garden Creek to the confluence with Levisa Fork River. The stream is impaired for failing to meet the Aquatic Life Use based on violations of the general standard for aquatic organisms and failure to meet the Recreational Use because of fecal coliform bacteria violations, additionally 2006 data indicates violation of the chloride standard.

During the study, the pollutants impairing the aquatic community will be identified and total maximum daily loads, or TMDLs, developed for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. DEQ will also determine the sources of bacteria and chloride contamination, and develop a TMDL for bacteria. To restore water quality, contamination levels have to be reduced to the TMDL amount.

How a decision is made: The development of a TMDL includes public meetings and a public comment period once the study report is drafted. After public comments have been considered and addressed, DEQ will submit the TMDL report to the U.S. Environmental Protection Agency for approval.

How to comment: DEQ accepts written comments by e-mail, fax or postal mail. Written comments should include the name, address and telephone number of the person commenting and be received by DEQ during the comment period. DEQ also accepts written and oral comments at the public meeting announced in this notice.

To review fact sheets: Fact sheets are available on the impaired waters from the contacts below or on the DEQ website at [www.deq.virginia.gov/tmdl](http://www.deq.virginia.gov/tmdl).

Contact for additional information Allen J. Newman, P.E., Regional Water Permit Manager, Virginia Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24212-1688, telephone (276) 676-4804, FAX (276) 676-4899, or email [ajnewman@deq.virginia.gov](mailto:ajnewman@deq.virginia.gov).

### Total Maximum Daily Load (TMDL) - Mill Creek

The Department of Conservation and Recreation and the Virginia Department of Environmental Quality (DEQ) invite citizens to a public meeting to present the water quality implementation plan (IP) to address fecal coliform bacteria impairments in the Mill Creek watershed in Montgomery County. A total maximum daily load (TMDL) study for the



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## General Notices/Errata

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impairments was approved by EPA in 2002 and is available on DEQ's website at [www.deq.virginia.gov/TMDL](http://www.deq.virginia.gov/TMDL). The IP identifies ways to meet the pollution reductions outlined in the TMDL study.

The final public meeting on the development of the IP for the Mill Creek watershed will be held on Monday, November 6, 2006, at 7 p.m., Auburn High School, 4163 Riner Road, Riner, Virginia.

The purpose of the meeting is to present and discuss the draft implementation plan for the fecal coliform impairments. The Code of Virginia requires the development of an IP for approved TMDLs. The IP includes the corrective actions needed to reduce bacteria and the associated costs, benefits and environmental impacts. The IP also provides measurable goals and a timeline of expected achievement of water quality objectives. A fact sheet on the development of the IP is available upon request.

**How to comment:** The public comment period on the IP will end on December 6, 2006. Oral comments will be accepted and addressed at the public meeting. Additional questions or information requests should be addressed to Jason Ericson. Written comments and inquires should include the name, address, and telephone number of the person submitting the comments and should be sent to Jason Ericson, Virginia Department of Conservation and Recreation, 101 N. 14th Street, 11th Floor, Richmond, VA 23219, telephone (804) 225-3389, FAX (804) 371-0771, or email [jason.ericson@dcr.virginia.gov](mailto:jason.ericson@dcr.virginia.gov).

### **Total Maximum Daily Load (TMDL) - Tidal Potomac River**

Announcement of the third Technical Advisory Committee meeting for the total maximum daily load (TMDL) study to restore water quality in the tidal Potomac River, including selected tributaries to the tidal Potomac River in Maryland, Washington, D.C. and Virginia, which are impaired by the pollutant polychlorinated biphenyl (PCB).

**Purpose of notice:** The Virginia Department of Environmental Quality, Washington D.C. Department of Health, Maryland Department of the Environment, and Interstate Commission for the Potomac River Basin announce the third Technical Advisory Committee (TAC) meeting to update members of the TAC on the progress of the TMDL study.

**Technical Advisory Committee meeting:** Metropolitan Washington Council of Governments, 777 North Capitol Street, N.E., Washington, DC 20002-4239, Tuesday, October 31, 2006, 10 a.m. to noon.

**Meeting description:** This is the third Technical Advisory Committee meeting for the Potomac PCB Project. The TMDL study addresses elevated levels of polychlorinated biphenyls (PCBs) in the Potomac River estuary.

**Description of study:** Virginia, Maryland, and Washington D.C. agencies are working to understand the nature of the PCB contamination in the tidal waters of the Potomac River. This study aims to identify the sources of PCBs into the estuary, understand the fate and transport of the pollutants, and determine the reductions in PCB loadings needed to achieve compliance with water quality standards. These load reductions are known as total maximum daily loads, or TMDLs. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, PCB levels have to be reduced to the TMDL amount.

**Contact for additional information:** Mark Richards, Virginia Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4392, FAX (804) 698-4116, or email [marichards@deq.virginia.gov](mailto:marichards@deq.virginia.gov).

### **STATE WATER CONTROL BOARD**

#### **Proposed Consent Special Order - The Hanover Group, L.L.C.**

**Purpose of notice:** To seek public comment on a proposed consent order from the Department of Environmental Quality for a development project in Hanover County, Virginia.

**Public comment period:** October 16, 2006, to November 15, 2006.

**Consent order description:** The State Water Control Board proposes to issue a consent order to The Hanover Group, L.L.C., to address alleged violations of VWPP regulations. The location of the development project where the violation occurred is Bluffs at Bell Creek off Pole Green Road in Hanover County, VA. The consent order describes a settlement to restore a preserved wetland and preserved buffer area, for unauthorized impacts that occurred at the project and the payment of a civil charge.

**How to comment:** DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

**Contact for public comments, document requests and additional information:** Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5079, Fax (804) 527-5106, or email [ecakers@deq.virginia.gov](mailto:ecakers@deq.virginia.gov).

## Proposed Consent Special Order - Alvin R. Moomau

The State Water Control Board proposes to enter into a consent special order with Alvin R. Moomau. The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law at two underground storage tank (UST) facilities.

Mr. Moomau owns two UST facilities. One is located at 4201 and the other at 4544 Lee Jackson Highway in Greenville, Augusta County, Virginia, and he stores petroleum in one of these USTs under the requirements of the state underground storage tank regulation. Based on inspection of the facilities and review of submitted documentation, DEQ found Mr. Locher to be in violation of the regulation. The proposed order will require Mr. Locher to submit release detection records for the UST currently in use and will assess a civil charge in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to David C. Robinett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to [dcrobinett@deq.virginia.gov](mailto:dcrobinett@deq.virginia.gov). In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

## Proposed Consent Special Order - Western Virginia Water Authority

Citizens may comment on a proposed consent order amendment for a facility in Roanoke, Virginia.

Public comment period: October 16, 2006, to November 14, 2006.

Purpose of notice: To invite the public to comment on a proposed consent order amendment.

A consent order amendment is issued to a business owner or other responsible party to perform specific actions that will bring the entity into compliance with the relevant law and regulations. It is developed cooperatively with the facility and entered into by mutual agreement.

Consent order description: The State Water Control Board proposes to issue a consent order amendment to the Western Virginia Water Authority to make certain changes to a consent order that was issued to the authority on March 18, 2005. The location of the facility to which the consent order amendment pertains is the City of Roanoke. The consent

order amendment modifies the schedule specified in the 2005 consent order by which the authority is required to identify and repair problem areas in its sewage collection system and make modifications to its wastewater treatment plant.

How a decision is made: After public comments have been considered, the State Water Control Board will make a final decision.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period.

To review the consent order: The public may review the proposed consent order at the DEQ West Central Regional Office every work day by appointment or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: Robert Steele, Department of Environmental Quality, West Central Regional Office, Roanoke, VA 24019, telephone (540) 562-6777, FAX (540) 562-6725, or email [rpsteele@deq.virginia.gov](mailto:rpsteele@deq.virginia.gov).

## VIRGINIA CODE COMMISSION

### Notice to State Agencies

**Mailing Address:** Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

### Forms for Filing Material for Publication in the Virginia Register of Regulations

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

**Internet:** Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://register.state.va.us>.

#### FORMS:

NOTICE of INTENDED REGULATORY ACTION-RR01  
NOTICE of COMMENT PERIOD-RR02  
PROPOSED (Transmittal Sheet)-RR03  
FINAL (Transmittal Sheet)-RR04  
EMERGENCY (Transmittal Sheet)-RR05  
NOTICE of MEETING-RR06  
AGENCY RESPONSE TO LEGISLATIVE  
OBJECTIONS-RR08  
RESPONSE TO PETITION FOR RULEMAKING-RR13  
FAST-TRACK RULEMAKING ACTION-RR14

## ERRATA

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: **2 VAC 5-195. Prevention and Control of Avian Influenza in the Live-Bird Marketing System.**

Publication: 22:25 VA.R. 3872-3876 August 21, 2006.

Correction to Final Regulation:

Page 3872, change effective date as follows:

Effective Date: August 21, 2006 (except for 2 VAC 5-195-40, 2 VAC 5-195-90, and 2 VAC 5-195-140, which become effective November 19, 2006).

Page 3873, 2 VAC 5-195-40, in line 2 of the section catchline, strike "(" and in lines 3 and 4, delete "Effective 11/19/06" and strike ".)"

Page 3873, 2 VAC 5-195-40, insert a new first paragraph as follows:

*The provisions of this section shall become effective November 19, 2006.*

Page 3874, 2 VAC 5-195-90, in line 2 of the section catchline, strike "(" and in line 4, delete "Effective 11/19/06" and strike ".)"

Page 3874, 2 VAC 5-195-90, insert a new first paragraph as follows:

*The provisions of this section shall become effective November 19, 2006.*

Page 3875, 2 VAC 5-195-140, in line 2 of the section catchline, strike "(" and in line 4, delete "Effective 11/19/06" and strike ".)"

Page 3875, 2 VAC 5-195-140, insert a new first paragraph as follows:

*The provisions of this section shall become effective November 19, 2006.*

VA.R. Doc. No. R06-232; Filed September 13, 2006.

## BOARD FOR CONTRACTORS

Title of Regulation: **18 VAC 50-22. Board for Contractors Regulations.**

Publication: 23:1 VA.R. 131-135 September 18, 2006.

Correction to Emergency Regulation:

Page 134, 2nd column, change "18 VAC 50-30-340" to "18 VAC 50-22-340"

Page 134, 2nd column, change "18 VAC 50-30-350" to "18 VAC 50-22-350"

VA.R. Doc. No. R06-339; Filed October 5, 2006.

## STATE BOARD OF EDUCATION

Title of Regulation: **8 VAC 20-131. Regulations Establishing Standards for Accrediting Public Schools in Virginia.**

Publication: 22:24 VA.R. 3589-3610 August 7, 2006.

Correction to Final Regulation:

Page 3606, 8 VAC 20-131-300 C 2, line 1, change "Accredited with Warning in (specific..." to "Accredited with Warning (in specific..."

Page 3606, 8 VAC 20-131-300 C 2, lines 13 and 14, change "Accredited with Warning in (specific..." to "Accredited with Warning (in specific..."

VA.R. Doc. No. R05-142; Filed September 19, 2006, 3:30 p.m.

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# CALENDAR OF EVENTS

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## Symbol Key

- † Indicates entries since last publication of the *Virginia Register*  
♿ Location accessible to persons with disabilities  
☎ Teletype (TTY)/Voice Designation

### NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at [www.virginia.gov](http://www.virginia.gov) or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly website's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

## EXECUTIVE

### BOARD OF ACCOUNTANCY

**October 24, 2006 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Suite 396, Richmond, Virginia.♿  
(Interpreter for the deaf provided upon request)

A meeting to conduct general business matters and regulatory review. A public comment period will be held at the beginning of the meeting. All meetings are subject to change. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Executive Director/Agency Head, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, email [boa@boa.virginia.gov](mailto:boa@boa.virginia.gov).

**October 27, 2006 - 9 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 2nd Floor, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting of the Legislative Working Group to discuss general matters about statutory review. Public comment will not be taken at the meeting. The public may observe and submit comments in writing within 10 days following the meeting. All meetings are subject to change. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that

suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Executive Director/Agency Head, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, email [boa@boa.virginia.gov](mailto:boa@boa.virginia.gov).

### STATE AIR POLLUTION CONTROL BOARD

† **October 16, 2006 - 7 p.m.** -- Open Meeting  
Henry County Administrative Building, 3300 Kings Mountain Road, Main Board Meeting Room, Martinsville, Virginia.♿

A public briefing on an application for an amendment to a permit for operating a scrap tire fueled boiler in Henry County. The amendment would revise emission limits and control equipment requirements based on changes to the method of operation initially proposed for the facility. The public hearing has been scheduled for October 25, 2006, at 7 p.m. at the same location.

**Contact:** Gary R. Bradley, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6738, email [grbradley@deq.virginia.gov](mailto:grbradley@deq.virginia.gov).

**October 25, 2006 - 7 p.m.** -- Public Hearing  
Henry County Administrative Building, 3300 Kings Mountain Road, Main Board Meeting Room, Martinsville, Virginia.♿

A public hearing on an application for an amendment to a permit for operating a scrap tire fueled boiler in Henry County. The amendment would revise emission limits and control equipment requirements based on changes to the method of operation initially proposed for the facility. An informational briefing will be held prior to the public hearing beginning at 6:30 p.m. The public comment period

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## Calendar of Events

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began on September 17, 2006, and closes on October 23, 2006.

**Contact:** Gary R. Bradley, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6738, FAX (540) 562-6729, email [grbradley@deq.virginia.gov](mailto:grbradley@deq.virginia.gov).

### ALCOHOLIC BEVERAGE CONTROL BOARD

**October 16, 2006 - 9 a.m.** -- Open Meeting

**November 6, 2006 - 9 a.m.** -- Open Meeting


**November 20, 2006 - 9 a.m.** -- Open Meeting

**December 4, 2006 - 9 a.m.** -- Open Meeting

**December 18, 2006 - 9 a.m.** -- Open Meeting


Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 

An executive staff meeting to receive and discuss reports and activities from staff members and to discuss other matters not yet determined.

**Contact:** W. Curtis Coleburn, III, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY , email [curtis.coleburn@abc.virginia.gov](mailto:curtis.coleburn@abc.virginia.gov).

### BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS


**October 25, 2006 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Architects Section to conduct board business. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).

**October 31, 2006 - 9 a.m.** -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Professional Engineers Section to conduct board business. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or

interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).


**November 2, 2006 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Landscape Architects Section to conduct board business. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).


**November 8, 2006 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, IFF Room 1, Richmond, Virginia. 

A meeting of the Land Surveyors Section to conduct board business. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).

**November 9, 2006 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, IFF Room 1, Richmond, Virginia. 

A meeting of the Interior Designers Section to conduct board business. A portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least


10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).


## ART AND ARCHITECTURAL REVIEW BOARD

**November 3, 2006 - 10 a.m.** -- Open Meeting

**December 1, 2006 - 10 a.m.** -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies. Art and Architectural Review Board submittal forms and submittal instructions can be downloaded by visiting the DGS Forms Center at [www.dgs.virginia.gov](http://www.dgs.virginia.gov). Request form #DGS-30-905 or submittal instructions #DGS-30-906. The deadline for submitting project datasheets and other required information is two weeks prior to the meeting date.


**Contact:** Brian Ohlinger, AIA, Chairman, Art and Architectural Review Board, 700 West Grace Street, Suite 2200, Richmond, VA 23284, telephone (804) 828-9647, FAX (804) 828-1288, (804) 786-6152/TTY , or email [bjohling@vcu.edu](mailto:bjohling@vcu.edu).

## VIRGINIA COMMISSION FOR THE ARTS

**October 19, 2006 - 10 a.m.** -- Open Meeting


Location to be announced.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the 13 commissioners to review grant award recommendations by the three Artist Fellowship Panels and by the Technology Enhancement Grant Panel.

**Contact:** Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , email [peggy.baggett@arts.virginia.gov](mailto:peggy.baggett@arts.virginia.gov).


## VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

**November 1, 2006 - 9 a.m.** -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general business meeting including consideration of regulatory issues as may be presented on the agenda. A portion of the board's business may be discussed in closed


session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** David Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475, (804) 367-9753/TTY , email [alhi@dpor.virginia.gov](mailto:alhi@dpor.virginia.gov).

**December 15, 2006 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

A licensing informal fact-finding conference.

**Contact:** David Dick, Assistant Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , email [asbestos@dpor.virginia.gov](mailto:asbestos@dpor.virginia.gov).

## AUCTIONEERS BOARD

**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Auctioneers Board intends to amend regulations entitled **18 VAC 25-21, Regulations of the Virginia Auctioneers Board**. The purpose of the proposed action is to develop necessary regulations to implement a mandatory continuing education program for the renewal and reinstatement of auctioneer licenses as required by Chapter 956 of the 2004 Acts of Assembly.


Statutory Authority: §§ 54.1-201, 54.1-602 and 54.1-603.1 of the Code of Virginia.

**Contact:** Marian H. Brooks, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-0785 or email [auctioneers@dpor.virginia.gov](mailto:auctioneers@dpor.virginia.gov).

## VIRGINIA AVIATION BOARD

† **October 24, 2006 - 3 p.m.** -- Open Meeting

† **October 25, 2006 - 9 a.m.** -- Open Meeting

Wyndham Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia. 

A regular bimonthly meeting. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be

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## Calendar of Events

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discussed. Individuals with disabilities should contact Carolyn Toth 10 days prior to the meeting if assistances is needed.


**Contact:** Carolyn Toth, Executive Assistant, Virginia Aviation Board, 5702 Gulfstream Rd., Richmond, VA 23250, telephone (804) 236-3626, FAX (804) 236-3635, email carolyn.toth@doav.virginia.gov.

### BOARD FOR BARBERS AND COSMETOLOGY


**November 6, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A general business meeting to include consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , email barbercosmo@dpor.virginia.gov.


**† November 17, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 


An informal fact-finding conference.


**Contact:** William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-2474, (804) 367-9753/TTY , email barbercosmo@dpor.virginia.gov.

### DEPARTMENT FOR THE BLIND AND VISION IMPAIRED


#### State Plan for Vocational Rehabilitation

**October 18, 2006 - 7 p.m.** -- Open Meeting  
Lions Sight Foundation and Vision Impaired, 501 Elm Avenue, SW, Roanoke, Virginia.  (Interpreter for the deaf provided upon request)


**October 21, 2006 - 2 p.m.** -- Open Meeting  
LeiAunte's, 213 Gramby Street, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

**October 27, 2006 - 5 p.m.** -- Open Meeting  
Crowne Plaza Hotel Richmond West, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to solicit comments from the public regarding the department for the Blind and Vision Impaired's intent to amend its state plan for vocational rehabilitation (VR) to identify by category the order in which eligible VR clients will be served in the event resources are not available to serve all eligible VR clients.

**Contact:** Susan D. Payne, VR Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 373-3184, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY , email susan.payne@dbvi.virginia.gov.


### BOARD FOR BRANCH PILOTS

**November 1, 2006 - 8:30 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. 


A meeting of the Examination Administrators to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. All meetings are subject to cancellation. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.


**Contact:** Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , email branchpilots@dpor.virginia.gov.

**November 1, 2006 - 9:30 a.m.** -- Open Meeting


**December 11, 2006 - 9:30 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. 

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. All meetings are subject to cancellation. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.


**Contact:** Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , email branchpilots@dpor.virginia.gov.

**December 4, 2006 - 9 a.m.** -- Open Meeting  
**December 5, 2006 - 9 a.m.** -- Open Meeting  
Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia. 


A meeting to conduct examinations for renewal of licenses.

**Contact:** Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , email [branchpilots@dpor.virginia.gov](mailto:branchpilots@dpor.virginia.gov).

## CEMETERY BOARD

**October 17, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A meeting to discuss board business.

**Contact:** Christine Martine, Executive Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY , email [cemetery@dpor.virginia.gov](mailto:cemetery@dpor.virginia.gov).

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**October 17, 2006 - 10:30 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.


**November 4, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Cemetery Board intends to amend regulations entitled **18 VAC 47-20, Cemetery Board Rules and Regulations**. The purpose of the proposed action is to replace emergency regulations with permanent regulations.

Statutory Authority: §§ 54.1-201 and 54.1-2313 of the Code of Virginia.

**Contact:** Christine Martine, Executive Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946 or email [cemetery@dpor.virginia.gov](mailto:cemetery@dpor.virginia.gov).

## CHARITABLE GAMING BOARD

**December 5, 2006 - 10 a.m.** -- Open Meeting  
Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. 

A regular board meeting.

**Contact:** Clyde E. Cristman, Director, Department of Charitable Gaming, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-1681, FAX (804) 786-1079, email [clyde.cristman@dgc.virginia.gov](mailto:clyde.cristman@dgc.virginia.gov).

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**October 31, 2006 - 10 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

A regular meeting of the Northern Area Review Committee to review local programs.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email [david.dowling@dcr.virginia.gov](mailto:david.dowling@dcr.virginia.gov).

**October 31, 2006 - 2 p.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

A regular meeting of the Southern Area Review Committee to review local programs.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email [david.dowling@dcr.virginia.gov](mailto:david.dowling@dcr.virginia.gov).

**December 11, 2006 - 10 a.m.** -- Open Meeting  
Location to be announced.

A regular meeting to review local programs.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email [david.dowling@dcr.virginia.gov](mailto:david.dowling@dcr.virginia.gov).

## CHILD DAY-CARE COUNCIL

**October 20, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Child Day-Care Council intends to amend regulations entitled **22 VAC 15-10, Public Participation Guidelines**. The purpose of the proposed action is to make editorial changes throughout the regulation to improve clarity. 22 VAC 15-10-40 will be amended to reflect the provisions of Chapter 241 of the 2002 Acts of Assembly that changed the provisions for a person to petition the council to take a rulemaking action. 22 VAC 15-10-50 will be amended to reflect the statutory changes of Chapter 717 of the 1995 Acts of Assembly that make publication of proposed regulations in a newspaper of general circulation discretionary rather than mandatory.

Statutory Authority: §§ 2.2-4007 and 63.2-1735 of the Code of Virginia.




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## Calendar of Events

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**Contact:** Richard Martin, Manager, Office of Legislative and Regulatory Affairs, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7902, FAX (804) 726-7906 or email richard.martin@dss.virginia.gov.

† **November 9, 2006 - 10 a.m.** -- Open Meeting  
Department of Social Services, 7 North 8th Street, Richmond, Virginia. 

A business meeting. Committee meetings will be held from 10 a.m. until noon. The full council meeting begins at 1 p.m.

**Contact:** Pat Rengnerth, Board Liaison, Department of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY , email patricia.rengnerth@dss.virginia.gov.


### STATE CHILD FATALITY REVIEW TEAM

**November 17, 2006 - 10 a.m.** -- Open Meeting  
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. 

The business portion of the State Child Fatality Review Team meeting, from 10 a.m. to 10:30 a.m., is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

**Contact:** Rae Hunter-Havens, Coordinator, State Child Fatality Review, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-1047, FAX (804) 371-8595, toll-free (800) 447-1708, email rae.hunter-havens@vdh.virginia.gov.

### COMPENSATION BOARD

**October 18, 2006 - 11 a.m.** -- Open Meeting  
† **November 15, 2006 - 11 a.m.** -- Open Meeting  
102 Governor Street, Lower Level, Room LL22, Richmond, Virginia. 

A monthly board meeting.

**Contact:** Cindy Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 225-3308, FAX (804) 371-0235, email cindy.waddell@scb.virginia.gov.

### DEPARTMENT OF CONSERVATION AND RECREATION

**October 18, 2006 - 10 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia.

A meeting of the Virginia Outdoors Plan Technical Advisory Committee. This is a meeting of a committee appointed by the Director of the Department of Conservation and Recreation to provide information and comments on development of the 2007 Virginia Outdoors Plan.

**Contact:** John R. Davy, Division Director, Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-1119, FAX (804) 371-7899, email john.davy@dcr.virginia.gov.

**October 19, 2006 - 7 p.m.** -- Open Meeting  
Prince Edward County Courthouse, Board Room, Farmville, Virginia.

A meeting to receive comment from the public regarding the proposed High Bridge State Park Master Plan.

**Contact:** Robert S. Munson, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, email robert.munson@dcr.virginia.gov.

**October 26, 2006 - 1 p.m.** -- Open Meeting  
VDOT Training Center, Farmville, Virginia.

A meeting of the High Bridge State Park Master Plan Advisory Committee for continued discussion of the master plan development.

**Contact:** Robert S. Munson, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, email robert.munson@dcr.virginia.gov.

† **October 30, 2006 - 3 p.m.** -- Open Meeting

† **October 30, 2006 - 7 p.m.** -- Open Meeting

Northern Neck Planning District Commission Office (Planning District 17), 457 Main Street, Warsaw, Virginia.

† **October 30, 2006 - 3 p.m.** -- Open Meeting

† **October 30, 2006 - 7 p.m.** -- Open Meeting

Commission Office (Planning District 16), 3304 Bourbon Street, Fredericksburg, Virginia.

**October 31, 2006 - 9 a.m.** -- Open Meeting

John Tyler Community College, Nicholas Student Center, 13101 Jefferson Davis Highway, Chester, Virginia.

A Technical Advisory Committee meeting to assist the department in considering revisions to the Virginia Soil and Water Conservation Board's Impounding Structure (Dam Safety) Regulations.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

† **November 1, 2006 - 3 p.m.** -- Open Meeting  
† **November 1, 2006 - 7 p.m.** -- Open Meeting  
Accomack-Northampton Planning District Commission  
Office (Planning District 22), 23372 Front Street, Accomac,  
Virginia.

† **November 2, 2006 - 3 p.m.** -- Open Meeting  
† **November 2, 2006 - 7 p.m.** -- Open Meeting  
Old Train Station, 510 West 3rd Street, Farmville, Virginia.

The 2007 Virginia Outdoors Plan Regional Meeting. The purpose of the meeting is twofold. The first goal is to present to the public an overview of the Virginia Outdoors Plan that will be published in 2007 and to specifically outline the draft recommendations for the Northern Neck area and receive comments on those or recommendations for land conservation efforts in the region. The Virginia Outdoors Plan is the Commonwealth's official conservation, outdoor recreation, and open space plan, and it is intended to serve as a guide to all levels of government and the private sector in meeting the land conservation, outdoor recreation and open space needs of the state.

**Contact:** Janet Llewellyn, Environmental Program Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-0887, FAX (804) 371-7899, email janit.llewellyn@dcr.virginia.gov.

**November 9, 2006 - Noon** -- Open Meeting  
**December 14, 2006 - Noon** -- Open Meeting  
Richmond City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, Richmond, Virginia.

A regular meeting of the Falls of the James Scenic River Advisory Committee to discuss river issues.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

**October 16, 2006 - 9 a.m.** -- Open Meeting  
Science Museum of Virginia, 2500 West Broad Street, Discovery Room, Richmond, Virginia.

**October 26, 2006 - 9 a.m.** -- Open Meeting  
New Kent Forestry Center, 11301 Pocahontas Trail, Providence Forge, Virginia.

A Technical Advisory Committee meeting to assist the department in considering revisions to the Virginia Soil and Water Conservation Boards Virginia Stormwater Management Program (VSMP) Permit Regulations.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone

(804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

**November 21, 2006 - 10 a.m.** -- Open Meeting  
Location to be announced.

A meeting of the Virginia Land Conservation Foundation to review grant manual criteria.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

## Virginia Soil and Water Conservation Board

**November 16, 2006 - 9:30 a.m.** -- Open Meeting  
Location to be announced.

A regular board meeting.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

## BOARD FOR CONTRACTORS

**October 17, 2006 - 9 a.m.** -- Open Meeting  
† **October 26, 2006 - 9 a.m.** -- Open Meeting  
**October 31, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

An informal fact-finding conference.

**Contact:** Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ♿, email contractors@dpor.virginia.gov.

**October 24, 2006 - 9 a.m.** -- Open Meeting  
**November 28, 2006 - 9 a.m.** -- Open Meeting  
**December 19, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A regular meeting to address policy and procedural issues and review and render decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be conducted in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

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## Calendar of Events

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**Contact:** Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, email [contractors@dpor.virginia.gov](mailto:contractors@dpor.virginia.gov).

**November 28, 2006 - 1 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ♿

A quarterly meeting of the Board for Contractors Committee. The meeting starts after the Board for Contractors meeting.

**Contact:** Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, email [contractors@dpor.virginia.gov](mailto:contractors@dpor.virginia.gov).

### BOARD OF CORRECTIONS

**November 14, 2006 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor  
Board Room, Richmond, Virginia. ♿

A meeting of the Liaison Committee to discuss correctional matters of interest to the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email [barbara.woodhouse@vadoc.virginia.gov](mailto:barbara.woodhouse@vadoc.virginia.gov).

**November 14, 2006 - 1 p.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor,  
Board Room, Richmond, Virginia. ♿

A meeting of the Correctional Services/Policy and Regulations Committee to discuss correctional services and policy/regulation matters to be considered by the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email [barbara.woodhouse@vadoc.virginia.gov](mailto:barbara.woodhouse@vadoc.virginia.gov).

**November 15, 2006 - 9:30 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor,  
Room 3054, Richmond, Virginia. ♿

A meeting of the Administration Committee to discuss administrative matters to be considered by the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email [barbara.woodhouse@vadoc.virginia.gov](mailto:barbara.woodhouse@vadoc.virginia.gov).

**November 15, 2006 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor  
Board Room, Richmond, Virginia. ♿

A regular meeting of the full board to review and discuss all matters considered by board committees that require presentation to and action by the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email [barbara.woodhouse@vadoc.virginia.gov](mailto:barbara.woodhouse@vadoc.virginia.gov).

### BOARD OF DENTISTRY

**October 27, 2006 - 9 a.m.** -- Open Meeting  
**November 17, 2006 - 9 a.m.** -- Open Meeting  
**December 15, 2006 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. ♿

A meeting of the Special Conference Committee to hold informal conferences. There will not be a public comment period.

**Contact:** Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, email [cheri.emma-leigh@dhp.virginia.gov](mailto:cheri.emma-leigh@dhp.virginia.gov).

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**November 3, 2006** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to amend regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to eliminate the requirement for a second person to be in the operatory with the dentist to monitor the patient during the administration of inhalation analgesia or nitrous oxide. Copies of the board's regulation may be found on the board's website at <http://dhp.virginia.gov/dentistry>.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 3, 2006, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

† **December 1, 2006 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. ♿

A meeting of the Credentials Committee to hold informal conferences. There will not be a public comment period.

**Contact:** Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

**December 7, 2006 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

Informal conferences. There will not be a public comment period.

**Contact:** Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, email [cheri.emma-leigh@dhp.virginia.gov](mailto:cheri.emma-leigh@dhp.virginia.gov).

**December 8, 2006 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss board business. There will be a 15-minute public comment period at the beginning of the meeting.

**Contact:** Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

## DESIGN BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

**October 19, 2006 - 11 a.m.** -- Open Meeting  
**November 16, 2006 - 11 a.m.** -- Open Meeting  
**December 21, 2006 - 11 a.m.** -- Open Meeting  
Department of General Services, 202 North Ninth Street, Room 412, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use the design build or construction management type contracts. Contact the Division of Engineering and Buildings to confirm this meeting. Board rules and regulations can be obtained on-line at [www.dgs.virginia.gov](http://www.dgs.virginia.gov) under DGS Forms, Form #DGS-30-904.

**Contact:** Rhonda M. Bishton, Administrative Assistant, Division of Engineering and Buildings, Department of General Services, 202 N. Ninth St., Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY ☎, email [rhonda.bishton@dgs.virginia.gov](mailto:rhonda.bishton@dgs.virginia.gov).

## BOARD OF EDUCATION

**October 18, 2006 - 5 p.m.** -- Open Meeting  
**October 19, 2006 - 8:30 a.m.** -- Open Meeting  
**October 20, 2006 - 8:30 a.m.** -- Open Meeting  
Holiday Inn, 1400 East Market Street, Harrisonburg, Virginia.

A meeting of the State Special Education Advisory Committee (SSEAC). For updates visit <http://www.doe.virginia.gov/VDOE/Instruction/Sped/sseac.html> or call 804-225-2707, TTY 800-422-1098.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

**October 25, 2006 - 9 a.m.** -- Open Meeting  
**November 29, 2006 - 9 a.m.** -- Open Meeting  
**† January 10, 2007 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Main Lobby Level, Conference Rooms C and D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Public comment will be received. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last minute changes in time or location. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency at least 72 hours in advance.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

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**† November 29, 2006 - 11:00 a.m.** -- Public Hearing  
Department of Education, James Monroe Building, 101 North 14th Street, 22nd Floor, Richmond, Virginia.

**December 15, 2006** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to repeal regulations entitled **8 VAC 20-21, Licensure Regulations for School Personnel** and adopt regulations entitled **8 VAC 20-22, Licensure Regulations for School Personnel**. The purpose of the proposed action is to propose substantive changes in the requirements for licensure of school personnel. In a concurrent action, the

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# Calendar of Events

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Board of Education proposes to repeal the text of the current regulations (8 VAC 20-21) and promulgate new regulations (8 VAC 20-22). Substantive new requirements are proposed for the following areas: (i) conditions for licensure; (ii) types of licenses; (iii) designations of career paths to teaching; (iv) added endorsements by examination; (v) conditions for licensure by reciprocity; (vi) names of a few endorsements and requirements for some teaching areas; (vii) endorsement areas by adding the mathematics specialist, school manager, and speech language assistants; and (viii) the administration and supervision endorsement.

Statutory Authority: §§ 22.1-298.1 and 22.1-299 of the Code of Virginia.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

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† **November 29, 2006 - 11:00 a.m.** -- Public Hearing  
Department of Education, James Monroe Building, 101 North 14th Street, 22nd Floor, Richmond, Virginia.

**December 15, 2006** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to repeal regulations entitled **8 VAC 20-541, Regulations Governing Approved Programs for Virginia Institutions of Higher Education** and adopt regulations entitled **8 VAC 20-542, Regulations Governing the Review and Approval of Education Programs in Virginia**. During recent years, national, state, and local educators as well as members of the general public have placed increased emphasis on the need to ensure in our nation's schools the provision of highly qualified teachers who in turn make a positive impact on preK-12 student achievement. Federal legislation such as the 2001 No Child Left Behind Act (NCLB) and the 1998 Reauthorization of the Title II Higher Education Act (Title II HEA) clearly express the need for increased accountability from states and institutions of higher education in the preparation, certification, and licensure of teachers and other school personnel.

Statutory Authority: §§ 22.1-16 and 22.1-298.1 of the Code of Virginia.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

## SECRETARY OF EDUCATION

**November 15, 2006 - 10 a.m.** -- Open Meeting  
Capital One West Creek Campus, Town Center Building, Richmond, Virginia.

A full council meeting of the Start Strong Pre-K Council.

**Contact:** Kendall Tyree, Special Assistant to the Secretary of Education, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 692-2550, email [kendall.tyree@governor.virginia.gov](mailto:kendall.tyree@governor.virginia.gov).

## LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

NOTE: CHANGE IN MEETING DATE

**November 1, 2006 - 3 p.m.** -- Open Meeting  
Timbrook Public Safety Center, 231 East Piccadilly Street, Winchester, Virginia.

A regular meeting.

**Contact:** L.A. Miller, Fire and Rescue Chief, Local Emergency Planning Committee, Winchester Fire and Rescue Department, 231 E. Piccadilly St., Winchester, VA 22601, telephone (540) 662-2298, FAX (540) 542-1318, (540) 662-4131/TTY ☎.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**October 17, 2006 - 7 p.m.** -- Open Meeting  
St. Luke's Church, 400 Church Street, Remington, Virginia. ♿

**October 18, 2006 - 7 p.m.** -- Open Meeting  
Germanna Community College, 2130 Germanna Highway, Locust Grove, Virginia. ♿

A public meeting on the development of bacteria TMDLs for streams in the Upper Rappahannock River Basin located in parts of Albemarle, Culpeper, Fauquier, Greene, Madison, Orange, Rappahannock and Spotsylvania counties. The public notice appeared in the Virginia Register on October 2, 2006. The public comment period began on October 4, 2006, and ends on November 2, 2006.

**Contact:** Katie Conaway, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3804, email [mkconaway@deq.virginia.gov](mailto:mkconaway@deq.virginia.gov).

**October 18, 2006 - 6:30 p.m.** -- Open Meeting  
Old Mathews Courthouse, 27 Court Street, Mathews, Virginia. ♿

A public meeting on the draft TMDL report for fecal coliform bacteria in shellfish propagation waters located in the East River in Mathews County. The public notice appeared in the Virginia Register on September 18, 2006.

**Contact:** Chester Bigelow, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone

(804) 698-4554, FAX (804) 698-4116, email ccbigelow@deq.virginia.gov.

† **October 31, 2006 - 10 a.m.** -- Open Meeting  
Metropolitan Washington Council of Governments, 777 North Capitol Street, NE, Washington, D.C. ♿

The third meeting of the advisory committee on the TMDL study for PCBs in the tidal Potomac River, including selected tributaries to the tidal Potomac River in Maryland, Washington, D.C. and Virginia. The public notice appears in the Virginia Register on October 16, 2006.

**Contact:** Mark Richards, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4392, FAX (804) 698-4116, email marichards@deq.virginia.gov.

† **November 6, 2006 - 7 p.m.** -- Open Meeting  
Auburn High School, 4163 Riner Road, Riner, Virginia. ♿

The final public meeting on the development of the implementation plan to address fecal coliform bacteria impairments in the Mill Creek watershed in Montgomery County. The public notice appears in the Virginia Register on October 16, 2006. The public comment period begins on November 6, 2006, and ends on December 6, 2006.

**Contact:** Jason Ericson, Department of Conservation and Recreation, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-3389, FAX (804) 371-0771, email jason.ericson@dcr.virginia.gov.

† **November 9, 2006 - 7 p.m.** -- Open Meeting  
Floyd County High School, 721 Baker Street, Floyd, Virginia. ♿

The final public meeting on the development of the implementation plan to address fecal coliform bacteria impairments in the Dodd Creek watershed in Floyd County. The public notice appears in the Virginia Register on October 16, 2006. The comment period begins on November 9, 2006, and ends on December 11, 2006.

**Contact:** Jason Ericson, Department of Conservation and Recreation, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-3389, FAX (804) 371-0771, email jason.ericson@dcr.virginia.gov.

† **November 9, 2006 - 7 p.m.** -- Open Meeting  
Twin Valley Elementary and Middle School, Route 460, Auditorium, Oakwood, Virginia. ♿

The first public meeting on the development of TMDLs to address chlorides and bacteria impairments in the waters of Garden Creek in Buchanan County. The public notice appears in the Virginia Register on October 16, 2006.

**Contact:** Allen J. Newman, Department of Environmental Quality, P.O. Box 1688, Abingdon, VA 24212, telephone

(276) 676-4804, FAX (276) 676-4899, email ajnewman@deq.virginia.gov.

## COUNCIL ON VIRGINIA'S FUTURE

† **October 30, 2006 - 10:30 a.m.** -- Open Meeting  
MCV Alumni House and Paul A. Gross Conference Center, Richmond, Virginia. ♿

† **December 15, 2006 - Noon** -- Open Meeting  
General Assembly Building, 9th and Broad Street, Senate Room A, Richmond, Virginia. ♿

A meeting of the members of the Council on Virginia's Future, related staff, members of the press, and the general public.

**Contact:** Gilbert M. An (Gigi), Executive Assistant to the Director, Virginia Research and Technology Advisory Commission, 1001 E. Broad St., Suite 430, Richmond, VA 23219, telephone (804) 371-2346, FAX (804) 371-2347, email gma2n@virginia.edu.

## BOARD FOR GEOLOGY

**October 18, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** David E. Dick, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY ♿, email geology@dpor.virginia.gov.

## GEORGE MASON UNIVERSITY

**December 6, 2006 - 9 a.m.** -- Open Meeting  
Fairfax Campus, Mason Hall, Fairfax, Virginia. ♿

A meeting of the Board of Visitors. Agenda items will be posted 10 days prior to the meeting.

**Contact:** Mary Roper, Secretary Pro Tem, George Mason University, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, toll-free (703) 993-8707, email mroper@gmu.edu.

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# Calendar of Events

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## OFFICE OF GOVERNOR

### Olmstead Community Integration Implementation Team

**October 17, 2006 - 1 p.m.** -- Open Meeting

**December 19, 2006 - 1 p.m.** -- Open Meeting

Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Julie A. Stanley, Director, Community Integration for People with Disabilities, Office of Governor, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 371-0828, FAX (804) 786-6984, email julie.stanley@governor.virginia.gov.

## STATE BOARD OF HEALTH

**October 20, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider adopting regulations entitled **12 VAC 5-125, Regulations for Bedding and Upholstered Furniture Inspection Program**. The purpose of the proposed action is to ensure that only safe and healthy bedding and upholstered furniture products are being sold in the Commonwealth, that uniformity with other state bedding programs is maintained, and that the Code of Virginia is enforced.

Statutory Authority: §§ 32.1-224 and 59.1-200 of the Code of Virginia.

**Contact:** Gary L. Hagy, Director, Division of Food and Environmental Services, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7455, FAX (804) 864-7475 or email gary.hagy@vdh.virginia.gov.

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**October 23, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to repeal regulations entitled **12 VAC 5-70, Regulations Governing the Newborn Screening and Treatment Program**, and adopt regulations entitled **12 VAC 5-71, Regulations Governing Virginia Newborn Screening Services**. The purpose of the proposed action is to expand newborn screening services as required by Chapter 721 of the 2005 Acts of Assembly.

Statutory Authority: § 32.1-12 and Article 7 (§ 32.1-65 et seq.) of Chapter 2 of Title 32.1 of the Code of Virginia.

**Contact:** Nancy Ford, Division of Child and Adolescent Health, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7691, FAX (804) 864 7647, or email nancy.ford@vdh.virginia.gov.

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**† November 9, 2006 - 7 p.m.** -- Public Hearing  
Henrico Training Center, 7701 East Parham Road, Rooms 2031 and 2032, Richmond, Virginia.

**December 18, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled **12 VAC 5-585, Biosolids Use Regulations**. The purpose of the proposed action is to provide regulations and standards for site specific management practices, including nutrient management plans for land applying Class B sewage sludge in the Commonwealth, and to provide for resolving disputes concerning permit compliance that may arise between land appliers and local governments.

Statutory Authority: § 32.1-164.5 of the Code of Virginia.

**Contact:** C.M. Sawyer, Division Director, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475 or email cal.sawyer@vdh.virginia.gov.

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**November 10, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled **12 VAC 5-585, Biosolids Use Regulations**. The purpose of the proposed action is to provide regulations and standards for training, testing and certification of persons land applying Class B sewage sludge (biosolids) in the Commonwealth, and for revoking, suspending or denying such certification from any person for cause. The amended regulations are to include standards and criteria for the approval of instructional programs to be taught by governmental entities and by the private sector for the purpose of certifying biosolids land applicators.

Statutory Authority: § 32.1-164.5 of the Code of Virginia.

**Contact:** C.M. Sawyer, Division Director, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475 or email cal.sawyer@vdh.virginia.gov.

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**November 18, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to repeal regulations entitled **12 VAC 5-40, Regulations Governing Financial Assistance for Emergency Medical Services**, and amend regulations entitled **12 VAC 5-31, Virginia Emergency Medical Services Regulations**. The purpose of the proposed action is to adopt regulations for designation of regional EMS councils and revise regulations regarding the Rescue Squad Assistance Fund (RSAF) combining them with all regulations governing EMS in Virginia.

Statutory Authority: §§ 32.1-12, 32.1-111.4 and 32.1-111.11 of the Code of Virginia.

**Contact:** Michael D. Berg, Manager, Regulation and Compliance, Department of Health, 109 Governor St, UB-55, Richmond, VA 23219, telephone (804) 864-7615, FAX (804) 864-7580, toll-free 1-800-523-6019 or email michael.berg@vdh.virginia.gov.

**DEPARTMENT OF HEALTH**

**October 17, 2006 - 1 p.m.** -- Open Meeting  
Norfolk Public Health Department, 830 Southampton Avenue, 2nd Floor Library, Room 2005, Norfolk, Virginia. ♿

† **October 19, 2006 - 4:30 p.m.** -- Open Meeting  
James Madison University, 601 University Boulevard, Blue Ridge Hall, Room 333, Harrisonburg, Virginia. ♿

**November 1, 2006 - 1 p.m.** -- Open Meeting  
**December 10, 2006 - 1 p.m.** -- Open Meeting  
Holiday Inn Tanglewood, 4468 Starkey Road SW, Roanoke, Virginia. ♿

**November 2, 2006 - 10:30 a.m.** -- Open Meeting  
Northern Virginia Regional Commission, 3060 Williams Drive, Suite 510, Fairfax, Virginia. ♿

A meeting to solicit public comment for the Virginia Department of Health use of Ryan White CARE Act Title II funds during the 2007-2008 grant year and issues, barriers and emerging risk behaviors related to HIV prevention. Check the Commonwealth Calendar for additional public hearings in other regions of the Commonwealth.

**Contact:** Ben Alonso, Health Care Planner, Department of Health, 109 Governor St., Room 326, Richmond, VA 23219, telephone (804) 864-8022, FAX (804) 864-8050, email ben.alonso@vdh.virginia.gov.

† **October 27, 2006 - 10 a.m.** -- Open Meeting  
† **November 17, 2006 - 10 a.m.** -- Open Meeting  
† **December 15, 2006 - 10 a.m.** -- Open Meeting  
Department of Health, 109 Governor Street, 5th Floor, Conference Room, Richmond, Virginia.

A meeting of the Sewage Handling and Disposal Regulations Advisory Committee to make recommendations to the commissioner regarding sewage handling and disposal policies, procedures and programs of the department.

**Contact:** Donald Alexander, Division Director, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7452, FAX (804) 864-7476, email don.alexander@vdh.virginia.gov.

**November 16, 2006 - 9 a.m.** -- Open Meeting  
Department of Health, 109 Governor Street, 5th Floor, Conference Room, Richmond, Virginia.  
Will also be scheduled in remote locations via video conference.

A meeting of the Authorized Onsite Soil Evaluator Regulations Advisory Committee to make recommendations to the commissioner regarding AOSE/PE policies and programs.

**Contact:** Dwayne Roadcap, Program Manager, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7462, FAX (804) 864-7476, email dwayne.roadcap@vdh.virginia.gov.

**December 8, 2006 - 10 a.m.** -- Open Meeting  
Virginia Hospital and Healthcare Association, 4200 Innslake Drive, Glen Allen, Virginia. ♿

A meeting of the Virginia Early Hearing Detection and Intervention Program Advisory Committee to assist the Department of Health in the implementation of the Virginia Early Hearing Detection and Intervention Program. Public comment will not be received.

**Contact:** Pat Dewey, M.Ed., Program Manager, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7713, email pat.dewey@vdh.virginia.gov.

† **December 14, 2006 - 10 a.m.** -- Open Meeting  
Virginia Association of Volunteer Rescue Squads, 2535 Turkey Creek Road, Oilville, Virginia. ♿

A regular meeting for the Regulation and Policy Committee for the EMS Advisory Board.

**Contact:** Michael D. Berg, Manager, Regulation and Compliance, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email michael.berg@vdh.virginia.gov.



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# Calendar of Events

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## BOARD OF HEALTH PROFESSIONS

† **October 18, 2006 - 4 p.m.** -- Open Meeting  
Williamsburg Hospitality House, 415 Richmond Road,  
Williamsburg, Virginia. ♿

A meeting of the Nominating Committee to develop a slate of officers for the annual elections.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7013, FAX (804) 662-7098, (804) 662-7197/TTY ☎, email elizabeth.carter@dhp.virginia.gov.

**October 18, 2006 - 4:15 p.m.** -- Open Meeting  
Williamsburg Hospitality House, 415 Richmond Road,  
Williamsburg, Virginia. ♿

A general business meeting devoted largely to board member orientation and discussion of board organizational and workplan issues for each standing committee for the upcoming year. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7013, FAX (804) 662-7098, (804) 662-7197/TTY ☎, email elizabeth.carter@dhp.virginia.gov.

## BOARD FOR HEARING AID SPECIALISTS

**November 15, 2006 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, email hearingaidspec@dpor.virginia.gov.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **October 16, 2006 - 3 p.m.** -- Open Meeting  
State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, Richmond, Virginia.

A meeting of the Institutional Performance Standards (IPS) Subcommittee.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leannrung@schev.edu.

† **October 16, 2006 - 6:30 p.m.** -- Open Meeting  
The Hard Shell Restaurant, 1411 East Cary Street, Richmond, Virginia.

Dinner and discussion on student assessment and learning.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leannrung@schev.edu.

NOTE: CHANGE IN MEETING TIME

**October 17, 2006 - Noon** -- Open Meeting  
State Council of Higher Education for Virginia, 101 North 14th Street, Richmond, Virginia.

Committee meetings begin at 8:30 a.m. Agenda materials will be available on the website approximately one week prior to the meeting at [www.schev.edu](http://www.schev.edu). A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leannrung@schev.edu.

† **November 8, 2006 - 10:30 a.m.** -- Open Meeting  
State Council of Higher Education for Virginia, 101 North 14th Street, Richmond, Virginia.

An Institutional Performance Standards (IPS) subcommittee meeting.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leannrung@schev.edu.

† **November 13, 2006 - 9:30 a.m.** -- Open Meeting  
Richmond Omni, 100 South 12th Street, Richmond, Virginia.

A special meeting to review and approve the institutional performance standards.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219,

telephone (804) 225-2602, FAX (804) 371-7911, email [leeannrung@schev.edu](mailto:leeannrung@schev.edu).

telephone (804) 371-0015, FAX (804) 371-2277, toll-free (866) 482-3911, email [steve.marzolf@vita.virginia.gov](mailto:steve.marzolf@vita.virginia.gov).

## DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

† **December 16, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Human Resource Management intends to adopt regulations entitled **1 VAC 55-30, Long-Term Care Program**. The purpose of the proposed action is to establish regulations used by the Department of Human Resource Management in the administration of the long-term care plan for state employees, retirees and terminated vested participants of the Virginia Retirement System, as well as employees of local governments that have chosen to offer the plan. The regulations define eligibility and underwriting provisions, as well as establish distinct insurance classifications for participants.

Statutory Authority: §§ 2.2-1207 and 2.2-1208 of the Code of Virginia.

**Contact:** Charles Reed, Associate Director, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-2505, email [charles.reed@dhrm.virginia.gov](mailto:charles.reed@dhrm.virginia.gov).

## VIRGINIA COUNCIL ON HUMAN RESOURCES


**December 14, 2006 - 9:30 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, PDS 4,  
Richmond, Virginia.

A quarterly meeting.

**Contact:** Charles Reed, Associate Director, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-2505, email [charles.reed@dhrm.virginia.gov](mailto:charles.reed@dhrm.virginia.gov).

## VIRGINIA INFORMATION TECHNOLOGIES AGENCY


### Wireless E-911 Services Board

**November 8, 2006 - 10 a.m.** -- Open Meeting  
Richmond Plaza Building, 110 South 7th Street, 4th Floor  
Auditorium, Richmond, Virginia. 

A regular board meeting.


**Contact:** Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 411 E. Franklin St., 5th Floor, Suite 500, Richmond, VA 23219,

## JAMESTOWN-YORKTOWN FOUNDATION


**October 19, 2006 - Noon** -- Open Meeting  
**December 6, 2006 - 2 p.m.** -- Open Meeting  
Richmond, Virginia. (call for specific location)  (Interpreter for the deaf provided upon request)

A regular meeting of the Executive Committee of the Jamestown 2007 Steering Committee.

**Contact:** Judith Leonard, Administrative Office Manager, Jamestown-Yorktown Foundation, 410 W. Francis St., Williamsburg, VA 23185, telephone (757) 253-4253, FAX (757) 253-4950, email [judith.leonard@jyf.virginia.gov](mailto:judith.leonard@jyf.virginia.gov).

**November 20, 2006 - 10 a.m.** -- Open Meeting  
**November 21, 2006 - 8 a.m.** -- Open Meeting  
Crowne Plaza Fort Magruder, 6945 Pocahontas Trail,  
Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

The semiannual two-day Board of Trustees meeting. Public comment will be received on the second day of the meeting. Contact the Foundation for a schedule.

**Contact:** Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY , email [laura.bailey@jyf.virginia.gov](mailto:laura.bailey@jyf.virginia.gov).

## STATE BOARD OF JUVENILE JUSTICE


**November 8, 2006 - 9 a.m.** -- Open Meeting  
Shenandoah Valley Juvenile Detention Home, 300  
Technology Drive, Staunton, Virginia.

Meeting details will be provided closer to the meeting date.

**Contact:** Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773.

## DEPARTMENT OF LABOR AND INDUSTRY

### Virginia Apprenticeship Council

**December 14, 2006 - 10 a.m.** -- Open Meeting  
Confederate Hills Recreation Building, 302 Lee Avenue,  
Highland Springs, Virginia. 

A regular business meeting.

**Contact:** Beverley Donati, Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , email [bgd@doli.state.va.us](mailto:bgd@doli.state.va.us).

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# Calendar of Events

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## LIBRARY BOARD

**November 13, 2006 - 10:30 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to the Library of Virginia and the Library Board.

**Contact:** Jean H. Taylor, Executive Secretary Senior, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3525, FAX (804) 692-3594, (804) 692-3976/TTY ♿, email jtaylor@lva.lib.va.us.

## COMMISSION ON LOCAL GOVERNMENT

† **November 14, 2006 - 10 a.m.** -- Open Meeting  
The Homestead, Chesapeake Room, Bath County, Virginia. ♿

A regular business meeting held in conjunction with the annual conference of the Virginia Association of Counties.

**Contact:** Barbara Johnson, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7024, FAX (804) 371-7090, email barbara.johnson@dhcd.virginia.gov.

## BOARD OF LONG-TERM CARE ADMINISTRATORS

**October 31, 2006 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss general business matters. There will be a 15-minute public comment period at the beginning of the meeting.

**Contact:** Sandra Reen, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ♿, email sandra.reen@dhp.virginia.gov.

## LONGWOOD UNIVERSITY

† **November 1, 2006 - 10 a.m.** -- Open Meeting  
The Martin Agency, One Shockoe Plaza, Richmond, Virginia. ♿

A meeting to conduct routine business of the Board of Visitors' Executive Committee.

**Contact:** Jeanne Hayden, Administrative Staff Assistant, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004.

## MARINE RESOURCES COMMISSION

NOTE: CHANGE IN MEETING DATE

† **October 31, 2006 - 9:30 a.m.** -- Open Meeting

**November 28, 2006 - 9:30 a.m.** -- Open Meeting

**December 19, 2006 - 9:30 a.m.** -- Open Meeting

Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly commission meeting.

**Contact:** Jane McCroskey, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2215, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY ♿, email jane.mccroskey@mrc.virginia.gov.

## BOARD OF MEDICAL ASSISTANCE SERVICES

**December 12, 2006 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Conference Room, Richmond, Virginia. ♿

A quarterly meeting.

**Contact:** Nancy Malczewski, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8096, FAX (804) 371-4981, (800) 343-0634/TTY ♿, email nancy.malczewski@dmas.virginia.gov.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**October 18, 2006 - 9:30 a.m.** -- Public Hearing  
Department of Medical Assistance Services, 600 East Broad Street, 7th Floor, Conference Room, Richmond, Virginia. ♿


A meeting to hear public comment on the integration of acute and long-term care. Written comments may be sent throughout the process to altc@dmas.virginia.gov.

**Contact:** Adrienne T. Fegans, Program Operations Administrator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4112, FAX (804) 371-4981, (800) 343-0634/TTY ♿, email altc@dmas.virginia.gov.

**October 18, 2006 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. ♿

A meeting of the Medicaid Transportation Advisory Committee to discuss Medicaid transportation issues with the committee and the community.

**Contact:** Bob Knox, Transportation Supervisor, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854, FAX (804)

786-6035, (800) 343-0634/TTY , email  
robert.knox@dmas.virginia.gov.

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**October 20, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled **12 VAC 30-30, Groups Covered and Agencies Responsible for Eligibility Determination; 12 VAC 30-40, Eligibility Conditions and Requirements; and 12 VAC 30-50, Amount, Duration, and Scope of Medical and Remedial Care Services.** The purpose of the proposed action is to implement the Medicare Prescription Part D Drug Program.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia

**Contact:** Jack Quigley, Policy & Research Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-1300, FAX (804) 786-1680 or email jack.quigley@dmas.virginia.gov.

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**October 20, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-70, Methods and Standards for Establishing Payment Rates; In-Patient Hospital Care.** The purpose of the proposed action is to permit DMAS to make DSH payments in conformity with changing federal legislation.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

**Contact:** William Lessard, Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4593, FAX (804) 786-1680 or email william.lessard@dmas.virginia.gov.

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**October 20, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-150, Uninsured Medical Catastrophe Fund.**


The purpose of the proposed action is to update the UMCF program to make it more user friendly.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia

**Contact:** Patricia Taylor, Program Operations Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-6333, FAX (804) 786-1680 or email patricia.taylor@dmas.virginia.gov.

**October 23, 2006 - 9 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 7th Floor, Richmond, Virginia. 

A meeting of the Pharmacy and Therapeutics Committee to review PDL Phase I and new drugs in PDL Phase II.

**Contact:** Katina Goodwyn, Pharmacy Contract Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0428, (800) 343-0634/TTY , email katina.goodwyn@dmas.virginia.gov.

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**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-110, Eligibility and Appeals.** The purpose of the proposed action is to update the appeals regulations to reflect current practice.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

**Contact:** Mahalia McGill-Arnold, Project Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-1531, FAX (804) 786-1680 or email mahalia.arnold@dmas.virginia.gov.

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**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-120, Waivered Services.** The purpose of the proposed action is to revise and update the MEDALLION regulations to address several operational and waiver changes in the MEDALLION program.


Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

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
## Calendar of Events

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**Contact:** Vivian Horn, Managed Care Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-6060, FAX (804) 786-1680 or email vivian.horn.@dmas.virginia.gov.

**November 9, 2006 - 2 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. 


A meeting of the Drug Utilization Review Committee to discuss Medicaid pharmacy issues as related to this committee.


**Contact:** Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0428, (800) 343-0634/TTY , email katina.goodwyn@dmas.virginia.gov.


### BOARD OF MEDICINE

**October 19, 2006 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 


A meeting of the full board to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , email william.harp@dhp.virginia.gov.


**November 2, 2006 - 9:30 a.m.** -- Open Meeting  
Holiday Inn Express, 3315 Ordway Drive, Roanoke, Virginia. 


**November 7, 2006 - 9 a.m.** -- Open Meeting  
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. 

**November 15, 2006 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


**November 29, 2006 - 9 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

A special conference committee will convene informal conferences to inquire into allegations that certain practitioners of medicine or other healing arts may have violated certain laws and regulations governing the practice of medicine. Further, the committee may review cases with board staff for case disposition, including consideration of consent orders for settlement. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

**Contact:** Renee S. Dixon, Discipline Case Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY , email renee.dixon@dhp.virginia.gov.


**December 8, 2006 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A meeting of the Executive Committee to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.


**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , email william.harp@dhp.virginia.gov.


**† December 8, 2006 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A meeting of the Ad Hoc Committee on Competency to discuss the elements involved in initial competency. Public comment will be received on agenda items at the beginning of the meeting.


**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , email william.harp@dhp.virginia.gov.

### DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

**October 17, 2006 - 4 p.m.** -- Public Hearing  
Mount Rogers Community Mental Health and Mental Retardation Services, 770 West Ridge Road, Wytheville, Virginia.  (Interpreter for the deaf provided upon request)

**October 19, 2006 - 4 p.m.** -- Public Hearing  
Southern Virginia Mental Health Center, 328 Taylor Drive, Danville, Virginia.  (Interpreter for the deaf provided upon request)

**October 23, 2006 - 7 p.m.** -- Public Hearing  
Stambaugh Building, 3033 Wilson Boulevard, Conference Rooms 7 E and 7 F, Arlington, Virginia.  (Interpreter for the deaf provided upon request)

**October 24, 2006 - 4 p.m.** -- Public Hearing  
Hospitality Center, Norfolk CSB, 6401 Tidewater Drive, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

**November 8, 2006 - 4 p.m.** -- Public Hearing  
Henrico Area Mental Health and Mental Retardation Services, 10299 Woodman Road, Conference Room C, Richmond, Virginia. (Interpreter for the deaf provided upon request)

**November 9, 2006 - 6 p.m.** -- Public Hearing  
Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia. (Interpreter for the deaf provided upon request)

**November 17, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to amend regulations entitled **12 VAC 35-115, Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services**. The purpose of the proposed action is to clarify terminology and procedures and align outdated provisions with applicable federal and state laws.

Statutory Authority: §§ 32.2-203 and 37.2-400 of the Code of Virginia.

**Contact:** Margaret Walsh, Director of the Office of Human Rights, State Mental Health, Mental Retardation and Substance Abuse Services Board, Jefferson Bldg., 1220 Bank St., P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988, FAX (804) 371-2308, email [margaret.walsh@co.dmhmr.sas.virginia.gov](mailto:margaret.walsh@co.dmhmr.sas.virginia.gov).

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**October 23, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to amend regulations entitled **12 VAC 35-105, Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services**. The purpose of the proposed action is to add standards for new providers of services for the treatment of opioid addiction.

Statutory Authority: § 37.2-203 and Chapter 7 of the 2005 Acts of Assembly.

**Contact:** Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0066 or email [leslie.anderson@co.dmhmr.sas.virginia.gov](mailto:leslie.anderson@co.dmhmr.sas.virginia.gov).

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**October 23, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to amend regulations entitled **12 VAC 35-45, Regulations for Providers for Mental Health, Mental Retardation and Substance Abuse Residential Services for Children**. The purpose of the proposed action is to add provisions for issuing an order of summary suspension of the license to operate a group home or residential facility for children. In addition to any other comments, the department on behalf of the board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (i) projected reporting, recordkeeping and other administrative costs; (ii) probable effect of the regulation on affected small businesses; and (iii) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to the contact person named below. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last date of the public comment period.

Statutory Authority: §§ 37.2-203, 37.2-408 and 37.2-418 of the Code of Virginia.

**Contact:** Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0066 or email [leslie.anderson@co.dmhmr.sas.virginia.gov](mailto:leslie.anderson@co.dmhmr.sas.virginia.gov).

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**October 23, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to amend regulations entitled **12 VAC 35-45, Regulations for Providers for Mental Health, Mental Retardation Substance Abuse, and Brain Injury Residential Services for Children**. The purpose of the proposed action is to add provisions for licensing providers of brain injury services.

Statutory Authority: § 37.2-203 and Chapter 725 of the 2005 Acts of Assembly.

**Contact:** Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA

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# Calendar of Events

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23218-1797, telephone (804) 371-6885, FAX (804) 692-0066 or email [leslie.anderson@co.dmhmrzas.virginia.gov](mailto:leslie.anderson@co.dmhmrzas.virginia.gov).

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**October 23, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to amend regulations entitled **12 VAC 35-105, Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services**. The purpose of the proposed action is to add provisions for licensing providers of brain injury services. In addition to any other comments, the department on behalf of the board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (i) projected reporting, recordkeeping and other administrative costs; (ii) probable effect of the regulation on affected small businesses; and (iii) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to the contact person named below. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last date of the public comment period.

Statutory Authority: § 37.2-203 and Chapter 725 of the 2005 Acts of Assembly.

**Contact:** Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0066 or email [leslie.anderson@co.dmhmrzas.virginia.gov](mailto:leslie.anderson@co.dmhmrzas.virginia.gov).

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**October 23, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to adopt regulations entitled **12 VAC 35-210, Regulations to Govern Temporary Leave from State Mental Health and State Mental Retardation Facilities**. The purpose of the proposed action is to promulgate a new regulation to govern practices related to trial or home visits from state mental health and state mental retardation facilities under § 37.2-837 B of the Code of Virginia.

Statutory Authority: §§ 37.2-203 and 37.2-837 of the Code of Virginia.

**Contact:** Marion Greenfield, Office of Quality Management, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-4516, FAX (804) 786-8623 or email [marion.greenfield@co.dmhmrzas.virginia.gov](mailto:marion.greenfield@co.dmhmrzas.virginia.gov).


## Virginia Mental Health Planning Council

**December 6, 2006 - 10 a.m.** -- Open Meeting  
Henrico CSB, 10299 Woodman Road, Conference Room C, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review MHBG plan, review MHBG Implementation Report, develop plan for 2006 issues, and monitor and evaluate mental health programs.

**Contact:** Will Ferriss, LCSW, Director, Planning and Evaluation, Office of Mental Health, Department of Mental Health, Mental Retardation and Substance Abuse Services, 1220 Bank St., Richmond, VA 23218, telephone (804) 371-0363, FAX (804) 371-0091, email [will.ferriss@co.dmhmrzas.virginia.gov](mailto:will.ferriss@co.dmhmrzas.virginia.gov).

## STATE MILK COMMISSION


**† December 13, 2006 - 10:45 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, Room 2054, Charlottesville, Virginia. 

A regular meeting to consider industry issues, distributor licensing, base transfers, and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify the agency meeting contact at least five working days prior to the meeting date so that suitable arrangements can be made.

**Contact:** Rodney Phillips, Administrator, State Milk Commission, 102 Governor St., Room 205, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, email [rodney.phillips@vdacs.virginia.gov](mailto:rodney.phillips@vdacs.virginia.gov).

## DEPARTMENT OF MINES, MINERALS AND ENERGY

### Virginia Gas and Oil Board

**† October 17, 2006 - 9 a.m.** -- Open Meeting  
Southwest Virginia Higher Education Center, Virginia Highlands Community College, Abingdon, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss board business, hear petitions for pooling, repooling, modification of field rules, and well location exceptions. The Virginia Gas and Oil Board will hear public comments regarding board matters immediately

following the final docket item. Special accommodations for the disabled will be made available at the hearing on request. Anyone needing special accommodations for the October hearing should contact the Department of Mines, Minerals and Energy, Division of Gas and Oil at 276-676-5423 or call the Virginia Relay Center TTY/TDD 1-800-828-1120 or 1140.

**Contact:** Bob Wilson, Division Director, Department of Mines, Minerals and Energy, 230 Charwood Dr., Abingdon, VA 24210, telephone (276) 676-5426, FAX (276) 676-5459, (800) 828-1120/TTY ☎, email bob.wilson@dmme.virginia.gov.

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**November 3, 2006** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled **4 VAC 25-130, Coal Surface Mining Reclamation Regulations**. The purpose of the proposed action is to revise references to sections in the Virginia Administrative Process Act to reflect the renumbering that became effective October 1, 2001; provide direction as to where requests for formal administrative review and notices of judicial appeal shall be filed; maintain consistency with corresponding federal amendments regarding survey requirements and the rebuttable presumption of subsidence determinations; maintain consistency with federal regulations regarding thick overburden; and increase the civil penalties for violations of the Virginia Coal Surface Mining Control and Reclamation Act that result in personal injury or fatality.

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

**Contact:** Gavin Bledsoe, Legal Services Officer, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219-0900, telephone (276) 523-8157, FAX (276) 523-8163, or email gavin.bledsoe@dmme.virginia.gov.

**DEPARTMENT OF MOTOR VEHICLES**

**Board of Transportation Safety**

**October 18, 2006 - 10 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 133, Richmond, Virginia. ♿

A quarterly meeting.

**Contact:** Audrey Odum, Management Analyst, Department of Motor Vehicles, P.O. Box 27412 Richmond, VA 23269-0001, telephone (804) 367-8140, FAX (804) 367-6339, (800) 272-9268/TTY ☎, email audrey.odum@dmv.virginia.gov.

**VIRGINIA MUSEUM OF FINE ARTS**

NOTE: CHANGE IN MEETING DATE

† **November 8, 2006 - 8 a.m.** -- Open Meeting

**December 5, 2006 - 8 a.m.** -- Open Meeting

**January 2, 2007 - 8 a.m.** -- Open Meeting

Virginia Museum of Fine Arts, The Pauley Center, 200 North Boulevard, Dining Room, Richmond, Virginia. ♿

A meeting for staff to update the Executive Committee. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, email suzanne.broyles@vmfa.museum.

**BOARD OF NURSING**

**October 16, 2006 - 9 a.m.** -- Open Meeting

**October 24, 2006 - 9 a.m.** -- Open Meeting

**November 30, 2006 - 9 a.m.** -- Open Meeting

**December 1, 2006 - 9 a.m.** -- Open Meeting

**December 4, 2006 - 9 a.m.** -- Open Meeting

**December 5, 2006 - 9 a.m.** -- Open Meeting

**December 7, 2006 - 9 a.m.** -- Open Meeting

**December 12, 2006 - 9 a.m.** -- Open Meeting

**December 13, 2006 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. ♿

A Special Conference Committee comprised of two or three members of the Virginia Board of Nursing or agency subordinate will conduct informal conferences with licensees and certificate holders. Public comment will not be received.

**Contact:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email nursebd@dhp.virginia.gov.

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**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to amend regulations entitled **18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to clarify the duration of a provisional license granted to an applicant for licensure as a nurse practitioner pending the results of the required national certifying examination for consistency with the current practice of electronic testing.



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## Calendar of Events

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Copies of the board's regulation may be found on the board's website at <http://dhp.virginia.gov/nursing/>.

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 3, 2006, to Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

**November 13, 2006 - 9 a.m.** -- Open Meeting

**November 15, 2006 - 9 a.m.** -- Open Meeting

**November 16, 2006 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A panel of the board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

**Contact:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email [nursebd@dhp.virginia.gov](mailto:nursebd@dhp.virginia.gov).

**November 14, 2006 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting to conduct general business including receipt of committee reports and consideration of regulatory action and discipline case decisions as presented on the agenda. Public comment will be received at 11 a.m.

**Contact:** Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email [jay.douglas@dhp.virginia.gov](mailto:jay.douglas@dhp.virginia.gov).

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† **November 14, 2006 - 11:30 a.m.** -- Public Hearing

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

**December 15, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled **18 VAC 90-25, Regulations Governing Certified Nurse Aides**. The purpose of the proposed action is to clarify the intent and/or language in

the regulation relating to nurse aide education and to add to the grounds for unprofessional conduct to include providing false information to staff or board members in the course of an investigation or proceeding. There is also a proposed new rule that a certificate holder can only petition the board one time for removal of a finding of abuse.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Public comments may be submitted until December 15, 2006, to Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

### JOINT BOARDS OF NURSING AND MEDICINE

**October 18, 2006 - 9 a.m.** -- Open Meeting

**December 6, 2006 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A regular meeting.

**Contact:** Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email [jay.douglas@dhp.virginia.gov](mailto:jay.douglas@dhp.virginia.gov).

### OLD DOMINION UNIVERSITY

**October 16, 2006 - Noon** -- Open Meeting

**November 20, 2006 - Noon** -- Open Meeting

Old Dominion University, Webb University Center, Old Norfolk, Virginia. ☎

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president. Public comment will not be received by the board.

**Contact:** Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, email [dmeeks@odu.edu](mailto:dmeeks@odu.edu).


**December 8, 2006 - 1:30 p.m.** -- Open Meeting

Old Dominion University, Webb University Center, Norfolk, Virginia. ☎


A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president. Public comment will not be received by the board.


**Contact:** Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, email [dmeeks@odu.edu](mailto:dmeeks@odu.edu).

## BOARD FOR OPTICIANS


**December 8, 2006 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , email [opticians@dpor.virginia.gov](mailto:opticians@dpor.virginia.gov).

**† November 1, 2006 - 10 a.m.** -- Open Meeting  
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 4,  
Richmond, Virginia. 

The Continuing Education Committee will meet to review public comment received in response to a Notice of Intended Regulatory Action and consider proposed regulatory amendments to the CE regulations. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , email [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).


## VIRGINIA OUTDOORS FOUNDATION

**November 15, 2006 - 1 p.m.** -- Open Meeting  
**November 16, 2006 - 9 a.m.** -- Open Meeting  
Location to be announced; Charlottesville, Virginia area.

A meeting for policy and easement consideration. Public comment will be received.

**Contact:** Trisha Cleary, Administrative Assistant, Department of Conservation and Recreation, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2147, FAX (804) 371-4810, email [tcleary@vofonline.org](mailto:tcleary@vofonline.org).


## PESTICIDE CONTROL BOARD

**October 19, 2006 - 9 a.m.** -- Open Meeting  
Alson H. Smith Research Center, 595 Laurel Grove Road,  
Winchester, Virginia. 


On October 18, 2006, at 2 p.m., the Virginia Pesticide Control Board will tour Marker-Miller Orchard, 3035 Cedar Creek Grade, Winchester, Virginia, to observe pesticide management practices. The board will conduct its normal quarterly meeting on October 19, 2006, at 9 a.m. The board will discuss general business matters requiring board action. However, portions of the meeting may be held in closed session, pursuant to § 2.2-3711 of the Code of Virginia. The board will entertain public comment at the beginning of the meeting on all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate in the meeting should contact the person identified in this notice at least five days before the meeting date.


**Contact:** Dr. W. Wayne Surles, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, 102 Governor St., P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6559, FAX (804) 786-9149, toll-free (800) 552-9963, email [wayne.surles@vdacs.virginia.gov](mailto:wayne.surles@vdacs.virginia.gov).

## BOARD OF PHARMACY


**† October 31, 2006 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Special Conference Committee to discuss disciplinary matters. Public comment will not be received.

**Contact:** Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , email [scottirussell@dhp.virginia.gov](mailto:scottirussell@dhp.virginia.gov).

**December 13, 2006 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 2, Richmond, Virginia. 

A meeting to consider such regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , email [scottirussell@dhp.virginia.gov](mailto:scottirussell@dhp.virginia.gov).

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# Calendar of Events

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## POLYGRAPH EXAMINERS ADVISORY BOARD

**October 26, 2006 - 11 a.m.** -- Open Meeting

**December 7, 2006 - 11 a.m.** -- Open Meeting


Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-0674, (804) 367-9753/TTY , email kevin.hoeft@dpor.virginia.gov.

## BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

**November 13, 2006 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor Conference Room,  
Richmond, Virginia. 

A quarterly meeting.

**Contact:** Mark Courtney, Executive Director, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, email mark.courtney@dpor.virginia.gov.

## DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Professional and Occupational Regulation intends to amend regulations entitled **18 VAC 120-40, Virginia Professional Boxing and Wrestling Events Regulations**. The purpose of the proposed action is to restructure the regulations to better distinguish between boxing and wrestling; incorporate general industry standards; and make other changes resulting from the department's review.


Statutory Authority: § 54.1-831 of the Code of Virginia.

**Contact:** Karen W. O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230,

telephone (804) 367-8537, FAX (804) 367-2475 or email karen.oneal@dpor.virginia.gov.

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† **December 11, 2006 - 1 p.m.** -- Public Hearing

Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor Conference Room,  
Richmond, Virginia. 

**December 15, 2006** - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Professional and Occupational Regulation intends to amend regulations entitled **18 VAC 120-30, Regulations Governing Polygraph Examiners**. The purpose of the proposed action is to amend current regulations to increase fees. In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: (i) projected reporting, recordkeeping and other administrative costs; (ii) probable effect of the regulation on affected small businesses; and (iii) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Statutory Authority: §§ 54.1-201 and 54.1-1802 of the Code of Virginia.


**Contact:** Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-0674, (804) 367-9753/TTY , email kevin.hoeft@dpor.virginia.gov.

## VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

**December 7, 2006 - 10 a.m.** -- Open Meeting

Department for the Aging, 1610 Forest Avenue, Suite 100,  
Richmond, Virginia. 

A quarterly meeting.

**Contact:** Janet Dingle Brown, Esq., Public Guardianship Coordinator and Legal Services Developer, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , email janet.brown@vda.virginia.gov.

## VIRGINIA RACING COMMISSION

**October 20, 2006** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Racing Commission intends to amend regulations entitled **11 VAC 10-70, Regulations Pertaining to Horse Racing With Pari-Mutuel Wagering-Stewards**. The purpose of the proposed action is to clarify the authority of the stewards appointed by the Virginia Racing Commission to enforce and interpret the commission's regulations. The definition of "participant" has been added, which provides that certain individuals associated with a horse that is entered to run in Virginia shall be considered as participants and come under the jurisdiction of the commission. Additionally, the amendments authorize the commission to take disciplinary actions through stewards or at a meeting at which a quorum is present. These amendments are made to conform to the regulation changes that were made to the Code of Virginia on July 1, 2005, as provided for in SB 1270.

Statutory Authority: § 59.1-369 of the Code of Virginia.

**Contact:** David S. Lermond, Jr., Regulatory Coordinator, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804) 966-7404, FAX (804) 966-7418 or email david.lermond@vrc.virginia.gov.

## REAL ESTATE APPRAISER BOARD

**October 31, 2006 - 1 p.m.** -- Open Meeting

**November 1, 2006 - 10:30 a.m.** -- Open Meeting

**November 7, 2006 - 1 p.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎

Informal fact-finding conferences.

**Contact:** Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email reboard@dpor.virginia.gov.

**November 7, 2006 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4 West Conference Room, Richmond, Virginia. ☎

A meeting to discuss board business.

**Contact:** Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email reappraisers@dpor.virginia.gov.

## REAL ESTATE BOARD

**December 4, 2006 - 3 p.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A meeting of the Education Committee.

**Contact:** Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email reboard@dpor.virginia.gov.

**December 5, 2006 - 8:30 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to discuss fair housing cases.

**Contact:** Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email reboard@dpor.virginia.gov.

**December 5, 2006 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A meeting to discuss board business.

**Contact:** Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email reappraisers@dpor.virginia.gov.

## DEPARTMENT OF REHABILITATIVE SERVICES

**October 27, 2006 - 1 p.m.** -- Open Meeting

Department of Rehabilitative Service, 8004 Franklin Farms Drive, Richmond, Virginia. ☎

A quarterly meeting of the Virginia Brain Injury Council. Public comments will be received at approximately 1:15 p.m.

**Contact:** Kristie Chamberlain, BI/SCI Services Unit, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, email kristie.chamberlain@drs.virginia.gov.

† **November 2, 2006 - 9 a.m.** -- Open Meeting

Homewood Suites by Hilton Richmond, 5996 Audubon Drive, Sandston, Virginia. ☎

A strategic planning meeting of the Statewide Independent Living Council. Materials are provided in alternate format if requested. The meeting will continue on November 3, 2006.

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## Calendar of Events

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**Contact:** Lisa Grubb, Executive Director, Statewide Independent Living Council, 11655 Explorer Dr., Midlothian, VA 23114, telephone (804) 897-7228, FAX (804) 662-7696, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, email virginiasilc@comcast.net.

† **November 4, 2006 - 8 a.m.** -- Open Meeting  
Homewood Suites by Hilton Richmond, 5996 Audubon Drive, Sandston, Virginia. ♿

An executive committee meeting of the Statewide Independent Living Council. Interpreters provided upon prior request. Alternate format for materials are provided upon request.

**Contact:** Lisa Grubb, Executive Director, Statewide Independent Living Council, 11655 Explorer Dr., Midlothian, VA 23114, telephone (804) 897-7228, FAX (804) 897-1080, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, email virginiasilc@comcast.net.

† **November 4, 2006 - 9 a.m.** -- Open Meeting  
Homewood Suites by Hilton Richmond, 5996 Audubon Drive, Sandston, Virginia. ♿

Quarterly committee meetings of the Statewide Independent Living Council. Alternate format for materials are provided upon request.

**Contact:** Lisa Grubb, Executive Director, Statewide Independent Living Council, 11655 Explorer Dr., Midlothian, VA 23114, telephone (804) 897-7228, FAX (804) 897-1080, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, email virginiasilc@comcast.net.

† **November 5, 2006 - 9 a.m.** -- Open Meeting  
Homewood Suites by Hilton Richmond, 5996 Audubon Drive, Sandston, Virginia. ♿

A quarterly council meeting. Public comments will be received at approximately 9:30a.m. Alternate format for materials will be provided upon request.

**Contact:** Lisa Grubb, Executive Director, Statewide Independent Living Council, 11655 Explorer Dr., Midlothian, VA 23114, telephone (804) 662-7071, FAX (804) 897-1080, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, email virginiasilc@comcast.net.

### VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

**November 14, 2006 - 11 a.m.** -- Open Meeting  
Williamsburg, Virginia.

A quarterly meeting.

**Contact:** Nancy Vorona, VP Research Investment, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, FAX (703) 464-1720, email nvorona@cit.org.

### SAFETY AND HEALTH CODES BOARD

† **October 26, 2006 - 10 a.m.** -- Public Hearing  
State Corporation Commission, Tyler Building, 1300 East Main Street, Courtroom A, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A public hearing on proposed regulation 16 VAC 25-75 to conform with § 1910.268(b)(7)(i), General Industry Standard for Telecommunications, General Approach Distances.

**Contact:** Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY ☎, email regina.cobb@doli.virginia.gov.

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**November 18, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Safety and Health Codes Board intends to adopt regulations entitled **16 VAC 25-75, General Industry Standard for Telecommunications, General, Approach Distances**, and amend regulations entitled **16 VAC 25-90-1910.268, Federal Identical General Industry Standards**. The purpose of the proposed action is to provide telecommunications employees with protection from any live electrical part in the area where such employees are working.

Statutory Authority: § 40.1-22 of the Code of Virginia.

**Contact:** John Crisanti, Policy Analyst Senior, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418 or email john.crisanti@doli.virginia.gov.

† **December 6, 2006 - 10 a.m.** -- Open Meeting  
State Corporation Commission, Tyler Building, 1300 East Main Street, Courtroom A, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A meeting to discuss selected chapters of regulations.

**Contact:** Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY ☎, email regina.cobb@doli.virginia.gov.


### VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

**October 18, 2006 - Noon** -- Open Meeting  
Department of Business Assistance, 707 East Main Street, 3rd Floor Board Room, Richmond, Virginia. ♿


A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. The meeting time is subject to change depending upon the board's agenda.


**Contact:** Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, email [scott.parsons@dba.virginia.gov](mailto:scott.parsons@dba.virginia.gov).

## STATE BOARD OF SOCIAL SERVICES


**October 18, 2006 - 9 a.m.** -- Open Meeting  
Radford University, Radford, Virginia. 

A regular meeting followed by a Children's Committee meeting and a Poverty Committee meeting.

**Contact:** Pat Rengnerth, Board Liaison, Department of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY , email [patricia.rengnerth@dss.virginia.gov](mailto:patricia.rengnerth@dss.virginia.gov).

**October 19, 2006 - 9 a.m.** -- Open Meeting  
Radford University, Radford, Virginia. 

A regular meeting.

**Contact:** Pat Rengnerth, Board Liaison, Department of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY , email [patricia.rengnerth@dss.virginia.gov](mailto:patricia.rengnerth@dss.virginia.gov).

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**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to repeal regulations entitled **22 VAC 40-20, Food Stamp Program - Income Conversion Method**. The purpose of the proposed action is to repeal the regulation that requires the use of income conversion to calculate weekly or biweekly income amounts to monthly amounts for the Food Stamp Program. The provision will be included in a new comprehensive Food Stamp Regulation, 22 VAC 40-601.

Statutory Authority: § 63.2-217 of the Code of Virginia.

**Contact:** Celestine Jackson, Program Consultant, Division of Benefit Program, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7376, FAX (804) 726-7356 or email [celestine.jackson@dss.virginia.gov](mailto:celestine.jackson@dss.virginia.gov).

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**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled **22 VAC 40-25, Auxiliary Grants Program**. The purpose of the proposed action is to update the regulation and establish guidelines regarding requirements to participate in the Auxiliary Grants Program, minimum services to be provided, reimbursable rates and reporting requirements.

Statutory Authority: §§ 63.2-217 and 63.2-800 of the Code of Virginia.

**Contact:** Sandra Coffey, Regional Adult Services Consultant, Department of Social Services, 1604 Santa Rosa Rd., Suite 130, Richmond, VA 23229, telephone (804) 662-9784, FAX (804) 662-7023 or email [sandra.coffey@dss.virginia.gov](mailto:sandra.coffey@dss.virginia.gov).

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**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled **22 VAC 40-41, Neighborhood Assistance Tax Credit Program**. The purpose of the proposed action is to ensure the availability of tax credits and their equitable distribution among approved organizations.

Statutory Authority: §§ 63.2-217 and 63.2-2002 of the Code of Virginia.

**Contact:** J. Mark Grigsby, Director, Office of Community Services, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7922, FAX (804) 726-7946, or email [james.grigsby@dss.virginia.gov](mailto:james.grigsby@dss.virginia.gov).

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**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to repeal regulations entitled **22 VAC 40-540, Allowance of Telephone Costs in the Food Stamp Program**. The purpose of the proposed action is to repeal the regulation that requires the use of a standard amount for telephone expenses in determining shelter costs for the Food Stamp Program. The provision will be included in a new comprehensive Food Stamp regulation, 22 VAC 40-601.

Statutory Authority: § 63.2-217 of the Code of Virginia.

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# Calendar of Events

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**Contact:** Celestine Jackson, Program Consultant, Division of Benefit Program, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7376, FAX (804) 726-7356 or email celestine.jackson@dss.virginia.gov.

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**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to repeal regulations entitled **22 VAC 40-600, Food Stamp Program - Administrative Disqualification Hearings**. The purpose of the proposed action is to repeal the regulation that establishes an administrative process to determine if an individual has committed an intentional act against the Food Stamp Program. The provisions of this regulation will be included as part of a new comprehensive Food Stamp Regulation, 22 VAC 40-601.

Statutory Authority: § 63.2-217 of the Code of Virginia.

**Contact:** Celestine Jackson, Program Consultant, Division of Benefit Program, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7376, FAX (804) 726-7356 or email celestine.jackson@dss.virginia.gov.

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**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled **22 VAC 40-601, Food Stamp Program**. The purpose of the proposed action is to repeal three regulations that affect different aspects of the Food Stamp Program and incorporate them in a single regulation to streamline the regulatory structure for the program. The regulation will serve as a comprehensive regulation for the Food Stamp Program. The regulation addresses eligibility determination through the conversion of weekly or biweekly income to monthly amounts and using a standard amount for the basic cost for telephone services. The regulation also establishes an administrative hearing process to determine intentional program violations.

Statutory Authority: § 63.2-217 of the Code of Virginia.

**Contact:** Celestine Jackson, Program Consultant, Division of Benefit Program, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7376, FAX (804) 726-7356 or email celestine.jackson@dss.virginia.gov.

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**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled **22 VAC 40-880, Child Support Enforcement Program**. The purpose of the proposed action is to update the current child support regulation impacted by 2003 and 2004 state legislation, and to amplify selected sections of the existing regulation. The current regulation encompasses all functions of the child support enforcement program including application, eligibility for services, location, paternity establishment, order establishment, enforcement, collection, distribution and case closure.

Statutory Authority: § 63.2-217 of the Code of Virginia.

**Contact:** Cynthia Holdren, Program Manager, Division of Child Support Enforcement, Department of Social Services, 7 N. 8th St., 1st Floor, Richmond, VA 23219, telephone (804) 726-7474, FAX (804) 726-7482 or email cynthia.holdren@dss.virginia.gov.


## DEPARTMENT OF TAXATION


† **October 18, 2006 - 10 a.m.** -- Open Meeting  
McGuireWoods, LLP, One James Center, 901 East Cary Street, Richmond, Virginia.


A meeting to (i) present to the government contractor industry and tax practitioners, Tax's Work Plan or the development of this Emergency Regulation; (ii) identify issues to be addressed by the emergency regulation; and (iii) identify parties wishing to participate further in this process as members of a technical advisory committee to be established. Attendance at this meeting or participation in this teleconference is not a prerequisite for participation in the implementation process and the development of this emergency regulation.

**Contact:** Bland Sutton, Analyst, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2332, FAX (804) 371-2355, email bland.sutton@tax.virginia.gov.

## COMMONWEALTH TRANSPORTATION BOARD

† **October 17, 2006 - 6 p.m.** -- Public Hearing  
Salem Civic Center, 1001 Boulevard, Salem, Virginia. 

† **October 18, 2006 - 6 p.m.** -- Public Hearing  
Southwest Virginia Higher Education Center Grand Hall, One Partnership Circle, Abingdon, Virginia. 

† **October 24, 2006 - 6 p.m.** -- Public Hearing  
John Tyler Community College, Student Center, 13101 Jeff Davis Highway, Room N102 A and B, Chester, Virginia. 

† **October 25, 2006 - 6 p.m.** -- Public Hearing  
VDOT Culpeper District Office, 1601 Orange Road,  
Auditorium, Culpeper, Virginia. ♿

† **October 26, 2006 - 6 p.m.** -- Public Hearing  
Augusta County Government Center, 4801 Lee Highway,  
Verona, Virginia. ♿

Public hearings for review and comment on candidate projects and programs for inclusion in the Fiscal Year 2008-2013 Six-Year Improvement Program (SYIP) for this district, including highway, rail, bicycle, pedestrian and public transportation initiatives. Projects include interstate and primary highway improvements, as well as rail and public transportation initiatives that may be developed and funded in partnership with your Metropolitan Planning Organization (MPO). MPOs have been invited to answer questions about regional transportation programs. All SYIP projects eligible for federal funding will be included in the Statewide Transportation Improvement Program, which documents how Virginia will obligate its federal funds. Details on the current SYIP can be accessed from the VDOT agency website listed below. If unable to attend, send comments on rail and public transportation to Public Information Officer, DRPT, 1313 E. Main St., Suite 300, Richmond VA 23219, or drptpr@drpt.virginia.gov. Comments on highway projects can be sent to Programming Director, VDOT, 1401 E. Broad St., Richmond, VA 23219, or six-yearprogram@vdot.virginia.gov up to 10 calendar days after the meeting.

**Contact:** Donna Purcell Mayes, Assistant Director for Outreach, Department of Transportation, Office of Public Affairs, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2717, FAX (804) 786-6250, email frankie.giles@virginia.vdot.gov.

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**October 18, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Transportation intends to adopt regulations entitled **24 VAC 30-155, Traffic Impact Analysis Regulations**. The purpose of the proposed action is to publish a proposed APA-exempt regulation to satisfy the provisions of Chapter 527 of the 2006 Acts of Assembly. The regulation establishes procedures by which localities submit proposals that will affect the state-controlled transportation network to the Virginia Department of Transportation for review and comment to improve the manner in which land use and transportation planning decisions are coordinated and executed throughout the Commonwealth.

Statutory Authority: Chapter 527 of the 2006 Acts of Assembly.

**Contact:** Robert W. Hofrichter, Assistant Director for Land Use, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 662-9612, FAX (804) 662-9405, or email chapter527@vdot.virginia.gov.

## TREASURY BOARD

**October 18, 2006 - 9 a.m.** -- Open Meeting  
**November 15, 2006 - 9 a.m.** -- Open Meeting  
101 North 14th Street, 3rd Floor, Richmond, Virginia. ♿

A regular meeting.

**Contact:** J. Braxton Powell, Treasurer, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23218, telephone (225) 225-2142, FAX (225) 225-3187, email braxton.powell@trs.virginia.gov.

## DEPARTMENT OF VETERANS SERVICES

**October 18, 2006 - 11 a.m.** -- Open Meeting  
McGuire VA Medical Center - Building 507-A2, 1221 Broad Rock Road, Richmond, Virginia.

A meeting of the Veterans Care Center Advisory Committee. Public comment will be heard at the conclusion of the meeting.

**Contact:** Roz J. Trent, Coordinator, JLC, VVCAC and VSF Program Operations, Department of Veterans Services, 900 E. Main St., telephone (804) 786-0220, FAX (804) 786-0302, email roz.trent@dvs.virginia.gov.

## Board of Veterans Services

† **October 24, 2006 - 10 a.m.** -- Open Meeting  
† **January 8, 2007 - 1 p.m.** -- Open Meeting  
American Legion Department of Virginia, 1708 Commonwealth Avenue, Richmond, Virginia.

A regular meeting.

**Contact:** Rhonda Earman, Special Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, email rhonda.earman@dvs.virginia.gov.

## STATE WATER CONTROL BOARD

**October 17, 2006 - 7 p.m.** -- Public Hearing  
Central Elementary School, Auditorium, Palmyra, Virginia.

A public hearing to receive comments on the proposed issuance of a VPDES permit for a 104 million gallon per day wastewater treatment plant (Southern Pines Pollution Control Plant) in Fluvanna County. An informational briefing will be held before the hearing beginning at



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## Calendar of Events

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6:30 p.m. The public comment period closes on November 1, 2006.

**Contact:** Brandon Kiracofe, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7892, FAX (540) 574-7878, email bdkiracofe@deq.virginia.gov.

**October 20, 2006 - 9:30 a.m.** -- Open Meeting

**November 7, 2006 - 9:30 a.m.** -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.📍

A meeting of a workgroup assisting in the development of implementation guidance for nonpoint source nutrient reductions, which are intended to offset new and expanded point source discharges of total nitrogen and total phosphorus in the Chesapeake Bay Watershed.

**Contact:** Kyle Winter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4182, FAX (804) 698-4032, email kiwinter@deq.virginia.gov.

**October 23, 2006 - 1 p.m.** -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.📍

The Department of Environmental Quality (DEQ) has scheduled a meeting for invited stakeholders and other interested public to provide a briefing on the efforts of agency staff and the Academic Advisory Committee on Freshwater Nutrient Criteria and to consult with the stakeholders on these efforts. The primary focus of this meeting will be on development of criteria to protect the designated uses of streams and rivers from the impacts of nutrients, but staff will also provide an update on the status of the rulemaking on nutrient criteria for lakes and reservoirs. Presentations will be made by DEQ staff and representatives from the Academic Advisory Committee and Virginia Association of Municipal Wastewater Agencies.

**Contact:** Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, email jwgreagory@deq.virginia.gov.

**October 26, 2006 - 9 a.m.** -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.📍

This is a joint meeting of the VWP – Water Permitting and the WP5 – Minor Surface Water Withdrawal Technical Advisory Committees to discuss proposed revisions/additions to the proposed VWP Amendments that incorporate the key components of the proposed General Permit (WP5) for Minor Surface Water Withdrawals. Please note that the location of this meeting may change.

**Contact:** William K. Norris, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4022, FAX (804) 698-4347, email wknorris@deq.virginia.gov.

**† November 9, 2006 - 2 p.m.** -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.📍

A meeting to discuss the use of the Virginia Clean Water Revolving Loan Fund for FY 2007. Section 606(c) of the Water Quality Act of 1987 requires the Department of Environmental Quality (DEQ) to develop an annual plan that identifies the intended use of its revolving loan funds for construction of publicly owned wastewater treatment facilities and other clean water projects, including the development of a project priority list. The Act also requires that a list of projects targeted for financial assistance with those funds be developed each year. The Intended Use Plan for FY 2007 and FY 2007 draft list of targeted loan recipients are open to public comment. The public comment and review period will end at the conclusion of the meeting.

**Contact:** Walter A. Gills, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4133, FAX (804) 698-4136, email wagills@deq.virginia.gov.

**December 1, 2006 - 10 a.m.** -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.📍

A meeting of the advisory committee to be established to assist in the development of amendments to the water quality standards. The notice of intent appears in the Virginia Register of Regulations on September 18, 2006.

**Contact:** Elleanore M. Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4116, email emdaub@deq.virginia.gov.

### BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS


**November 3, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled **18 VAC 160-20, Board for Waterworks and Wastewater Works Operators Regulations**. The purpose of the proposed action is to delete current language providing for a paper and pencil examination and add language that provides for a computer-administered examination as well as language enabling applicants to apply directly to the examination vendor rather than to the


board to sit for the examination. The vendor will, in consultation with board staff, determine applicant eligibility to sit for the examination. Those passing the examination must apply to the board for licensure. The amendments will replace the current single application to sit for the examination and become licensed with a separate application to sit for the examination and a separate application for license. Under the proposed amendments, applicants will be able to qualify to sit for the examination and become licensed in a much shorter period of time.

Statutory Authority: §§ 54.1-201 and 54.1-2301 of the Code of Virginia.

**Contact:** David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2648, FAX (804) 367-6128 or email [waterwasteoper@dpor.virginia.gov](mailto:waterwasteoper@dpor.virginia.gov).


**December 6, 2006 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Board Street, Richmond, Virginia. 

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , email [waterwasteoper@dpor.virginia.gov](mailto:waterwasteoper@dpor.virginia.gov).

## INDEPENDENT

### STATE LOTTERY BOARD

**October 18, 2006 - 9:30 a.m.** -- Open Meeting  
State Lottery Department, 900 East Main Street, 13th Floor, Richmond, Virginia. 

A regular meeting. There will be an opportunity for public comment shortly after the meeting is convened.

**Contact:** Frank S. Ferguson, Director, Legislative and Regulatory Affairs, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7901, FAX (804) 692-7905, email [fferguson@valottery.com](mailto:fferguson@valottery.com).

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**October 20, 2006** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled **11 VAC 5-20, Administration Regulations**. The purpose of the proposed action is to require the department to follow the procedures contained in Virginia Lottery Purchasing Manual when purchasing goods or services.


Statutory Authority: § 58.1-4007 of the Code of Virginia.


**Contact:** Betty K. Hill, Legislative & Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7904, FAX (804-692-7603) or email [bhill@valottery.com](mailto:bhill@valottery.com).

### VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

**† December 11, 2006 - 11 a.m.** -- Open Meeting  
VOPA Office, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Finance and Resource Development Committee. Public comment is welcomed by the Finance and Resource Development Committee and will be received beginning at 11 a.m. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via email at [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov) no later than Monday, November 27, 2006. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than Monday, November 27, 2006.

**Contact:** Lisa Shehi, Executive Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , email [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov).

**December 13, 2006 - 10 a.m.** -- Open Meeting  
Virginia Office for Protection and Advocacy, Byrd Building, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Disabilities Advisory Council. Public comment is welcomed by the council and will be received beginning at 10 a.m. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, call Tracy Manley, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via email at [tracy.manley@vopa.virginia.gov](mailto:tracy.manley@vopa.virginia.gov) no later than November 29, 2006. Ms. Manley will take your name and phone number and you will be telephoned during the public comment period. If interpreter services or other accommodations are required, please contact Ms. Manley no later than November 29, 2006.

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## Calendar of Events

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**Contact:** Tracy Manley, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, email [tracy.manley@vopa.virginia.gov](mailto:tracy.manley@vopa.virginia.gov).

### PAIMI Advisory Council

**November 16, 2006 - 10 a.m.** -- Open Meeting  
Charlottesville, Virginia.♿ (Interpreter for the deaf provided upon request)

Public comment is welcome and will be received at the beginning of the meeting. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than November 2, 2006.

**Contact:** Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 662-7213, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, email [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov).

### VIRGINIA RETIREMENT SYSTEM

**November 8, 2006 - 1:30 p.m.** -- Open Meeting  
**December 13, 2006 - 1:30 p.m.** -- Open Meeting  
Virginia Retirement System, 1200 East Main Street, Richmond, Virginia.♿

A meeting of the Benefits and Actuarial Committee. No public comment will be received at the meeting.

**Contact:** LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3124, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email [lking@varetire.org](mailto:lking@varetire.org).

**November 8, 2006 - 3 p.m.** -- Open Meeting  
Virginia Retirement System, 1200 East Main Street, Richmond, Virginia.

A meeting of the Audit and Compliance Committee.

**Contact:** LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3124, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email [lking@varetire.org](mailto:lking@varetire.org).

**November 9, 2006 - 1 p.m.** -- Open Meeting  
**December 14, 2006 - 1 p.m.** -- Open Meeting  
Virginia Retirement System, 1111 East Main Street, 3rd Floor Conference Room, Richmond, Virginia.♿

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

**Contact:** LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219,

telephone (804) 344-3124, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email [lking@varetire.org](mailto:lking@varetire.org).

**November 9, 2006 - 9 a.m.** -- Open Meeting  
**December 14, 2006 - 9 a.m.** -- Open Meeting  
Virginia Retirement System, 1111 East Main Street, 3rd Floor Conference Room, Richmond, Virginia.♿

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

**Contact:** Linda Ritchey, Executive Assistant, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 697-6673, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email [lritchey@varetire.org](mailto:lritchey@varetire.org).

**December 12, 2006 - Noon** -- Open Meeting  
Virginia Retirement System, 1200 East Main Street, Richmond, Virginia.♿

A regular meeting of the Optional Retirement Plan for Higher Education Committee. No public comment will be received at the meeting.

**Contact:** Patty Atkins-Smith, Legislative Liaison and Policy Analyst, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3123, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email [psmith@varetire.org](mailto:psmith@varetire.org).

## LEGISLATIVE

### HOUSE APPROPRIATIONS COMMITTEE

**October 16, 2006 - 9:30 a.m.** -- Open Meeting  
**November 13, 2006 - TBA** - Open Meeting  
**November 14, 2006 - TBA** - Open Meeting  
General Assembly Building, 9th and Broad Streets, 9th Floor, Richmond, Virginia.♿

A regular meeting.

**Contact:** Barbara L. Teague, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

### VIRGINIA CODE COMMISSION

**October 18, 2006 - 1 p.m.** -- Open Meeting  
LexisNexis, 701 East Water Street, Charlottesville, Virginia.

The Commission will tour the LexisNexis facility in Charlottesville.


**Contact:** Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 2nd Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, email [jchaffin@leg.state.va.us](mailto:jchaffin@leg.state.va.us).

## NOTE: CHANGE IN MEETING LOCATION

**October 19, 2006 - 9 a.m.** -- Open Meeting  
Courtyard Marriott at UVA, Charlottesville, Virginia.

A general business meeting.


**Contact:** Jane Chaffin, Registrar of Regulations, General Assembly Bldg., 2nd Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, email jchaffin@leg.state.va.us.

**November 9, 2006 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. 

A regularly scheduled meeting.

**Contact:** Jane D. Chaffin, Registrar of Regulations, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, email jchaffin@leg.state.va.us.


## HOUSE COMMITTEE ON COUNTIES, CITIES AND TOWNS

**† October 23, 2006 - 11 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A work session. For questions regarding the meeting agenda contact Jeff Sharp, Division of Legislative Services, (804) 786-3591.

**Contact:** Scott Maddrea, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

## COMMITTEE FOR COURTS OF JUSTICE

**† October 27, 2006 - 8:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

The Senate Committee for Courts of Justice will meet jointly with the House Committee for Courts of Justice for the purpose of conducting judicial interviews for several vacancies. For questions regarding the meeting agenda contact Mary Felch, Division of Legislative Services, (804) 786-3591.

**Contact:** Rich Fiorella, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.


## HOUSE EDUCATION SUBCOMMITTEE

**† October 23, 2006 - 10 a.m.** -- Open Meeting  
Patrick Henry Building, 1111 Broad Street, House Room 1, Richmond, Virginia.

A meeting of the special subcommittee studying HB 1442 (Career Technical Education). For questions regarding the meeting agenda contact Nicole Seeds, Division of Legislative Services, (804) 786-3591.

**Contact:** Lori L. Maynard, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.


## HOUSE HEALTH, WELFARE AND INSTITUTIONS COMMITTEE

**October 25, 2006 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A meeting of the COPN Task Force.

**Contact:** Lori L. Maynard, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

## JOINT SUBCOMMITTEE STUDYING THE COMMONWEALTH'S PROGRAM FOR PRISONER REENTRY TO SOCIETY

**October 26, 2006 - 10 a.m.** -- Open Meeting  
**November 14, 2006 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agenda, please contact Ellen Weston, Division of Legislative Services at (804) 786-3591. Individuals requiring interpreter services or other accommodations should telephone Senate Committee Operations at (804) 698-7450, (804) 698-7419/TTY, or write to Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, at least seven days prior to the meeting.

**Contact:** Rich Fiorella, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

## JOINT SUBCOMMITTEE STUDYING SCIENCE, MATH AND TECHNOLOGY EDUCATION

**October 25, 2006 - 1 p.m.** -- Open Meeting  
Thomas Jefferson High School, 6560 Braddock Road, Alexandria, Virginia.

A regular meeting. For questions regarding the meeting agenda contact Patrick Cushing or Nicole Seeds, Division of Legislative Services, (804) 786-3591.

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# Calendar of Events

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**Contact:** Pam Burham, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

## SMALL BUSINESS COMMISSION

**October 27, 2006 - 10 a.m.** -- Open Meeting  
Roanoke Higher Education Center, Roanoke, Virginia. ♿

A regular meeting. Individuals requiring interpreter services or other accommodations should telephone Senate Committee Operations at (804) 698-7450, (804) 698-7419/TTY, or write to Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, at least seven days prior to the meeting.

**Contact:** Hobie Lehman, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

## JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

† **October 16, 2006 - 10:30 a.m.** -- Open Meeting  
VMASC, Large Conference Room, Suffolk, Virginia.

A meeting of JCOTS Modeling and Simulation Advisory Committee.

**Contact:** Patrick Cushing, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, email pcushing@leg.state.va.us.

† **October 24, 2006 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. ♿

A meeting of JCOTS Real ID ACT Advisory Committee.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

**October 24, 2006 - 1:30 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. ♿

A meeting of JCOTS Use of Social Security Numbers Advisory Committee.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

† **October 31, 2006 - 1:30 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. ♿

A meeting of JCOTS Telework and Telecommuting Advisory Committee.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

**November 30, 2006 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A regular meeting. Teleconferenced site: 510 Cumberland Street, Suite 308, Bristol, Virginia. In case of technical difficulties during the meeting, contact Lisa Wallmeyer at 804-786-3591.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

## JOINT SUBCOMMITTEE PLANNING AND COORDINATING THE 200TH ANNIVERSARY CELEBRATION OF THE BIRTH OF ROBERT E. LEE

† **October 23, 2006 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda contact Lisa Wallmeyer, Division of Legislative Services, (804) 786-3591.

**Contact:** Scott Maddrea, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

## VIRGINIA UNEMPLOYMENT COMPENSATION COMMISSION

**October 30, 2006 - 2 p.m.** -- Open Meeting  
**November 14, 2006 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, please contact Frank Munyan, Division of Legislative Services at (804) 786-3591.

**Contact:** Hobie Lehman, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

**October 16**  
† Air Pollution Control Board, State  
Alcoholic Beverage Control Board  
Appropriations Committee, House  
Conservation and Recreation, Department of

† Higher Education for Virginia, State Council of  
Nursing, Board of  
Old Dominion University  
† Technology and Science, Joint Commission on

## October 17

Cemetery Board  
Contractors, Board for  
Environmental Quality, Department of  
Governor, Office of  
- Olmstead Community Integration Implementation  
Team  
Health, Department of  
† Higher Education for Virginia, State Council of  
† Mines, Minerals and Energy, Department of  
- Virginia Gas and Oil Board  
Water Control Board, State

## October 18

Blind and Vision Impaired, Department for the  
Code Commission, Virginia  
Compensation Board  
Conservation and Recreation, Department of  
Education, Board of  
Environmental Quality, Department of  
Geology, Board for  
Health Professions, Board of  
Lottery Board, State  
Medical Assistance Services, Department of  
Motor Vehicles, Department of  
- Board of Transportation Safety  
Nursing, Board of  
- Joint Boards of Nursing and Medicine  
Small Business Financing Authority, Virginia  
† Social Services, State Board of  
† Taxation, Department of  
Treasury Board  
Veterans Services, Department of

## October 19

Arts, Virginia Commission for the  
Code Commission, Virginia  
Conservation and Recreation, Department of  
Design-Build/Construction Management Review Board  
Education, Board of  
† Health, Department of  
Jamestown-Yorktown Foundation  
Medicine, Board of  
Pesticide Control Board  
Social Services, State Board of

## October 20

Education, Board of  
Water Control Board, State

## October 21

Blind and Vision Impaired, Department for the

## October 23

† Counties, Cities and Town, House Committee on

† Education Subcommittee, House  
Medical Assistance Services, Department of  
† 200th Anniversary Celebration of the Birth of Robert E.  
Lee, Joint Subcommittee Planning and Coordinating the  
Water Control Board, State

## October 24

Accountancy, Board of  
† Aviation Board, Virginia  
Contractors, Board for  
Nursing, Board of  
† Technology and Science, Joint Commission on  
† Veterans Services, Department of  
- Board of Veterans Services

## October 25

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
† Aviation Board, Virginia  
Education, Board of  
Health, Welfare and Institutions Committee, House  
Science, Math and Technology Education, Joint  
Subcommittee Studying

## October 26

Conservation and Recreation, Department of  
† Contractors, Board for  
Polygraph Examiners Advisory Board  
Prisoner Reentry to Society, Joint Subcommittee the  
Commonwealth's Program for  
Water Control Board, State

## October 27

Accountancy, Board of  
Blind and Vision and Impaired, Department for the  
† Courts of Justice, Committee for  
Dentistry, Board of  
† Health, Department of  
Rehabilitation Services, Department of  
Small Business Commission

## October 30

† Conservation and Recreation, Department of  
Unemployment Compensation Commission

## October 31

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Chesapeake Bay Local Assistance Board  
Conservation and Recreation, Department of  
Contractors, Board for  
† Environmental Quality, Department of  
Long-Term Care Administrators, Board for  
† Marine Resources Commission  
† Pharmacy, Board of  
Real Estate Appraiser Board  
† Technology and Science, Joint Commission on  
† Virginia's Future, Council on

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# Calendar of Events

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## November 1

Asbestos, Lead, and Home Inspectors, Board for  
Branch Pilots, Board for

† Conservation and Recreation, Department of  
Emergency Planning Committee, Local

- City of Winchester

Health, Department of

† Longwood University

† Opticians, Board for

Real Estate Appraiser Board

## November 2

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

† Conservation and Recreation, Department of  
Health, Department of

Medicine, Board of

† Rehabilitative Services, Department of

## November 3

Art and Architectural Review Board

## November 4

† Rehabilitative Services, Department of

## November 5

† Rehabilitative Services, Department of

## November 6

Alcoholic Beverage Control Board

Barbers and Cosmetology, Board for

† Environmental Quality, Department of

## November 7

Medicine, Board of

Real Estate Appraiser Board

Water Control Board, State

## November 8

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

† Higher Education for Virginia Council, State Council of  
Information Technologies Agency, Virginia

- E911 Wireless Service Board

Juvenile Justice, State Board of

† Museum of Fine Arts, Virginia

Retirement System, Virginia

## November 9

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

† Child Day-Care Council

Code Commission, Virginia

Conservation and Recreation, Department of

† Environmental Quality, Department of

Medical Assistance Services, Department of

Retirement System, Virginia

† Water Control Board, State

## November 13

Appropriations Committee, House

† Higher Education for Virginia, State Council of  
Library Board

Nursing, Board of

Professional and Occupational Regulation, Board for

## November 14

Appropriations Committee, House

Corrections, Board of

† Local Government, Commission on

Nursing, Board of

Prisoner Reentry to Society, Joint Subcommittee the  
Commonwealth's Program for

Research and Technology Advisory Commission, Virginia

Unemployment Compensation Commission, Virginia

## November 15

† Compensation Board

Corrections, Board of

Education, Secretary of

Hearing Aid Specialists, Board for

Medicine, Board of

Nursing, Board of

Outdoors Foundation, Virginia

Treasury Board

## November 16

Conservation and Recreation, Department of

- Virginia Soil and Water Conservation Board

Design-Build/Construction Management Review Board

Health, Department of

Nursing, Board of

Outdoors Foundation, Virginia

Protection and Advocacy, Virginia Office for

- PAIMI Advisory Council

## November 17

† Barbers and Cosmetology, Board for

Child Fatality Review Team, State

Dentistry, Board of

† Health, Department of

## November 20

Alcoholic Beverage Control Board

Jamestown-Yorktown Foundation

Old Dominion University

## November 21

Conservation and Recreation, Department of

Jamestown-Yorktown Foundation

## November 28

Contractors, Board for

Marine Resources Commission

## November 29

Education, Board of

Medicine, Board of

## November 30

Nursing, Board of

Technology and Science, Joint Commission on

## December 1

Art and Architectural Review Board

† Dentistry, Board of

Nursing, Board of  
Water Control Board, State

**December 4**

Alcoholic Beverage Control Board  
Branch Pilots, Board for  
Nursing, Board of  
Real Estate Board

**December 5**

Branch Pilots, Board for  
Charitable Gaming Board  
Museum of Fine Arts, Virginia  
Nursing, Board of  
Real Estate Board

**December 6**

George Mason University  
Jamestown-Yorktown Foundation  
Mental Health, Mental Retardation and Substance Abuse  
Services, Department of  
Nursing and Medicine, Joint Boards of  
† Safety and Health Codes Board  
Waterworks and Wastewater Works Operators, Board for

**December 7**

Dentistry, Board of  
Nursing, Board of  
Polygraph Examiners Advisory Board  
Public Guardian and Conservator Advisory Board

**December 8**

Dentistry, Board of  
Health, Department of  
† Medicine, Board of  
Old Dominion University  
Opticians, Board for

**December 10**

Health, Department of

**December 11**

Branch Pilots, Board for  
Chesapeake Bay Local Assistance Board  
† Protection and Advocacy, Virginia Office for

**December 12**

Medical Assistance Services, Board of  
Nursing, Board of  
Retirement System, Virginia

**December 13**

† Milk Commission, State  
Nursing, Board of  
Pharmacy, Board of  
Protection and Advocacy, Virginia Office for  
Retirement System, Virginia

**December 14**

Conservation and Recreation, Department of  
† Health, Department of  
Human Resources, Virginia Council on  
Labor and Industry, Department of  
- Virginia Apprenticeship Council  
Retirement System, Virginia

**December 15**

Asbestos, Lead, and Home Inspectors, Virginia Board for  
Dentistry, Board of  
† Health, Department of  
† Virginia's Future, Council on

**December 18**

Alcoholic Beverage Control Board

**December 19**

Contractors, Board for  
Governor, Office of  
- Olmstead Community Integration Implementation  
Team  
Marine Resources Commission

**December 21**

Design-Build/Construction Management Review Board

**January 2**

Museum of Fine Arts, Virginia

**January 8**

† Department of Veterans Services  
- Board of Veterans Services

**January 10**

† Education, Board of

## PUBLIC HEARINGS

**October 17**

Cemetery Board  
Mental Health, Mental Retardation and Substance Abuse  
Services, State Board of  
† Transportation Board, Commonwealth  
Water Control Board, State

**October 18**

Medical Assistance Services, Department of  
† Transportation Board, Commonwealth

**October 19**

Mental Health, Mental Retardation and Substance Abuse  
Services, State Board of

**October 23**

Mental Health, Mental Retardation and Substance Abuse  
Services, State Board of

**October 24**

Mental Health, Mental Retardation and Substance Abuse  
Services, State Board of  
† Transportation Board, Commonwealth

**October 25**

Air Pollution Control Board  
† Transportation Board, Commonwealth

**October 26**

† Safety and Health Codes Board  
† Transportation Board, Commonwealth

**November 8**

Mental Health, Mental Retardation and Substance Abuse  
Services, State Board of

**November 9**

Mental Health, Mental Retardation and Substance Abuse  
Services, State Board of



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## Calendar of Events

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**November 14**

† Nursing, Board of

**November 29**

† Education, Board of

**December 11**

† Professional and Occupational Regulation, Department of