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REGISTER OF REGULATIONS

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Virginia Code Commission

<http://register.dls.virginia.gov>

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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. 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, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

Unless exempted by law, an agency wishing to adopt, amend, or repeal regulations must follow the procedures in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Typically, this includes first publishing 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 proposed regulation 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 of Regulations 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 on Administrative Rules 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 the final regulation contains changes made after publication of the proposed regulation that 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*. Pursuant to § 2.2-4007.06 of the Code of Virginia, any person may request that the agency solicit additional public comment on certain changes made after publication of the proposed regulation. The agency shall suspend the regulatory process for 30 days upon such request from 25 or more individuals, 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.

A 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 alternative to the standard process set forth in the Administrative Process Act for regulations deemed by the Governor to be noncontroversial. To use this process, the Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations become effective on the date noted in the regulatory action if fewer than 10 persons object to using the process in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency may adopt emergency regulations if necessitated by an emergency situation or when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or fewer from its enactment. In either situation, approval of the Governor is required. The emergency regulation is effective upon its filing with the Registrar of Regulations, unless a later date is specified per § 2.2-4012 of the Code of Virginia. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under the circumstances noted in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Virginia Register* and are on the Register of Regulations website at register.dls.virginia.gov.

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. 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. **34:8 VA.R. 763-832 December 11, 2017**, refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

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: **John S. Edwards**, Chair; **Marcus B. Simon**, Vice Chair; **Ward L. Armstrong**; **Nicole Cheuk**; **Leslie L. Lilley**; **Jennifer L. McClellan**; **Christopher R. Nolen**; **Don L. Scott, Jr.**; **Charles S. Sharp**; **Malfourd W. Trumbo**; **Amigo R. Wade**.

Staff of the Virginia Register: **Holly Trice**, Registrar of Regulations; **Anne Bloomsburg**, Assistant Registrar; **Nikki Clemons**, Regulations Analyst; **Rhonda Dyer**, Publications Assistant; **Terri Edwards**, Senior Operations Staff Assistant.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the Virginia Register of Regulations website (<http://register.dls.virginia.gov>).

March 2022 through March 2023

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
38:15	February 23, 2022	March 14, 2022
38:16	March 9, 2022	March 28, 2022
38:17	March 23, 2022	April 11, 2022
38:18	April 6, 2022	April 25, 2022
38:19	April 20, 2022	May 9, 2022
38:20	May 4, 2022	May 23, 2022
38:21	May 18, 2022	June 6, 2022
38:22	June 1, 2022	June 20, 2022
38:23	June 15, 2022	July 4, 2022
38:24	June 29, 2022	July 18, 2022
38:25	July 13, 2022	August 1, 2022
38:26	July 27, 2022	August 15, 2022
39:1	August 10, 2022	August 29, 2022
39:2	August 24, 2022	September 12, 2022
39:3	September 7, 2022	September 26, 2022
39:4	September 21, 2022	October 10, 2022
39:5	October 5, 2022	October 24, 2022
39:6	October 19, 2022	November 7, 2022
39:7	November 2, 2022	November 21, 2022
39:8	November 14, 2022 (Monday)	December 5, 2022
39:9	November 30, 2022	December 19, 2022
39:10	December 14, 2022	January 2, 2023
39:11	December 27, 2022 (Tuesday)	January 16, 2023
39:12	January 11, 2023	January 30, 2023
39:13	January 25, 2023	February 13, 2023
39:14	February 8, 2023	February 27, 2023
39:15	February 22, 2023	March 13, 2023
39:16	March 8, 2023	March 27, 2023

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Initial Agency Notice

Title of Regulation: 18VAC60-25. Regulations Governing the Practice of Dental Hygiene.

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

Name of Petitioner: Joyce Turcotte.

Nature of Petitioner's Request: Acceptance of a refresher course that is a dental hygiene program recognized by the American Dental Association and American Academy of Dental Hygiene for license reinstatement for experienced dental hygienists.

Agency Plan for Disposition of Request: The petition will be published on February 28, 2022, in the Virginia Register of Regulations and also posted on the Virginia Regulatory Town Hall at www.townhall.virginia.gov to receive public comment ending March 30, 2022. The request to amend regulations and any comments for or against the petition will be considered by the board at the next meeting scheduled for June 10, 2022. The petitioner will receive information on the board's decision after that date.

Public Comment Deadline: March 30, 2022.

Agency Contact: Sandra Reen, Executive Director, Board of Dentistry, 9960 Mayland Drive, Suite 300, Richmond, VA, 23233, telephone (804) 367-4437, or email sandra.reen@dhp.virginia.gov.

VA.R. Doc. No. PFR22-20; Filed January 27, 2022, 4:14 p.m.

PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

STATE BOARD OF LOCAL AND REGIONAL JAILS

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Local and Regional Jails conducted a periodic review and a small business impact review of **6VAC15-40, Minimum Standards for Jails and Lockups**, and determined that this regulation should be amended.

6VAC15-40, Minimum Standards for Jails and Lockups, meets the criteria set out in Executive Order 14 (as amended, July 16, 2018) in that it is necessary for the protection of the health, safety, and welfare of staff, defendants, and inmates within local correctional facilities and lock-ups. This regulation has proven effective in meeting this need and is deemed to be easily understandable. Due to changes in the Code of Virginia, amendments are necessary.

One comment was received concerning the regulation during the public comment period. The current regulation is not considered overly complex. The regulation does not overlap, duplicate, or conflict other federal or state law or regulation. In 2019, the regulation was amended to comply with a change in the Code of Virginia. Since then, other issues, including changes to the Code of Virginia and the COVID-19 health crisis, have occurred that necessitate further review and changes to the regulation. There is no expected economic impact of the regulations on small businesses.

Contact Information: Ryan McCord, Executive Director, State Board of Local and Regional Jails, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 887-8340.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **12VAC5-501, Rules and Regulations Governing the Construction and Maintenance of Migrant Labor Camps**. The review will be guided by the principles in Executive Order 14 (as amended July 16, 2018). The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the

regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins February 28, 2022, and ends March 21, 2022.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Julie Henderson, Director, Office of Environmental Health Services, Virginia Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7001.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **12VAC30-5, Public Participation Guidelines; 12VAC30-95, Standards Established and Methods Used for Fee-For-Service Reimbursement; 12VAC30-100, State Programs; and 12VAC30-150, Uninsured Medical Catastrophe Fund**. The review of each regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). The purpose of this review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to each regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins February 28, 2022, and ends March 21, 2022.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Jimeequa Williams, Regulatory Coordinator, Division of Policy, Regulation, and Member Engagement, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219, telephone (804) 225-3508.

◆ ————— ◆

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board for Waste Management Facility Operators conducted a periodic review and a small business impact review of **18VAC155-11, Public Participation Guidelines**, and determined that this regulation should be retained as is. The department is publishing its report of findings dated January 9, 2020, to support this decision.

The regulation meets the criteria set forth in Executive Order 14 (2018). The regulation establishes the public participation guidelines that are used by the board to promote public involvement in the development, amendment, or repeal of the agency's regulations by soliciting the input of interested parties. The regulation is clearly written and understandable.

The agency is recommending that the regulation stay in effect without change.

Section 2.2-4007.02 of the Code of Virginia mandates the agency to solicit the input of interested parties in the formation and development of its regulations. Therefore, the continued need for the regulation is established in statute. The regulation is necessary to protect public health, safety, and welfare by establishing public participation guidelines. By soliciting the input of interested parties, the agency is better equipped to effectively regulate the occupation or profession.

No comments or complaints were received during the public comment period. The regulation is clearly written, easily understandable, and does not overlap, duplicate, or conflict with federal or state law or regulation. The most recent periodic review of the regulation occurred in 2015. On December 19, 2019, the board discussed the regulation and, for the reasons stated, determined that the regulation should not be amended or repealed, but should be retained in its current form.

Contact Information: Eric L. Olson, Board Executive Director, Board for Waste Management Facility Operators, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8511.

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board for Waste Management Facility Operators conducted a periodic review and a small business impact review of **18VAC155-20, Waste Management Facility**

Operators Regulations, and determined that this regulation should be retained as is. The department is publishing its report of findings dated January 9, 2020, to support this decision.

The regulation meets the criteria set forth in Executive Order 14 (2018). The regulation contains the requirements for obtaining a license, certification, and training provider or course approval, renewal of licenses, and standards of professional conduct to ensure competence and integrity of all regulants and to administer the regulatory program in accordance with Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia. The regulation is necessary for the protection of public health, safety, and welfare and is clearly written and understandable.

The agency is recommending that the regulation stay in effect without change.

Section 54.1-201 of the Code of Virginia authorizes the Board for Waste Management Facility Operators to promulgate regulations. The continued need for the regulation is established in statute. Repeal of the regulation would remove the current public protections provided by the regulation. The Board for Waste Management Facility Operators provides protection to the safety and welfare of the citizens of the Commonwealth by ensuring that only those individuals who meet specific criteria set forth in the statutes and regulations are eligible to receive a license, certification, and training provider or course approval. The board is also tasked with ensuring that its regulants meet standards of practice that are set forth in the regulation.

No comments or complaints were received during the public comment period. The regulation is clearly written, easily understandable, and does not overlap, duplicate, or conflict with federal or state law or regulation. The most recent periodic review of the regulation occurred in 2015. On December 19, 2019, the board discussed the regulation and, for the reasons stated, determined that the regulation should not be amended or repealed, but should be retained in its current form.

Contact Information: Eric L. Olson, Board Executive Director, Board for Waste Management Facility Operators, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8511.

REGULATIONS

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

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.

TITLE 2. AGRICULTURE

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

Titles of Regulations: **2VAC5-61. Regulations Governing Livestock Dealers and Marketing Facilities for the Purpose of Controlling and Eradicating Infectious and Contagious Diseases of Livestock.**

2VAC5-170. Rules and Regulations for the Registration of Poultry Dealers.

Agency Contact: Dr.Carolynn Bissett, Program Manager, Office of Veterinary Services, Department of Agriculture and Consumer Services, 102 Governor Street, Richmond, VA 23219, telephone (804) 786-4560, or email carolynn.bissett@vdacs.virginia.gov.

FORMS (2VAC5-61)

~~Application for Registration: Virginia Livestock/Poultry Dealers and Marketing Facilities, Form VDACS 03214 (eff. 11/2013)~~

[Application for Registration: Virginia Livestock Dealers or Livestock Marketing Facilities, Form VDACS-03214/OVS \(rev. 5/2000\)](#)

FORMS (2VAC5-170)

~~Application for Registration: Virginia Livestock and/or Poultry Dealers and/or Agents, Form VDACS 03214, eff. 9/94.~~

[Application for Registration, Virginia Poultry Dealers, Form VDACS-03215/OVS \(rev. 5/2000\)](#)

VA.R. Doc. No. R22-7083; Filed February 8, 2022, 11:57 a.m.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF WILDLIFE RESOURCES

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-290. Game: Permits (amending 4VAC15-290-115).**

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Public Hearing Information:

March 24, 2022 - noon - Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: March 24, 2022.

Agency Contact: Aaron Proctor, Regulations Coordinator, Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 3678341, or email aaron.proctor@dwr.virginia.gov.

Summary:

The proposed amendment allows waterfowl retriever field trials year round on private lands.

4VAC15-290-115. Field trials; authorized dates.

In accordance with § 29.1-422 of the Code of Virginia, permits for field trials with dogs may be authorized by the department during the period between August 1 to May 31, both dates inclusive, under conditions and for the species specified in the permit, except that permits for waterfowl retriever field trials on private lands, foxhound field trials held within foxhound training preserves, and raccoon hound field trials may be authorized by the department at any time.

VA.R. Doc. No. R22-6849; Filed January 26, 2022, 1:11 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Proposed Regulation

Title of Regulation: 8VAC20-23. Licensure Regulations for School Personnel (amending 8VAC20-23-130; adding 8VAC20-23-321 through 8VAC20-23-324).

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

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: April 29, 2022.

Agency Contact: Maggie Clemmons, Director of Licensure and School Leadership, Department of Education, James Monroe Building, 101 North 14th Street, Richmond, VA 23219, telephone (804) 371-2471, or email maggie.clemmons@doe.virginia.gov.

Basis: The State Board of Education's overall regulatory authority is found in § 22.1-16 of the Code of Virginia, which gives the board the authority to adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties. The board's authority to regulate licensure specifically is found in § 22.1-298.1 B of the Code of Virginia. Chapter 391 of the 2018 Acts of Assembly requires the establishment of an endorsement in dual language instruction in preK through grade six.

Purpose: The endorsements in dual language allow individuals who have expertise in elementary education or world languages to teach in dual language programs and seek a specific endorsement addressing the area in which the individuals are teaching. This will allow someone who has world language preparation to teach in an elementary dual language program without seeking both a world (foreign) language endorsement and an elementary endorsement. This change is essential to the health, safety, and welfare of citizens because it establishes an endorsement in dual language instruction preK-6 in the Licensure Regulations for School Personnel as prescribed by the legislature.

Substance: The proposed regulation adds new endorsements (i) professional studies requirements for dual language, (ii) dual language (English) endorsement preK-6, (iii) dual language (English) prek-6 add-on endorsement, (iv) dual language (target language) endorsement preK-6, and (v) dual language (target language) prek-6 add-on endorsement to professional studies requirements.

Issues: The advantages of the endorsements for the public and the Commonwealth are that they allow additional options for individuals seeking endorsements to teach elementary dual language classes. This action has no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Board of Education (Board) proposes to establish endorsements to teach in dual language instruction in pre-kindergarten through grade six (preK-6).

Background. Chapter 391 of the 2018 Acts of Assembly¹ requires that the Board "provide for licensure of teachers with an endorsement in dual language instruction pre-kindergarten through grade six." The legislation defines "dual language instruction" as "instruction that is delivered in English and in a second language." There are currently elementary school dual language programs in ten school divisions.² According to the Department of Education, other school divisions have expressed interest in adding such programs.

Currently, in order to teach in an elementary school dual language program in the foreign language, the teacher must have endorsements in both the foreign language and elementary education. In contrast, teaching in English in an elementary school dual language program only requires the elementary education endorsement. The Board proposes to establish separate endorsements for dual language instruction in pre-kindergarten through grade six in the "target language" and in English, where target language would be a foreign language (such as Spanish, French, etc.) as noted on the endorsement.

Estimated Benefits and Costs.

Dual Language (Target Language) Add-on Endorsement. The Board proposes both an endorsement and an add-on endorsement for Dual Language (Target Language). An add-on endorsement, only available for some fields, can be earned when a teacher already has at least one other endorsement. Add-on endorsements are not available for the majority of fields. For example, foreign languages and elementary education do not have add-on endorsements.

As alluded to, currently a teacher with a foreign language endorsement would have to also obtain the elementary endorsement to teach in an elementary school dual language program in the foreign language. Under this proposed action, the teacher could either obtain the Dual Language (Target Language) preK-6 Add-on Endorsement or the Elementary Education Prek-6 Endorsement in order to teach in an elementary school dual language program in the foreign language. As discussed below, this proposal would potentially save such teachers seeking to teach in an elementary school dual language program in the foreign language many hours of coursework that would otherwise be required.

The tables below compare the requirements of the Dual Language (Target Language) preK-6 Add-on Endorsement with the Elementary Education prek-6 Endorsement.³ Both include options to pass rigorous elementary subject tests prescribed by the Board that reduce the required number of semester hours by specified amounts. Table 1 compares the

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paths without passing the rigorous tests, while Table 2 compares the paths with passing the rigorous tests.

Table 1: Comparison without Rigorous Elementary Subject Tests

	Dual Language	Elementary
Curriculum for dual language design and assessment	3 semester hours	n.a.
English	n.a.	12 semester hours
Mathematics	9 semester hours, including methods of teaching elementary mathematics	15 semester hours
Laboratory Sciences	two science disciplines: 9 semester hours that must include methods of teaching elementary science;	18 semester hours: 15 semester hours in at least three science disciplines and at least a three-credit science methods course;
History and Social Sciences	9 semester hours: United States history-3 semester hours; geography, economics, or United States or comparative government-3 semester hours; and methods of teaching elementary history and social sciences-3 semester hours	12 semester hours: History (shall include American history and world history): 6 semester hours, and Social Science (shall include geography and economics): 6 semester hours
Arts	n.a.	3 semester hours
Total Semester Hours	30	60
Practicum in dual language (Target Language)	45 clock hours ⁴	n.a.

Table 1 shows that without the rigorous subject tests, the Dual Language Add-On Endorsement path requires 30 semester hours and 45 clock hours in a practicum, while the Elementary Endorsement path requires 60 semester hours. Based on 34 CFR § 600.2,⁵ 45 clock hours convert to approximately three semester hours. Thus, without the rigorous tests, the establishment of the Dual Language (Target Language) preK-6 Add-on Endorsement could save teachers with a foreign language endorsement seeking to teach in an elementary school dual language program in the foreign language up to approximately 27 semester hours of coursework.

Table 2: Comparison with Rigorous Elementary Subject Tests

	Dual Language	Elementary
Curriculum for dual language design and assessment	3 semester hours	n.a.
Pass rigorous elementary subject tests prescribed by the Virginia Board of Education	English, Mathematics, Laboratory Sciences, and History	English, Mathematics, Laboratory Sciences, and History
English	n.a.	6 semester hours
Mathematics	n.a.	9 semester hours: 6 semester hours in mathematics and a 3-semester hour course on methods in teaching elementary mathematics
Laboratory Sciences	n.a.	12 semester hours: 9 semester hours (in two science disciplines) and a 3-semester hour course on methods in teaching elementary science

History and Social Sciences	n.a.	9 semester hours: 3 semester hours in history, 3 semester hours in social science (geography or economics), and a 3-semester hour course on methods in teaching elementary history and social sciences
Arts	n.a.	3 semester hours
Total Semester Hours	3	39
Practicum in dual language (Target Language)	45 clock hours ⁶	n.a.

Table 2 shows that with passing the rigorous subject tests, the Dual Language Add-On Endorsement path requires just 3 semester hours and 45 clock hours in a practicum, while the Elementary Endorsement path requires 39 semester hours. As alluded to above, 34 CFR § 600.2 indicates that 45 clock hours convert to approximately three semester hours. Thus, with passing the rigorous subject tests, the establishment of the Dual Language (Target Language) preK-6 Add-on Endorsement could save teachers with a foreign language endorsement seeking to teach in an elementary school dual language program in the foreign language up to approximately 33 semester hours of coursework.

It should be noted that the proposed Dual Language (Target Language) preK-6 Add-on Endorsement does stipulate that the add-on endorsement can be earned by completing "an approved teacher preparation program in Dual Language (Target Language) preK-6 Add-on Endorsement." No such programs currently exist. There is currently a separate proposed action that would amend Regulations Governing the Review and Approval of Education Programs in Virginia to enable the establishment of such teacher preparation programs.⁷

Dual Language (Target Language) Endorsement. For a teacher who has neither the foreign language endorsement nor the elementary endorsement, but who wishes to teach in an elementary school dual language program in the foreign language, the Board proposes the Dual Language (Target Language) preK-6 Endorsement. The comparison of requirements here would be between obtaining the dual language (target language) endorsement versus the requirements for obtaining both the foreign language

endorsement and the elementary endorsement. As described below, this proposal would potentially save such teachers seeking to teach in an elementary school dual language program in the foreign language many hours of coursework that would otherwise be required.

The tables below compare the requirements of the Dual Language (Target Language) preK-6 Endorsement with the Foreign Language prek-12 and Elementary Education Prek-6 Endorsements. Both include options to pass rigorous subject tests prescribed by the Board that reduce the required number of semester hours by specified amounts. Table 3 compares the paths without passing the rigorous tests, while Table 4 compares the paths with passing the rigorous tests.

Table 3: Comparison without Rigorous Subject Tests

	Dual Language	Foreign Language and Elementary
Foreign Language Courses	a major in the foreign language; or 12 semester hours in the foreign language above the intermediate level	a major in the foreign language; or 30 semester hours in the foreign language above the intermediate level
Methods of teaching foreign languages	n.a.	3 semester hours
English	n.a.	12 semester hours
Mathematics	9 semester hours, including methods of teaching elementary mathematics	15 semester hours
Laboratory Sciences	two science disciplines: 9 semester hours that must include methods of teaching elementary science;	18 semester hours: 15 semester hours in at least three science disciplines and at least a three-credit science methods course;

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History and Social Sciences	9 semester hours: United States history-3 semester hours; geography, economics, or United States or comparative government-3 semester hours; and methods of teaching elementary history and social sciences-3 semester hours	12 semester hours: History (shall include American history and world history): 6 semester hours, and Social Science (shall include geography and economics): 6 semester hours
Culture and Civilization	3 semester hours	n.a.
Arts	n.a.	3 semester hours
Total Semester Hours	42	93

Table 3 shows that without the rigorous subject tests, the Dual Language Endorsement path requires 42 semester hours, while the Foreign Language and Elementary Endorsements path requires 93 semester hours. Thus, without the rigorous tests, the establishment of the Dual Language (Target Language) preK-6 Add-on Endorsement could save teachers seeking to teach in an elementary school dual language program in the foreign language, who have neither the foreign language endorsement nor the elementary endorsement, up to approximately 51 semester hours of coursework.

Table 4: Comparison with Rigorous Subject Tests

	Dual Language	Foreign Language and Elementary
Pass rigorous subject tests prescribed by the Virginia Board of Education	Foreign Language	Foreign Language, English, Mathematics, Laboratory Sciences, and History
Methods of teaching foreign languages	n.a.	3 semester hours
English	n.a.	6 semester hours

Mathematics	9 semester hours, including methods of teaching elementary mathematics	9 semester hours: 6 semester hours in mathematics and a 3-semester hour course on methods in teaching elementary mathematics
Laboratory Sciences	two science disciplines: 9 semester hours that must include methods of teaching elementary science;	12 semester hours: 9 semester hours (in two science disciplines) and a 3-semester hour course on methods in teaching elementary science
History and Social Sciences	9 semester hours: United States history-3 semester hours; geography, economics, or United States or comparative government-3 semester hours; and methods of teaching elementary history and social sciences-3 semester hours	9 semester hours: 3 semester hours in history, 3 semester hours in social science (geography or economics), and a 3-semester hour course on methods in teaching elementary history and social sciences
Culture and Civilization	3 semester hours	n.a.
Arts	n.a.	3 semester hours
Total Semester Hours	30	42

Table 4 shows that with passing the rigorous subject tests, the Dual Language Add-On Endorsement path requires 30 semester hours, while the Elementary Endorsement path requires 42 semester hours. Thus, with passing the rigorous subject tests, the establishment of the Dual Language (Target Language) preK-6 Endorsement could save teachers seeking to teach in an elementary school dual language program in the foreign language, who have neither the foreign language endorsement nor the elementary endorsement, up to approximately 12 semester hours of coursework.

It should be noted that the proposed Dual Language (Target Language) preK-6 Endorsement does stipulate that the endorsement can be earned by graduating "from an approved teacher preparation program in Dual Language (Target Language)." No such programs currently exist. As noted earlier, there is currently a separate proposed action that would amend Regulations Governing the Review and Approval of Education Programs in Virginia to enable the establishment of such teacher preparation programs.⁸

Dual Language (English). The Board also proposes to establish an endorsement and an add-on endorsement for Dual Language (English) pre-K-6. Individuals who hold a valid Virginia teaching license with an elementary education endorsement may teach in an elementary school dual language program in English without the Dual Language (English) Endorsement or Add-on Endorsement. The proposed Dual Language (English) preK-6 Add-on Endorsement has a prerequisite of an endorsement in elementary education. The proposed add-on endorsement requires three semester hours in curriculum for dual language design and assessment and the 45-clock-hour practicum in dual language. Thus, though it does not officially qualify teachers to teach any additional classes, it could be useful for teachers who wish to distinguish themselves as candidates for teaching positions (in English) in an elementary school dual language program.

The proposed endorsement for Dual Language (English) pre-K-6 is very similar to the Elementary Education Pre-K-6 endorsement. The differences are the content of the required professional studies (same number of semester hours) and three semester hours of the arts required for the elementary endorsement. This proposed endorsement could be useful for teachers who know that they specifically want to teach in an elementary school dual language program in English.

Businesses and Other Entities Affected. The proposed amendments potentially affect the 132 local school divisions in the Commonwealth and the elementary schools within those school divisions. School divisions and elementary schools that currently have,⁹ or may be interested in establishing, elementary school dual language programs would be particularly affected. By making it considerably easier for teachers to qualify to teach in an elementary school dual language program in the foreign language, these school divisions are likely to benefit by having a larger pool of qualified teachers from which to hire. The proposal does not increase costs.

Small Businesses¹⁰ Affected. The proposed amendments do not appear to substantively affect small businesses.

Localities¹¹ Affected.¹² The proposed amendments particularly affect localities whose school divisions currently have or are considering establishing elementary school dual language programs. The school divisions for the following localities currently have elementary school dual language programs: Albemarle, Alexandria, Arlington, Chesterfield, Fairfax County, Harrisonburg, Newport News, Stafford, Winchester,

and Virginia Beach. The proposed amendments do not introduce costs for local governments.

Projected Impact on Employment. The proposed amendments do not appear to substantively affect total employment.

Effects on the Use and Value of Private Property. The proposed amendments do not appear to substantively affect the use and value of private property nor real estate development costs.

¹See <https://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+CHAP0391>

²The ten school divisions are Albemarle, Alexandria, Arlington, Chesterfield, Fairfax County, Harrisonburg, Newport News, Stafford, Winchester, and Virginia Beach.

³Some elements that are identical for both paths or differ somewhat but require the same number of semester hours, such as a bachelor's degree and professional studies respectively, are left out for the sake of brevity.

⁴Based on 34 CFR § 600.2, <https://www.law.cornell.edu/cfr/text/34/600.2>, 45 clock hours convert to approximately three semester hours.

⁵See <https://www.law.cornell.edu/cfr/text/34/600.2>

⁶Ibid

⁷See <https://townhall.virginia.gov/L/ViewAction.cfm?actionid=5420>

⁸Ibid

⁹Ten school divisions currently have elementary school dual language programs.

¹⁰Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

¹¹"Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

¹²Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency's Response to Economic Impact Analysis: The agency concurs with the economic impact analysis completed by the Department of Planning and Budget.

Summary:

Pursuant to Chapter 391 of the 2018 Acts of Assembly, the proposed amendments establish an endorsement in dual language instruction preK-6.

8VAC20-23-130. Professional studies requirements for early/primary education, elementary education, dual language, and middle education endorsements.

Professional studies requirements for early/primary education, elementary education, and middle education: 21 semester hours. These requirements may be taught in integrated coursework or modules.

1. Human development and learning (birth through adolescence): ~~3~~ three semester hours.

- a. Skills in this area shall contribute to an understanding of the physical, social, emotional, speech and language, and intellectual development of children and the ability to

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use this understanding in guiding learning experiences and relating meaningfully to students.

b. The interaction of children with individual differences - economic, social, racial, ethnic, religious, physical, and cognitive- should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to, but not limited to, low socioeconomic status; attention deficit disorders; developmental disorders; gifted education, including the use of multiple criteria to identify gifted students; substance abuse; trauma, including child abuse and neglect and other adverse childhood experiences; and family disruptions.

2. Curriculum and instruction: ~~3~~ three semester hours.

a. Early/primary education preK-3 or elementary education preK-6 curriculum and instruction: ~~3~~ three semester hours.

(1) Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; varied and effective methods of communication with and among students; selection and use of materials, including media and contemporary technologies; and selection, development, and use of appropriate curricula, methodologies, and materials that support and enhance student learning and reflect the research on unique, age-appropriate, and culturally relevant curriculum and pedagogy.

(2) Understanding of the principles of online learning and online instructional strategies and the application of skills to deliver online instruction shall be included.

(3) Instructional practices that are sensitive to culturally and linguistically diverse learners, including English learners, gifted and talented students, and students with disabilities, and appropriate for the preK-3 or preK-6 endorsement shall be included.

(4) Teaching methods shall be tailored to promote student engagement and student academic progress and effective preparation for the Virginia Standards of Learning assessments.

(5) Study in (i) methods of improving communication between schools and families; (ii) communicating with families regarding social and instructional needs of children; (iii) ways of increasing family engagement in student learning at home and in school; (iv) the Virginia Standards of Learning; ~~and~~ (v) English Language Development Standards (WIDA); and (vi) Virginia Foundation Blocks for Early Learning: Comprehensive Standards for Four-Year-Olds prepared by the Virginia Department of Education's Office of ~~Humanities and~~ Early Childhood shall be included.

(6) Early childhood educators shall understand the role of families in child development and in relation to teaching educational skills.

(7) Early childhood educators shall understand the role of the informal and play-mediated settings for promoting students' skills and development and shall demonstrate knowledge and skill in interacting in such situations to promote specific learning outcomes as reflected in Virginia's Foundation Blocks for Early Learning: Comprehensive Standards for Four-Year-Olds.

(8) Study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Virginia Board of Education in consultation with the Virginia Department of Social Services and training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators shall be included. The certification or training program shall (i) be based on the current national evidenced-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

(9) Pre-student teaching experiences (field experiences) should be evident within these skills.

b. Middle education 6-8 curriculum and instruction: ~~3~~ three semester hours.

(1) Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; varied and effective methods of communication with and among students; selection and use of materials, including media and contemporary technologies; and evaluation of pupil performance.

(2) Understanding of the principles of online learning and online instructional strategies and the application of skills to deliver online instruction shall be included.

(3) Instructional practices that are sensitive to culturally and linguistically diverse learners including English learners, gifted and talented students, and students with disabilities, and shall be appropriate for the middle education endorsement shall be included.

(4) Teaching methods shall be tailored to promote student engagement and student academic progress and effective preparation for the Virginia Standards of Learning assessments.

(5) Study in methods of improving communication between schools and families, ways of increasing family engagement in student learning at home and in school, and family engagement with the Virginia Standards of Learning shall be included.

(6) Study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Virginia Board of Education in consultation with the

Virginia Department of Social Services and training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators shall be included. The certification or training program shall (i) be based on the current national evidenced-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

(7) Pre-student teaching experiences (field experiences) should be evident within these skills.

c. Dual language curriculum and instruction: three semester hours

(1) Skills in this area shall contribute to an understanding of the principles of learning; dual language acquisition; theories of second language acquisition; the application of skills in discipline-specific methodology; varied and effective methods of communication with and among students; selection and use of materials, including media and contemporary technologies; and selection, development, and use of appropriate curricula, methodologies, and materials that support and enhance student learning and reflect the research on unique, age-appropriate, and culturally relevant curriculum and pedagogy.

(2) Understanding of the principles of online learning and online instructional strategies and the application of skills to deliver online instruction shall be included.

(3) Instructional practices that are sensitive to culturally and linguistically diverse learners, including English learners, gifted and talented students, and students with disabilities and are appropriate for the preK-3 or preK-6 endorsement shall be included.

(4) Teaching methods shall be tailored to promote student engagement and student academic progress and effective preparation for the Virginia Standards of Learning assessments.

(5) Study in (i) methods of improving communication between schools and families; (ii) communicating with families regarding social and instructional needs of children; (iii) ways of increasing family engagement in student learning at home and in school; (iv) the Virginia Standards of Learning; (v) English Language Development Standards (WIDA); and (vi) Virginia Foundation Blocks for Early Learning: Comprehensive Standards for Four-Year-Olds prepared by the Virginia Department of Education's Office of Early Childhood shall be included.

(6) Early childhood educators shall understand the role of families in child development and in relation to teaching educational skills.

(7) Early childhood educators shall understand the role of the informal and play-mediated settings for promoting students' skills and development and shall demonstrate knowledge and skill in interacting in such situations to promote specific learning outcomes as reflected in Virginia's Foundation Blocks for Early Learning: Comprehensive Standards for Four-Year-Olds.

(8) Demonstrated proficiency in the use of educational technology for instruction shall be required.

(9) Pre-student teaching experiences (field experiences) should be evident within these skills.

3. Classroom and behavior management: \geq three semester hours.

a. Skills in this area shall contribute to an understanding and application of research-based classroom and behavior management techniques, classroom community building, positive behavior supports, 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.

b. This area shall address diverse approaches based upon culturally responsive behavioral, cognitive, affective, social and ecological theory and practice.

c. Approaches should support professionally appropriate practices that promote positive redirection of behavior, development of social skills, and of self-discipline.

d. Knowledge and an understanding of various school crisis management and safety plans and the demonstrated ability to create a safe, orderly classroom environment shall be included.

e. The link between classroom management and students' ages shall be understood and demonstrated in techniques used in the classroom.

4. Assessment of and for learning: \geq three semester hours.

a. Skills in this area shall be designed to develop an understanding and application of creating, selecting, and implementing valid and reliable classroom-based assessments of student learning, including formative and summative assessments. Assessments designed and adapted to meet the needs of diverse learners shall be addressed.

b. Analytical skills necessary to inform ongoing planning and instruction, as well as to understand and help students understand their own progress and growth shall be included.

c. Skills shall also include the ability to understand the relationships among assessment, instruction, and monitoring student progress to include student

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performance measures in grading practices, the ability to 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. Understanding of state assessment programs and accountability systems, including assessments used for student achievement goal-setting as related to teacher evaluation and determining student academic progress shall be included.

e. Knowledge of legal and ethical aspects of assessment and skills for developing familiarity with assessments used in preK-12 education, such as diagnostic, college admission exams, industry certifications, and placement assessment shall be included.

5. Foundations of education and the teaching profession: 3 three semester hours.

a. Skills in this area shall be designed to develop an understanding of the historical, philosophical, and sociological foundations underlying the role, development, and organization of public education in the United States.

b. Attention shall be given to the legal status of teachers and students, including federal and state laws and regulations; school as an organization and culture; and contemporary issues and current trends in education, including the impact of technology on education. Local, state, and federal governance of schools, including the roles of teachers and schools in communities, shall be included.

c. Professionalism and ethical standards, as well as personal integrity shall be addressed.

d. Knowledge and understanding of Virginia's Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers shall be included.

6. Language and literacy: 6 six semester hours.

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

(1) Language acquisition: 3 three semester hours. Skills in this area shall be designed to impart a thorough understanding of the Virginia English Standards of Learning, as well as the complex nature of language acquisition as a precursor to literacy. Language acquisition

shall follow the typical development of linguistic competence in the areas of phonetics, semantics, syntax, morphology, phonology, and pragmatics.

(2) Reading and writing: 3 three semester hours. Skills in this area shall be designed to impart a thorough understanding of the Virginia English Standards of Learning, as well as the reciprocal nature of reading and writing. Reading shall include phonemic and other phonological awareness, concept of print, phonics, fluency, vocabulary development, and comprehension strategies. Writing shall include writing strategies and conventions as supporting composing and written expression and usage and mechanics domains. Additional skills shall include proficiency in understanding the stages of spelling development and the writing process, as well as the ability to foster appreciation of a variety of fiction and nonfiction texts and independent reading.

b. Middle education - language acquisition and reading development: 3 three semester hours and literacy in the content areas: 3 three semester hours.

(1) Language acquisition and reading development: 3 three semester hours. Skills in this area shall be designed to impart a thorough understanding of the complex nature of language acquisition and reading, to include phonemic and other phonological awareness, phonics, fluency, vocabulary development, and comprehension strategies for adolescent learners. Additional skills shall include proficiency in writing strategies, as well as the ability to foster appreciation of a variety of fiction and nonfiction texts and independent reading for adolescent learners.

(2) Literacy in the content areas: 3 three semester hours. Skills in this area shall be designed to impart an understanding of vocabulary development and comprehension skills in English, mathematics, science, history and social science, and other content areas. Strategies include teaching students how to ask effective questions, summarize and retell both verbally and in writing, and to listen effectively. Teaching strategies include literal, interpretive, critical, and evaluative comprehension, as well as the ability to foster appreciation of a variety of fiction and nonfiction texts and independent reading for adolescent readers.

c. Dual language (English) preK-6 - language acquisition and reading and writing: six semester hours. 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.

(1) Language acquisition: three semester hours. Skills in this area shall be designed to impart a thorough

understanding of the Virginia English Standards of Learning, as well as the complex nature of language acquisition as a precursor to literacy. Language acquisition shall follow the typical development of linguistic competence in the areas of phonetics, semantics, syntax, morphology, phonology, and pragmatics.

(2) Literacy development (reading and writing): three semester hours. Skills in this area shall be designed to impart a thorough understanding of strategies for integration of content, literacy, and language development, researched-based strategies for differentiating instruction for language development and language and cognitive support or scaffolding bases on the various strategies of the language and literacy acquisition process. Skills in this area shall be designed to impart a thorough understanding of the Virginia English Standards of Learning, as well as the reciprocal nature of reading and writing. Reading shall include phonemic and other phonological awareness, concept of print, phonics, fluency, vocabulary development, and comprehension strategies. Writing shall include writing strategies and conventions as supporting composing and written expression and usage and mechanics domains. Additional skills shall include proficiency in understanding the stages of spelling development and the writing process, as well as the ability to foster appreciation of a variety of fiction and nonfiction texts and independent reading.

d. Dual language (target language) preK-6 - language acquisition and bilingual literacy development: six semester hours. 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.

(1) Language acquisition: three semester hours. Skills in this area shall be designed to impart a thorough understanding of the Virginia English Standards of Learning, as well as the complex nature of language acquisition as a precursor to literacy. Language acquisition shall follow the typical development of linguistic competence in the areas of phonetics, semantics, syntax, morphology, phonology, and pragmatics.

(2) Bilingual literacy development: three semester hours. Skills in this area shall be designed to impart a thorough understanding of strategies for integration of content, literacy, and language development, researched-based strategies for differentiating instruction for dual language and language and cognitive support or scaffolding bases on the various strategies of the second language acquisition process. Reading shall include phonemic and other phonological awareness, concept of print, phonics,

fluency, vocabulary development, and comprehension strategies. Writing shall include writing strategies and conventions as supporting composing and written expression and usage and mechanics domains. Additional skills shall include proficiency in understanding the stages of spelling development and the writing process, as well as the ability to foster appreciation of a variety of fiction and nonfiction texts and independent reading.

7. Supervised clinical experiences. Supervised clinical experiences shall be continuous and systematic and comprised of early field experiences and a minimum of 10 weeks of successful full-time student teaching in the endorsement area sought under the supervision of a cooperating teacher with demonstrated effectiveness in the classroom. The summative supervised student teaching experience shall include at least 150 clock hours spent in direct teaching at the level of endorsement in a public or accredited nonpublic school. 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. For the Online Teacher License only, one year of successful online teaching experience in the endorsement area in a public school, an accredited nonpublic school, or an accredited virtual school or program 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.

8VAC20-23-321. Dual language (English) endorsement preK-6.

A. The dual language (English) endorsement is to teach dual language (English). Individuals who hold a valid Virginia teaching license with an elementary education endorsement may teach in dual language (English) in the corresponding grade levels noted on the license (such as Early/Primary Education PreK-3/Elementary Education PreK-6).

B. The candidate is subject to the elementary education content assessment and the reading for educators assessment prescribed by the State Board of Education for initial licensure. The State Board of Education prescribed reading and writing assessment is not required for an initial license with an endorsement in dual language (English).

C. Endorsement requirements for dual language (English) preK-6. The candidate shall have:

1. Graduated from an approved teacher preparation program in dual language elementary preK-6; or
2. Earned a baccalaureate degree from a regionally accredited college or university and completed the following semester-hour requirements:
 - a. English (shall include composition, oral communication, and literature): 12 semester hours or complete six semester hours in English and pass a rigorous

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elementary subject test prescribed by the State Board of Education;

b. Mathematics (shall include algebra, geometry, probability and statistics, and teaching elementary mathematics): 15 semester hours or complete six hours in mathematics, complete a methods course in teaching elementary mathematics course (three semester hours), and pass a rigorous elementary subject test prescribed by the State Board of Education;

c. Laboratory sciences: 15 semester hours in at least three science disciplines and at least a three credit science methods course or complete nine semester hours (in two science disciplines), complete a methods in teaching elementary science course (three semester hours), and pass a rigorous elementary subject test prescribed by the State Board of Education; and

d. History (shall include American history and world history): six semester hours and social science (shall include geography and economics): six semester hours or complete three semester hours in history, complete three semester hours in social science (geography or economics), complete a methods course in teaching elementary history and social sciences course (three semester hours), and pass a rigorous elementary subject test prescribed by the State Board of Education.

8VAC20-23-322. Dual language (English) preK-6 Add-on endorsement.

A. The dual language (English) preK-6 endorsement is to teach dual language (English). Individuals who hold a valid Virginia teaching license with an elementary education endorsement in the corresponding grade levels noted on the license (such as Early/Primary Education PreK-3 or Elementary Education Prek-6) may teach in dual language (English) without the add-on endorsement. However, the dual language (English) preK-6 add-on endorsement recognizes the candidate's additional preparation in dual language (English).

B. Endorsement requirements.

1. The candidate shall have earned a baccalaureate degree from a regionally accredited college or university and hold a license issued by the State Board of Education with a teaching endorsement in elementary education.

2. The candidate shall have completed an approved teacher preparation program in dual language (English) preK-6 add-on endorsement or completed the following:

a. Three semester hours in curriculum for dual language design and assessment; and

b. A 45-clock-hour practicum in dual language (English) from a regionally accredited college or university. One year of successful, full-time teaching experience in a public school or accredited nonpublic school may be accepted in lieu of the practicum. The experience may be completed under a Provisional License.

8VAC20-23-323. Dual language (target language) endorsement preK-6.

A. The dual language (target language) endorsement preK-6 endorsement is to teach dual language in a world language other than English. The target language will be noted on the endorsement.

B. The State Board of Education prescribed reading and writing assessment is not required for an initial license with an endorsement in dual language (target language) endorsement preK-6.

C. Endorsement requirements for dual language (target language) endorsement preK-6. The candidate shall have:

1. Earned a baccalaureate degree from a regionally accredited college or university and graduated from an approved teacher preparation program in dual language (target language) endorsement; or

2. Earned a baccalaureate degree from a regionally accredited college or university, and completed the following requirements:

a. A major in the target language: 12 semester hours in the target language above the intermediate level that must include composition, literature, and conversation or a qualifying score on a foreign language assessment in the target language as prescribed by the State Board of Education;

b. Mathematics: nine semester hours in mathematics that must include methods of teaching elementary mathematics;

c. Laboratory sciences (in two science disciplines): nine semester hours that must include methods of teaching elementary science;

d. History and social sciences: three semester hours in United States history; three semester hours in geography, economics, or United States or comparative government; three semester hours in methods of teaching elementary history and social sciences; and

e. Culture and civilization: three semester hours.

8VAC20-23-324. Dual language (target language) preK-6 add-on endorsement.

A. The dual language (target language) preK-6 add-on endorsement is to teach dual language in a world language other than English. The target language will be noted on the endorsement.

B. Endorsement requirements. The candidate shall have:

1. Earned a baccalaureate degree from a regionally accredited college or university and hold a license issued by the State Board of Education with a teaching endorsement in a target language.

2. Completed an approved teacher preparation program in dual language (target language) preK-6 add-on endorsement or completed the following:

a. Three semester hours in curriculum for dual language design and assessment;

b. Passed the rigorous elementary education assessment prescribed by the State Board of Education or completed the following coursework:

(1) Mathematics: nine semester hours in mathematics that must include methods of teaching elementary mathematics;

(2) Laboratory sciences (in two science disciplines): nine semester hours that must include methods of teaching elementary science; and

(3) History and social sciences: three semester hours in United States history; three semester hours in geography, economics, or United States or comparative government; three semester hours in methods of teaching elementary history and social sciences; and

c. A 45-clock-hour practicum in dual language (target language) from a regionally accredited college or university. One year of successful, full-time teaching experience in a public school or accredited nonpublic school in dual language (target language) may be accepted in lieu of the practicum. The experience may be completed under a Provisional License.

VA.R. Doc. No. R19-5889; Filed February 7, 2022, 2:22 p.m.

Fast-Track Regulation

Titles of Regulations: **8VAC20-23. Licensure Regulations for School Personnel (amending 8VAC20-23-10, 8VAC20-23-40, 8VAC20-23-50, 8VAC20-23-720, 8VAC20-23-760, 8VAC20-23-800; adding 8VAC20-23-755).**

8VAC20-543. Regulations Governing the Review and Approval of Education Programs in Virginia (amending 8VAC20-543-20).

Statutory Authority:

§§ 22.1-298.1 and 22.1-299 of the Code of Virginia (8VAC20-23-10, 8VAC20-23-40, 8VAC20-23-50, 8VAC20-23-720, 8VAC20-23-755, 8VAC20-23-760, 8VAC20-23-800).

§§ 22.1-16 and 22.1-298.2 of the Code of Virginia (8VAC20-543-20).

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: March 30, 2022.

Effective Date: April 15, 2022.

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Basis: Section 22.7-76 of the Code of Virginia provides the State Board of Education the authority to promulgate regulations to carry out its statutory powers and duties. Section 22.1-253.13:3 of the Code of Virginia authorizes the board to promulgate regulations for certain school personnel, and § 22.1-298.1 of the Code of Virginia authorizes the board to prescribe requirements for the licensure of teachers and licensed school personnel. Section 22.1-298.2 of the Code of Virginia also authorizes the board to prescribe, by regulation, the requirements for the accreditation approval of education preparation programs. Finally, Chapter 587 of the 2019 Acts of Assembly and Chapters 108 and 109, 172, 513, 639, 640, 684, and 870 of the 2020 Acts of Assembly requiring the changes in this regulatory action.

Purpose: The regulatory change is essential to protect the health, safety, and welfare of citizens because it enacts the legislative changes made by the Virginia General Assembly. The action will help ensure the competence of those teaching military science and technical professional licenses; allow for additional years on provisional teacher licenses, which may increase the number of teachers moving to full licensure; add additional training and competence to teachers; and add flexibility to the disciplinary process of teacher licenses.

Rationale for Using Fast-Track Rulemaking Process: This rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because the regulatory changes were prompted and are mandated by Chapter 587 of the 2019 Acts of Assembly and Chapters 108, 109, 172, 513, 639, 640, 684, and 870 of the 2020 Acts of Assembly.

Substance: The amendments comport regulation with statute, including the following:

Requires the State Board of Education to amend its regulations to require that persons seeking a technical professional license with an endorsement to teach military science have either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency.

Requires the board, pursuant to regulation, to permit any individual who seeks a technical professional license to substitute the successful completion of an intensive, job embedded, three-year program of professional development for the nine semester hours of professional studies required for such license.

Authorizes any school board and division superintendent to extend from three months to six months the period within which the provisional license of an individual seeking initial teacher licensure who has not completed professional assessments will expire for the purpose of establishing such individual's eligibility for initial licensure, provided that such individual has received a satisfactory mid-year performance review in the current school year and meets all other eligibility criteria.

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Requires the State Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in a school for students with disabilities that is licensed by the board upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license. The provisions of the bill mirror current law relating to the extension of provisional licenses for public school teachers.

Authorizes the board to issue a written reprimand to any holder of a license issued by the board who commits certain offenses.

Requires that the licensure regulations include procedures for the issuance of written reprimand of a license holder on grounds established by the board, in accordance with law. Clarifies that regulation may include procedures for the written reprimand for any reasons established by the board in accordance with law.

Requires every person seeking initial licensure as a teacher who has not received instruction on positive behavior interventions to receive such instruction as a condition of licensure and requires education preparation programs offered by public institutions of higher education and private institutions of higher education to ensure that, as a condition of degree completion, each student enrolled in the education preparation program receives such instruction.

Issues: The primary advantage of the proposed regulations for the public or the Commonwealth is providing clarity by aligning the regulation with statute. The regulatory revisions are necessary to ensure the public is informed of the amended provisions of the Code of Virginia. There are no perceived disadvantages to the public, to the agency, or to the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Board of Education (Board) proposes to amend 8VAC20-23 Licensure Regulations for School Personnel and 8VAC20-543 Regulations Governing the Review and Approval of Education Programs in Virginia to reflect 2019 and 2020 Acts of Assembly.

Background. Except for the two discretionary changes noted, the proposal essentially inserts text from the legislation described verbatim into the regulations.

Technical Professional License. Chapter 108 of the 2020 Acts of Assembly states that the Board "shall amend its regulations to require that persons seeking a technical professional license with an endorsement to teach military science have either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency." The Board's proposal incorporates those specific options into Licensure Regulations for School Personnel.

Chapter 684 of the 2020 Acts of Assembly states that the Board shall permit any individual who seeks a technical professional license to "substitute the successful completion of an intensive, job-embedded, three-year program of professional development for the nine semester hours of professional studies required for such license," and the Board proposes to add this statutory text to Licensure Regulations for School Personnel. In addition, the board proposes a discretionary change to this text, which would insert "submitted by a Virginia employing educational agency and preapproved by the Department of Education" after "program of professional development" and before "for the nine semester hours of professional studies required."

Provisional License. The board also proposes two verbatim changes addressing provisional licensure that directly incorporate statutory text into Licensure Regulations for School Personnel. Chapter 639 of the 2020 Acts of Assembly states that the Board "shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in an accredited private elementary or secondary school or a school for students with disabilities that is licensed pursuant to Chapter 16 (§ 22.1-319 et seq.)." This extension would occur "upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license."

In addition, Chapter 640 of the 2020 Acts of Assembly amended Code of Virginia (COV) § 22.1-298.1.F to add an additional factor addressing when the Board shall issue a provisional license. Namely, that issuance may occur "at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year."

Reprimand. Prior to Chapter 587 of the 2019 Acts of Assembly, 1) § 22.1-292.1 A of the Code of Virginia stated that the Board could suspend or revoke an administrative or teaching license for knowingly and willfully committing specified acts related to secure mandatory tests administered to students, and 2) § 22.1-304 C of the Code of Virginia stated that in the event that the Board or the division superintendent declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, the Board could revoke the teacher's license. Chapter 587 adds written reprimand as an additional option for discipline for both of these situations, and the Board proposes to add this option to Licensure Regulations for School Personnel.

In addition, the Board also proposes, as a discretionary change, to state in Licensure Regulations for School Personnel that it may issue a written reprimand of a license holder:

"In accordance with law and at the discretion of the Board of Education after reviewing the specific facts and circumstances of a license holder's case and determining

that the license holder's conduct is not sufficiently serious or harmful to merit the withdrawal of a license, any of the reasons that a license may be revoked or suspended listed in 8VAC20-23-720 A and 8VAC20-23-740 A, respectively, except (i) conviction of any violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02 of the Code of Virginia and (ii) any offense involving the sexual molestation, physical or sexual abuse, or rape of a child."

Education Preparation Programs. Chapter 870 of the 2020 Acts of Assembly (Chapter 870) states that education preparation programs offered by public institutions of higher education and private institutions of higher education shall ensure that, "as a condition of degree completion, each student enrolled in the education preparation program receives instruction on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion." The board proposes to add this statutory text to Regulations Governing the Review and Approval of Education Programs in Virginia.

Estimated Benefits and Costs. Most of the proposed changes consist of close to verbatim insertions of statutory text into the regulations. As noted, there is one exception in Technical Professional License, and one in Reprimand. As a result, most of the effects of this regulatory change would result from the enabling legislation and cannot be directly attributed to the proposed regulatory changes by themselves.

Technical Professional License. Military science classes through U.S. military services are taught by teachers who hold the appropriate credentials issued by the U.S. military. All teachers assigned to courses associated with the U.S. military would continue to need the appropriate credential issued by the military. According to DOE, a school division worked with a legislator to sponsor a bill to allow for the creation of a leadership class that is not associated with the U.S. military programs. For this class, the person seeking a technical professional license with an endorsement to teach military science could have either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency. This would help school divisions find people qualified to teach a leadership class.

Allowing any individual who seeks a technical professional license to substitute the successful completion of an intensive, job-embedded, three-year program of professional development submitted by a Virginia employing educational agency and preapproved by the Department of Education (DOE) for the nine semester hours of professional studies required for such license creates an alternative path to obtaining a technical professional license, which may in turn lead to more individuals earning this license.

Provisional License. The enabling of the extension, or essentially the one-time renewal of a provisional license, is

beneficial for teachers who have difficulty fulfilling all of the requirements for full licensure. In practice, these teachers are granted extra time to fulfill all such requirements. Given the ongoing teacher shortage,¹ the increase in time allowed with a Provisional License helps alleviate the shortage to a degree.

Reprimand. The introduction of the written reprimand produces an additional possible punishment that is less harsh than suspension or revocation of the administrative or teaching license. Though a reprimand does not remove licensure, it still can have concrete repercussions.

The main repercussion or effect of the issuance of a written reprimand against a license holder is the reporting of the reprimand. Like other licensure actions, the reprimand would be reported to division superintendents in Virginia through a monthly memo. It also would be posted on the DOE website and reported to other states and territories through a national clearinghouse, the National Association of State Directors of Teacher Education and Certification (NASDTEC). Reporting through the clearinghouse ensures that other states are made aware of the matter in determining whether to issue a license to the individual in the other state and, if the individual already holds a license in another state, would inform the other state and allow such jurisdiction(s) to decide if the matter warranted action against the other state license. As all school divisions in the Commonwealth are local education agency members of NASDTEC, they are able to search the Clearinghouse and determine if applicants or employees have had actions against their license (including a written reprimand, once in force) and may consider the reprimand and the conduct underlying the reprimand when making hiring and employment decisions.

Education Preparation Programs. Chapter 870 states that education preparation programs offered by institutions of higher education shall ensure that, as a condition of degree completion, each student enrolled in the education preparation program receives instruction on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion. The Fiscal Impact Statement² for Chapter 870 found that some institutions reported that the new requirements would not materially increase their costs. Presumably, these intuitions already covered the required topics. Other institutions estimated that providing the newly required instruction would cost \$50,000 to \$100,000.

Businesses and Other Entities Affected. The 132 local public school divisions in the Commonwealth would be affected, as well as colleges and universities with educator preparation programs. The Virginia colleges and universities with approved educator preparation programs are: Averett University, Bluefield College, Bridgewater College, Christopher Newport University, Eastern Mennonite University, Emory and Henry College, Ferrum College,

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George Mason University, Hampton University, Hollins University, James Madison University, Liberty University, Longwood University, Mary Baldwin University, Marymount University, Norfolk State University, Old Dominion University, Radford University, Randolph College, Randolph-Macon College, Regent University, Roanoke College, Shenandoah University, Southern Virginia University,³ Sweet Briar College, University of Lynchburg, University of Mary Washington, University of Richmond, University of Virginia, University of Virginia's College at Wise, Virginia Commonwealth University, Virginia State University, Virginia Tech, Virginia Union University, Virginia Wesleyan University, Washington and Lee University,⁴ and William & Mary.

Chapter 870 may create costs for those institutions of higher education whose education preparation programs were not already providing instruction on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion. The Board's proposed amendments that are not directly from legislation do not create cost.

Small Businesses⁵ Affected. The proposed amendments do not appear to adversely affect small businesses.

Localities⁶ Affected.⁷ The proposal affects all Virginia localities in that all have public schools. Localities that have school divisions that are particularly affected by teacher shortages may be particularly affected by the changes that introduce new paths to licensure or extend the length of provisional licensure. The proposal would not likely substantively increase costs for local governments.

Projected Impact on Employment. Chapter 870 may lead to increased employment for instructors of positive behavior interventions and supports, crisis prevention and de-escalation, the use of physical restraint and seclusion, and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion. The other legislation and proposed amendments not directly from legislation do not substantially affect employment.

Effects on the Use and Value of Private Property. Chapter 870 may increase costs for some education preparation programs offered by private institutions of higher education. This may slightly reduce their value.

<https://columns.wlu.edu/rockbridge-county-universities-form-teacher-education-consortium/>

⁴Ibid

⁵Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

⁶"Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁷Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency's Response to Economic Impact Analysis: The agency concurs with the economic impact analysis completed by the Department of Planning and Budget.

Summary:

The amendments (i) require that persons seeking technical professional license with an endorsement to teach military science have either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency; (ii) permit any individual who seeks a technical professional license to substitute the successful completion of an intensive, job-embedded, three-year program of professional development for the nine semester hours of professional studies required for such license; (iii) permit any school board and division superintendent to extend from three months to six months the period within which the provisional license of an individual seeking initial teacher licensure who has not completed professional assessments will expire for the purpose of establishing such individual's eligibility for initial licensure, provided that such individual has received a satisfactory mid-year performance review in the current school year and meets all other eligibility criteria; (iv) extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in a school for students with disabilities who is licensed by the board upon receiving a recommendation for such extension and satisfactory performance evaluations for such teacher for each year of the original three-year provisional license from the school administrator of such school; (v) require every person seeking initial licensure as a teacher who has not received such instruction must receive instruction or training on such topics as a condition of licensure; (vi) allow written reprimands as a disciplinary action for breach of an employment contract; and (vii) ensure that each student enrolled in an education preparation program receives instruction on positive behavior interventions and supports, crisis prevention and de-escalation, the use of physical restraint and seclusion, and appropriate methods to reduce and prevent the need for the use of physical restraint and seclusion. The amendments conform the regulations to Chapter 587 of the 2019 Acts of Assembly and Chapters 108 and 109, 172, 513, 639, 640, 684, and 870 of the 2020 Acts of Assembly.

¹Source: DOE. See https://www.doe.virginia.gov/teaching/workforce_data/index.shtml and

<https://www.education.virginia.gov/media/governorvirginiagov/secretary-of-education/pdf/final-acts-report.pdf>

²See <https://lis.virginia.gov/cgi-bin/legp604.exe?201+oth+HB894FER122+PDF>

³Washington and Lee University and Southern Virginia University have partnered to form the Rockbridge Teacher Education Consortium. See

8VAC20-23-10. 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.

"Accredited virtual school or program" means a virtual school or program accredited by one of the accrediting agencies recognized by the Virginia Department of Education. School divisions operating as multi-division online providers may be deemed as meeting accreditation requirements if a majority of their schools are fully accredited by the Virginia Board of Education.

"Alternate route to licensure" means a nontraditional route to licensure available to individuals who meet the criteria specified in guidelines developed by the board or 8VAC20-23-90.

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

"Cancellation" means the withdrawal of a license following the voluntary return of the license by the license holder.

"Career and Technical Education License" means a three-year license available to qualified individuals to teach, either full time or part time, high school career and technical education courses in specific subject areas who meet requirements set forth in this chapter. Individuals issued a three-year Career and Technical Education License shall not be eligible for continuing contract status while teaching under such license and shall be subject to the probationary terms of employment specified in § 22.1-303 of the Code of Virginia.

"Certified program provider" means a provider certified by the Virginia Department of Education to provide preparation and training for applicants seeking the Provisional License specified in 8VAC20-23-90.

"Career and Technical Education or Dual Enrollment License" means a three-year license to solely teach career and technical education courses or dual enrollment courses at public high schools in the Commonwealth issued to any individual who (i) is employed as an instructor by an institution of higher education that is accredited by a nationally recognized regional accreditation body, (ii) is teaching in the specific career and technical education or dual enrollment subject area at such institution in which the individual seeks to teach at a public school, and (iii) complies with the requirements set forth in subdivisions D 1 and D 3 of § 22.1-298.1 of the Code of Virginia. The Virginia Board of Education shall require any such instructor to maintain

continuous employment in such position at the institution of higher education as a condition of continued license. The provisions of this regulation shall expire on July 1, 2021, however, any license issued pursuant to the act prior to July 1, 2021, shall remain in effect for three years from the date it was issued unless such license is revoked by the Virginia Board of Education.

"Collegiate Professional License" means a 10-year, renewable teaching license available to an individual who has satisfied all requirements for licensure set forth in this chapter, including an earned baccalaureate degree from a regionally accredited college or university and the professional teacher's assessments prescribed by the Virginia Board of Education.

"Denial" means the refusal to grant a license.

"Division Superintendent License" means a 10-year, renewable license available to an individual who has completed an earned master's degree from a regionally accredited college or university and meets the requirements specified in 8VAC20-23-630. The individual's name shall be listed on the Virginia 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 Virginia Board of Education and meeting the criteria specified in 8VAC20-23-90 E to be eligible to request experiential learning credits in lieu of the coursework for the endorsement (teaching) content area.

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

"International Educator License" means a professional teaching license issued for no more than five years to an exchange teacher with citizenship in a nation other than the United States of America who meets requirements by a state-approved, federally-designated Exchange Visitor Program and who is employed as a teacher in a Virginia public school or an accredited nonpublic school.

"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 this chapter.

"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 meet 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.

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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.

"One-Year High School License" means a license valid for one-year and renewable thereafter in one-year increments to teach in public high schools for individuals who have met requirements for such license as set forth in this chapter.

"Online Teacher License" means a 10-year, renewable license valid only for teaching online courses. Teachers who hold a five-year or 10-year renewable license issued by the Virginia Board of Education may teach online courses for which they are properly endorsed and do not need to seek this license.

"Postgraduate Professional License" means a 10-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from a regionally accredited college or university.

"Professional studies" means courses and other learning experiences designed to prepare individuals in the areas of human development and learning, curriculum and instruction, assessment of and for learning, classroom and behavior management, foundations of education and the teaching profession, language and literacy, and supervised clinical experiences.

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

"Provisional License" means a nonrenewable license valid for a specified period of time not to exceed three years issued to an individual who has allowable deficiencies for full licensure as set forth in this chapter. ~~The individual shall have a minimum of an earned baccalaureate degree from a regionally accredited college or university, with the exception of those individuals seeking the Technical Professional License. The Provisional License will be issued for a three year validity period, with the exception of the Provisional (Career Switcher) License that will be initially issued for a one year validity period and Teach For America Provisional License that will be initially issued for a two year validity period. Individuals shall complete all requirements for licensure, including passing all licensure assessments, for a renewable license within the validity period of the Provisional License.~~

"Pupil Personnel Services License" means a 10-year, renewable license available to an individual who has earned an appropriate graduate degree from a regionally accredited college or university with an endorsement as a school counselor, school psychologist, school social worker, or vocational evaluator. This license does not require teaching experience unless otherwise outlined under the specific endorsement's requirements.

"Renewable license" means a license issued by the Virginia Board of Education for 10 years, unless otherwise specified, to an individual who meets all requirements specified in this chapter.

"Reprimand" means a written admonishment of a license holder that does not result in the withdrawal of a license.

"Revocation" means the withdrawal of a license.

"School Manager License" means a 10-year, renewable license intended to provide for a differentiation of administrative responsibilities in a school setting. A school manager is licensed to administer noninstructional responsibilities in an educational setting. 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 of successful managerial experience; and is recommended for the license by a Virginia school division superintendent.

"Suspension" means the temporary withdrawal of a license.

"Technical Professional License" means a 10-year, renewable license available to an individual who has graduated from a public or accredited nonpublic high school (or possesses a Virginia Board of Education-approved high school equivalency credential); has exhibited academic proficiency, technical competency, and successful occupational experience; and meets the requirements specified in 8VAC20-23-50 A 4.

"Teach For America License" means a two-year provisional license available to an individual who is a participant in Teach For America and meets the requirements specified in 8VAC20-23-50.

8VAC20-23-40. Conditions for licensure.

A. Applicants for licensure shall:

1. Be at least 18 years of age;
2. Pay the appropriate fees as determined by the Virginia 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 college or university and meet requirements for the license sought. Persons seeking initial licensure through approved programs from Virginia institutions of higher education shall only be licensed as instructional personnel if the education endorsement programs have approval by the Virginia Board of Education; individuals who have earned a degree from an institution in another country shall hold the equivalent of a regionally accredited college or university degree in the United States, as verified by a Virginia Department of Education-approved credential evaluation agency, for the required degree for the license; and

4. Possess good moral character and be free of conditions outlined in Part VII (8VAC20-23-720 et seq.) of this chapter.

B. All candidates who hold at least a baccalaureate degree from a regionally accredited college or university and who seek an initial Virginia teaching license shall obtain passing scores on professional teacher's assessments prescribed by the Virginia Board of Education. With the exception of the career switcher program that requires assessments as prerequisites, individuals shall complete the professional teacher's assessment requirements within the three-year validity of the initial provisional license. Candidates seeking a Technical Professional License, International Educator License, School Manager License, or 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 without deficiencies) and who have completed a minimum of three years of full-time, successful teaching experience in a public or an accredited nonpublic school, kindergarten through grade 12, outside of Virginia are exempt from the professional teacher's assessment requirements. Documentation shall be submitted to verify the school's status as a public or an accredited nonpublic school.

C. All individuals seeking an initial endorsement in early/primary education preK-3, elementary education preK-6, special education-general curriculum, special education-deaf and hard of hearing, special education-blindness and visual impairments, and individuals seeking an endorsement as a reading specialist shall obtain passing scores on a reading instructional assessment prescribed by the Virginia Board of Education.

D. Licensure by reciprocity is set forth in 8VAC20-23-100. A school leaders licensure assessment prescribed by the Virginia Board of Education shall be met for all individuals who are seeking an 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 licensure assessment prescribed by the Virginia Board of Education.

E. Individuals seeking initial licensure shall demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternatives evaluation standards as prescribed by the board; complete study in attention deficit disorder; complete study in gifted education, including the use of multiple criteria to identify gifted students; and complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

F. Every person seeking initial licensure shall (i) complete awareness training, provided by the Department of Education

on the indicators of dyslexia, as that term is defined by the board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; (ii) complete study in child abuse recognition and intervention in accordance with curriculum guidelines, developed by the Virginia Board of Education in consultation with the Virginia Department of Social Services; and (iii) provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (a) be based on the current national evidenced-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross; and (b) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Virginia Board of Education shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training.

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

H. The teacher of record for verified credit courses for high school graduation shall hold a Virginia license with the appropriate content endorsement.

I. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential, as defined in 8VAC20-23-10, in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Virginia Board of Education may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential.

J. Every person seeking renewal of a license shall complete awareness training, provided by the Virginia Department of Education, on the indicators of dyslexia, as that term is defined by the Virginia Board of Education pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia.

K. No teacher who seeks a provisional license shall be required to meet any requirement set forth in ~~subdivision~~ subsection F, or G, or I of this section as a condition of such licensure, but each teacher shall complete each such requirement during the first year of provisional licensure.

Regulations

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

8VAC20-23-50. Types of licenses; dating licenses.

A. 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 this chapter. The Provisional License will be issued for a three-year validity period, with the ~~exceptions~~ exception of the Provisional (Career Switcher) License that will initially be issued for a one-year validity period and the Provisional Teach For America License issued for a ~~two-year~~ two-year validity period. Individuals shall complete all requirements for licensure, including passing all licensure assessments, for a renewable license within the validity period of the Provisional License. The individual shall have a minimum of an earned baccalaureate degree from a regionally accredited college or university, with the exception of those individuals seeking the Technical Professional License.

The Virginia Board of Education shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed at a public school; an accredited nonpublic elementary, middle, or high school; or a school for students with disabilities that is licensed pursuant to Chapter 16 (§ 22.1-319 et seq.) of Title 22.1 of the Code of Virginia upon receiving from the division superintendent or school administrator (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license. If a teacher employed in the Commonwealth under a provisional license is activated or deployed for military service within a school year (July 1 through June 30), an additional year shall be added to the teacher's provisional license for each school year or portion thereof during which the teacher is activated or deployed. The additional year shall be granted the year following the return of the teacher from deployment or activation.

The Virginia Board of Education shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the board if such individual (i) holds a provisional license that will expire within three months; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Virginia Board of Education; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional

license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

2. Collegiate Professional License. The Collegiate Professional License is a 10-year, renewable license available to an individual who has satisfied all requirements for licensure, including an earned baccalaureate degree from a regionally accredited college or university and the professional teacher's assessments prescribed by the Virginia Board of Education.

3. Postgraduate Professional License. The Postgraduate Professional License is a 10-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from a regionally accredited college or university.

4. Technical Professional License. The Technical Professional License is a 10-year, renewable license available to a person who has graduated from a public or an accredited nonpublic high school or possesses a Virginia Board of Education-approved high school equivalency credential; has exhibited academic proficiency, skills in literacy and communication, technical competency, and successful occupational experience; has completed nine semester hours of specialized professional studies credit from a regionally accredited college or university; and has completed one year of successful, full-time teaching experience in a public school or accredited nonpublic school in the area of endorsement. The nine semester hours of professional studies coursework shall include three semester hours of human development and learning, three semester hours of curriculum and instruction, and three semester hours of applications of instructional technology or classroom and behavior management. Individuals who seek a Technical Professional License may substitute the successful completion of an intensive, job-embedded, three-year program of professional development submitted by a Virginia employing educational agency and preapproved by the Department of Education for the nine semester hours of professional studies required. The Technical Professional License is issued at the recommendation of a Virginia employing educational agency in the areas of career and technical education, educational technology, and military science. Individuals seeking an endorsement to teach military science shall have the appropriate credentials issued by the United States military. Individuals holding a Technical Professional License may teach a military science leadership class with either the appropriate credentials issued by the United States military or (for non-Junior Reserve Officers' Training Corps) a recommendation from a Virginia employing educational agency. The employing Virginia educational agency shall ensure the credentials

issued by the United States military are active during the period the individual is teaching. In addition to demonstrating competency in the endorsement area sought, the individual shall:

- a. Hold a valid license issued by the appropriate Virginia board for those program areas requiring a license and a minimum of two years of successful experience at the journeyman level or an equivalent. The employing Virginia educational agency shall ensure that the valid license issued by the appropriate Virginia board for the occupational program area is active during the period the individual is teaching;
- b. Have completed a registered apprenticeship program and two years of successful experience at the journeyman level or an equivalent level in the trade; or
- c. Have four years of successful work experience at the management or supervisory level or equivalent or have a combination of four years of training and successful 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 shall meet the requirements of the respective licenses.

5. ~~School Manager License. The school manager license~~ School Manager License is a 10-year, renewable license 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. 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 of 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 10-year, renewable license available to an individual who has earned an appropriate graduate degree from a regionally accredited college or university with an endorsement for school counselor, school psychologist, school social worker, or vocational evaluator. This license does not require teaching experience, unless otherwise outlined under the specific endorsement's requirements.

7. Division Superintendent License. The Division Superintendent License is a 10-year, renewable license available to an individual who has completed an earned master's degree from a regionally accredited college or university and meets the requirements specified in 8VAC20-23-630. The individual's name shall be listed on the Virginia Board of Education's list of eligible division superintendents.

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

- a. Be employed by a Virginia public or an accredited nonpublic school;
- b. Hold non-United States citizenship and be a nonpermanent resident; and
- c. 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 ~~or areas~~ by meeting the credential requirements for a qualified teacher in the exchange country;
 - (3) Hold the United States equivalent of a baccalaureate degree or higher as determined by an approved credential evaluation agency; and
 - (4) Complete at least two years of successful full-time teaching experience that enables the educator to fulfill a similar assignment in his home country or is comparable to those requirements for Virginia teachers.

If an individual meets requirements of subdivisions 8 a, 8 b, 8 c (1), 8 c (2), and 8 c (3) of this subsection and has completed at least one year, but less than two years, of successful full-time teaching experience that would enable the educator to fulfill a similar assignment in his home country or is comparable to those requirements for Virginia teachers, the International Educator License will be issued for three years with an option to extend the nonrenewable International Educator License for the additional two years upon passing all teacher assessments prescribed by the Virginia Board of Education and a recommendation of the Virginia employing school division or accredited nonpublic school.

Individuals who have been issued an International Educator License who seek a 10-year, renewable license shall meet all licensure and endorsement requirements, including passing applicable assessments prescribed by the Virginia Board of Education.

9. Online Teacher License. The Online Teacher License is a 10-year, renewable license valid only for teaching online courses. Teachers who hold a five-year or 10-year renewable license issued by the Virginia Board of Education may teach

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online courses for which they are properly endorsed and do not need to seek this license.

a. In order to be issued an Online Teacher License, the individual shall meet the requirements for an endorsement in a content (teaching) area and professional studies and achieve qualifying scores on professional teacher's assessments as prescribed by the Virginia Board of Education. In addition, the individual shall complete a three-semester-hour course in online instructional procedures.

Online instructional procedures: Three semester hours. Skills in this area shall contribute to an understanding of the principles of online learning and online instructional strategies and the application of skills and the ability to use the Internet for teaching, learning, and management; design, deliver, and support instruction in an online environment; adapt strategies for a variety of course models, such as synchronous and asynchronous; select, adapt, and create rich multimedia for instruction; adapt individualized education program requirements to online course practices, as appropriate; use data to meet individual student's needs; and employ innovative teaching strategies in an online environment. Demonstrated proficiency of advanced skills in the following areas shall be addressed: use of communication technologies to interact with and engage students, parents, and mentors; use of education technologies; management of instructional activities in a technology-mediated environment; and nontraditional content delivery methods.

b. Online teaching experience is not acceptable to meet the full-time teaching experience for other license types, such as a Division Superintendent License, or for endorsements, such as for the reading specialist, school counselor, or administration and supervision endorsements. The Online Teacher License may be issued if requirements have been met as one of the following licenses to individuals teaching only online courses:

(1) Online Teacher (Postgraduate Professional) License - a 10-year, renewable license available to an individual who has qualified for the Online Teacher (Collegiate Professional) License and who holds an appropriate earned graduate degree from a regionally accredited college or university.

(2) Online Teacher (Collegiate Professional) License - a 10-year, renewable teaching license available to an individual who has satisfied all requirements for licensure, including an earned baccalaureate degree from a regionally accredited college or university, endorsement and professional studies requirements, and passed the professional teacher's assessments prescribed by the Virginia Board of Education, or

(3) Online Teacher (Technical Professional) License - a 10-year, renewable teaching license available to an

individual who has graduated from a public or an accredited nonpublic high school or possesses a Virginia Board of Education-approved high school equivalency credential; has exhibited academic proficiency, technical competency, and occupational experience; and meets the requirements specified in subdivision 4 of this subsection. An individual seeking an Online Teacher (Technical Professional) License shall be recommended for the license by a Virginia public school, a Virginia accredited nonpublic school, or an accredited virtual school program.

c. A nonrenewable Online Teacher (Provisional) License may be issued for a period not to exceed three years to an individual who has allowable deficiencies for full licensure as set forth in 8VAC20-23-90 B. The Online (Provisional) License will be issued for three years. The individual shall have a minimum of an earned baccalaureate degree from a regionally accredited college or university, with the exception of those individuals seeking the Technical Professional License. Individuals shall complete all requirements for a renewable Online Teacher License within the validity period of the license.

10. Teach For America License. The Teach For America License is a two-year provisional license.

a. This provisional license is available to any participant in Teach For America, a nationwide nonprofit organization focused on closing the achievement gaps between students in high-income and low-income areas, who submits an application and meets the following requirements:

(1) Holds, at minimum, a baccalaureate degree from a regionally accredited institution of higher education;

(2) Has met the requirements prescribed by the Virginia Board of Education for all endorsements sought or has met the qualifying scores on the content area assessment prescribed by the board for the endorsements sought;

(3) Possesses good moral character according to criteria developed by the Virginia Board of Education;

(4) Has been offered and has accepted placement in Teach For America;

(5) Has successfully completed preservice training and is participating in the professional development requirements of Teach For America, including teaching frameworks, curricula, lesson planning, instructional delivery, classroom management, assessment and evaluation of student progress, classroom diversity, and literacy development;

(6) Has an offer of employment from a local school board to teach in a public elementary or secondary school in the Commonwealth or a preschool program that receives state funds pursuant to subsection C of § 22.1-199.1 of the Code of Virginia; and

(7) Receives a recommendation from the employing school division for a Teach For America License in the

endorsement area in which the individual seeks to be licensed.

b. In addition to the criteria set forth in subdivision 10 a of this subsection, any individual who seeks an endorsement in early childhood, early/primary, or elementary education shall either (i) agree to complete such coursework in the teaching of language and literacy as may be prescribed by the Virginia Board of Education pursuant to 8VAC20-23-130 during the first year of employment or (ii) achieve a passing score on a reading instructional assessment prescribed by the Virginia Board of Education.

c. Teachers issued a Teach For America provisional license shall not be eligible for continuing contract status while employed under the authority of a Teach For America license and shall be subject to the probationary terms of employment specified in § 22.1-303 of the Code of Virginia.

d. The Virginia Board of Education may extend any Teach For America License for one additional year upon request of the employing school division, provided that no Teach For America License shall exceed a total of three years in length.

e. Notwithstanding any provision of law to the contrary, upon completion of at least two years of full-time teaching experience in a public elementary or secondary school in the Commonwealth or a preschool program that receives state funds pursuant to subsection C of § 22.1-199.1 of the Code of Virginia, an individual holding a Teach For America License shall be eligible to receive a renewable license if ~~he~~ the individual has (i) achieved satisfactory scores on all professional teacher assessments required by the Virginia Board of Education and (ii) received satisfactory evaluations at the conclusion of each year of employment.

f. Notwithstanding any provision of law to the contrary, the Virginia Board of Education shall issue a Teach For America License to any individual who (i) has completed two years of successful teaching in the Teach For America program in another state, (ii) is not eligible to receive a renewable license, and (iii) meets the criteria set forth in subdivision 10 a of this subsection.

11. Career and Technical Education License. The Career and Technical Education License is a three-year license.

a. This license is available to qualified individuals to teach, either full time or part time, high school career and technical education courses in specific subject areas.

b. The three-year license is issued to teach high school career and technical education courses in a specific subject area to an individual who:

(1) Submits an application to the Virginia Board of Education, in the form prescribed by the Virginia Board of Education, that includes a recommendation for such a license from the local school board;

(2) Meets certain basic conditions for licensure as prescribed by the Virginia Board of Education;

(3) Meets one of the following requirements:

(a) Holds, at a minimum, a baccalaureate degree from a regionally accredited institution of higher education and has completed coursework in the career and technical education subject area in which the individual seeks to teach,

(b) Holds the required professional license in the specific career and technical education subject area in which the individual seeks to teach, where applicable, or

(c) Holds an industry certification credential, as that term is defined in § 22.1-298.1 of the Code of Virginia, in the specific career and technical education subject area in which the individual seeks to teach;

(4) Has at least four years of full-time work experience or its equivalent in the specific career and technical education subject area in which the individual seeks to teach; and

(5) If appropriate, has obtained qualifying scores on the communication and literacy professional teacher's assessment prescribed by the Virginia Board of Education.

c. The employing school board shall assign a mentor to supervise an individual issued a three-year license pursuant to this section during the individual's first two years of teaching.

d. Except as otherwise provided in subdivision A 11 e of this section, any individual issued a three-year license pursuant to this section may be granted subsequent three-year extensions of such license by the Virginia Board of Education upon recommendation of the local school board.

e. Any individual issued a three-year license pursuant to this section who completes (i) nine semester hours of specialized professional studies credit from a regionally accredited institution of higher education or (ii) an alternative course of professional studies proposed by the local school board and approved by the Virginia Department of Education shall be granted a three-year extension of such license by the board and may be granted subsequent three-year extensions of such license by the board upon recommendation of the local school board. Any such specialized professional studies credit or alternative course of professional studies may be completed through distance learning programs and shall include human growth and development; curriculum, instructional, and technology procedures; and classroom and behavior management.

f. No three-year license issued by the board pursuant to this section shall be deemed a provisional license or a renewable license, as those terms are defined in § 22.1-298.1 of the Code of Virginia.

g. Individuals issued a three-year license pursuant to this section shall not be eligible for continuing contract status

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while teaching under such license and shall be subject to the probationary terms of employment specified in § 22.1-303 of the Code of Virginia.

h. The provisions of this section and of Virginia Board of Education regulations governing the denial, suspension, cancellation, revocation, and reinstatement of licensure shall apply to three-year licenses.

12. **One-Year High School License.** The One-Year High School License is for individuals seeking licensure through an alternate route. The license is a renewable, one-year license issued to teach in public high schools for individuals who:

- a. Received a graduate degree from a regionally accredited institution of higher education;
- b. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;
- c. Received qualifying scores on the professional teacher's assessments prescribed by the Virginia Board of Education, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and
- d. Met the following requirements:

(1) Complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Virginia Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure route; and

(2) Provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be (i) based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Virginia Board of Education shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training.

The license may be renewed for one year by the submission of an application for renewal and verification from the division superintendent that the individual received a satisfactory performance evaluation.

13. **Career and Technical Education or Dual Enrollment License.** The Career and Technical Education or Dual Enrollment License is a three-year license to solely teach career and technical education courses or dual enrollment courses at public high schools in the Commonwealth issued

to any individual who (i) is employed as an instructor by an institution of higher education that is accredited by a nationally recognized regional accreditation body, (ii) is teaching in the specific career and technical education or dual enrollment subject area at such institution in which the individual seeks to teach at a public school, and (iii) complies with the requirements set forth in ~~subsections E and F of 8VAC20-23-40 subdivisions D 1 and D 3 of § 22.1-298.1~~ of the Code of Virginia. The Virginia Board of Education shall require any such instructor to maintain continuous employment in such position at the institution of higher education as a condition of continued licensure. Subsections E and F of 8VAC20-23-40 shall expire on July 1, 2021, however, any license issued pursuant to this ~~regulation~~ chapter prior to July 1, 2021, shall remain in effect for three years from the date the license was issued unless such license is revoked by the Virginia Board of Education.

B. All licenses will be effective from July 1 in the school year in which the application is made. An employing Virginia public school division, agency, or accredited nonpublic school is required to notify employees in writing at the time of employment of the need to meet appropriate assessment requirements for licensure.

8VAC20-23-720. Revocation.

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

1. Obtaining or attempting to obtain a 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. Conviction of any misdemeanor involving a student or minor;
6. Conviction of any misdemeanor involving drugs (not alcohol);
7. Conduct with direct and detrimental effect on the health, welfare, discipline, or morale of a student or minor;
8. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted;
9. Acts related to secure mandatory tests as specified in subsection A of § 22.1-292.1 of the Code of Virginia;
10. Knowingly and willfully with the intent to compromise the outcome of an athletic competition procure, sell, or administer anabolic steroids or cause such drugs to be procured, sold, or administered to a student who is a member

of a school athletic team, or fail to report the use of such drugs by a student to the school principal and division superintendent as required by clause (iii) of subsection A of § 22.1-279.3:1 of the Code of Virginia. Any person whose 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;

11. Revocation, suspension, surrender, cancellation, invalidation, or denial of, or other adverse action against, a teaching, administrator, pupil personnel services, or other education-related certificate or license by another state, territory, or country; or denial of an application for any such certificate or license;

12. Founded case of child abuse or neglect after all administrative appeals have been exhausted;

13. Notification of dismissal or resignation pursuant to subsection F of § 22.1-313 of the Code of Virginia; or

14. Other good and just cause in the best interest of the public schools of the Commonwealth of Virginia.

B. The Virginia Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 of the Code of Virginia and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 of the Code of Virginia have been exhausted.

C. Procedures.

1. 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 basis for the revocation of a license exists, as set forth in subsection A of this section. The person making the complaint shall submit the complaint in writing to the appropriate division superintendent. If the subject of the complaint is the division superintendent, the person making the complaint may submit the complaint to the chair of the local school board.

2. Upon receipt of the complaint against the holder of a license, a division superintendent or his duly authorized representative shall conduct an immediate and thorough investigation of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. 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.

D. Petition for revocation. Upon completing an investigation, should the division superintendent or local school board

conclude that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license, the license holder 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 license holder's last known address. The school board shall proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with this chapter; and the school board shall provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled.

E. 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 type of license and the license number held by the person against whom the petition is being filed;

3. The basis for revocation and the specific underlying alleged actions;

4. A statement of rights of the person against whom the petition is being filed. The statement of rights shall notify the person that any adverse action against a license, including revocation, will be reported to the division superintendents in Virginia and, through a national clearinghouse, to chief state school officers of the other states and territories of the United States. The statement also shall include notification to the person of the right to cancel the license if he chooses not to contest the allegations in the petition. The statement shall notify the individual that he shall receive a notice of cancellation that will include the statement: "The license holder voluntarily returned the license in response to a petition for revocation." The individual also shall be notified that the cancellation of the license will be reported to division superintendents in Virginia and, through a national clearinghouse, to chief state school officers of the other states and territories of the United States; and

5. Any other pertinent information.

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

G. Response to petition. The license holder shall present his written answer to the petition, if any, within 14 days of delivery or attempted delivery of the petition as certified by the United States Postal Service.

1. If the license holder does not wish to contest the allegations in the petition, he may request cancellation of the license by submitting a written, signed statement requesting

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cancellation in response to a petition for revocation. The division superintendent shall forward the request for cancellation along with the petition for revocation to the Superintendent of Public Instruction within 14 days of receipt. The Superintendent of Public Instruction shall cancel the license and send a notice of cancellation to the person by certified mail within 14 days of receipt of the request for cancellation.

2. If the license holder files a written answer admitting or denying the allegations in the petition or fails to file a written answer within 14 days of delivery or attempted delivery of the petition, as certified by the United States Postal Service, the local school board shall proceed to a hearing as described in subsection D of this section and ~~subdivisions~~ subdivision 3 and 4 of this subsection; and within 90 days of mailing the petition to the license holder and provide the Superintendent of Public Instruction a copy of the petition and investigative file at the time the local school board hearing is scheduled. 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.

3. At the hearing, the local school board shall receive the recommendation of the division superintendent and then either deny the petition or recommend license revocation or suspension. A decision to deny the petition shall be final, except as specified in subsection ~~E~~ H of this section, and the investigative file on the petition shall be closed and maintained as a separate file. Any record or material relating to the allegations in the petition shall be placed in the investigative file. Should the local school board recommend the revocation or suspension of a license, the division superintendent shall forward the recommendation, petition, and investigative file to the Superintendent of Public Instruction within 14 days.

H. Revocation on motion of the Virginia Board of Education. The Virginia Board of Education reserves the right to act directly to revoke a license when the Virginia Board of Education has reasonable cause to believe that subsection A of this section is applicable. The Superintendent of Public Instruction may send a petition for revocation to the license holder as provided by subsection E of this section. The license holder shall have the opportunity to present his written answer, if any, to the petition within 14 days of delivery or attempted delivery of the petition, as certified by the United States Postal Service.

1. If the license holder does not wish to contest the allegations in the petition, he may request the cancellation of the license by submitting a written, signed statement requesting cancellation in response to a petition for revocation. The Superintendent of Public Instruction shall cancel the license and send a notice of cancellation to the

person by certified mail within 14 day of receipt of the request for cancellation.

2. If the license holder files a written answer admitting the allegations in the petition or fails to file a written answer within 14 days of delivery or attempted delivery of the petition, as certified by the United States Postal Service, the petition shall be forwarded to the Virginia Board of Education for action. No revocation will be ordered without the involved license holder being given the opportunity to appear at a hearing specified in 8VAC20-23-780 C.

3. If the license holder timely files his written answer denying the allegations in the petition, the Superintendent of Public Instruction shall schedule a hearing with the investigative panel provided in 8VAC20-23-780 A. The license holder or his representative, if any, shall be given at least 14 days' notice of the hearing. The investigative panel shall take action on the petition as specified in 8VAC20-23-780 A. No revocation will be ordered without the involved license holder being given the opportunity to appear at a hearing specified in 8VAC20-23-780 C.

I. Reinstatement of license. A license that has been revoked may be reinstated by the Virginia Board of Education after five years if the board is satisfied that reinstatement is in the best interest of the public schools of the Commonwealth of Virginia. The individual seeking reinstatement shall submit a written request and completed application to the board. Notification to all appropriate parties will be communicated in writing by the Virginia Department of Education.

8VAC20-23-755. Written reprimand.

A. A written reprimand of a license holder may be issued for the following reasons:

1. Acts related to secure mandatory tests as specified in subsection A of § 22.1-292.1 of the Code of Virginia;

2. Breach of employment contract, in the event that a school board or division superintendent declines to grant a license holder's request for release from an employment contract on the grounds of insufficient or unjustifiable cause; and

3. In accordance with law and at the discretion of the State Board of Education after reviewing the specific facts and circumstances of a license holder's case and determining that the license holder's conduct is not sufficiently serious or harmful to merit the withdrawal of a license, any of the reasons that a license may be revoked or suspended listed in 8VAC20-23-720 A and 8VAC20-23-740 A, respectively, except (i) conviction of any violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02 of the Code of Virginia; (ii) any offense involving the sexual molestation, physical or sexual abuse, or rape of a child; and (iii) conduct listed in 8VAC20-23-720 A 10 and 8VAC20-23-740 A 5, which requires revocation or suspension of a

license by the State Board of Education under subsection A of § 22.1-292.2 of the Code of Virginia.

B. The State Board of Education may not issue a written reprimand of any license holder for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 of the Code of Virginia and, in the case of a person who is the subject of a founded complaint of child abuse or neglect after all rights to any administrative appeal provided by § 63.2-1526 of the Code of Virginia have been exhausted, assuming the founded complaint of child abuse or neglect remains on the Central Registry.

8VAC20-23-760. Expired license.

~~Action~~ Written reprimand of a license holder may be issued for any reason listed in 8VAC20-23-755 A. Action against a license issued by the Virginia Board of Education may be taken for any of the reasons listed in 8VAC20-23-720 A, 8VAC20-23-740 A, or 8VAC20-23-750 A even if the license is expired, as long as the basis for the reprimand or action occurred prior to the issuance of the license or while the license was active.

8VAC20-23-800. Notification.

Notification of the revocation, suspension, cancellation, denial, or reinstatement of a license or the written reprimand to a license holder shall be made by the Superintendent of Public Instruction, or his designee, to division superintendents in Virginia and, through a national clearinghouse, to chief state school officers of the other states and territories of the United States.

8VAC20-543-20. Accreditation and administering this chapter.

A. Institutions of higher education seeking approval of an education endorsement program shall be accredited by a regional accrediting agency.

B. Professional education programs in Virginia shall obtain and maintain national accreditation from the Council for the Accreditation of Educator Preparation (CAEP). Professional education programs in Virginia seeking accreditation through CAEP shall adhere to procedures and timelines established by CAEP and the CAEP/Virginia Partnership Agreement. Professional education programs shall ensure and document that programs are aligned with standards set forth in 8VAC20-543-40 through 8VAC20-543-50 and meet competencies outlined in 8VAC20-543-60 through 8VAC20-543-640.

C. If a professional education program fails to maintain accreditation, enrolled candidates shall be permitted to complete their programs of study. Professional education programs that fail to maintain accreditation shall not admit new candidates. Candidates shall be notified of the education endorsement program's approval status.

D. Teacher candidates may complete academic degrees in the arts and sciences, or equivalent. "Education preparation

program" includes four-year bachelor's degree programs in teacher education. Candidates in early/primary education (preK-3), elementary education (preK-6), middle education (6-8), and special education programs may complete a major in interdisciplinary studies or its equivalent. Candidates seeking a secondary endorsement area must have earned a major, or the equivalent, in the area sought.

E. Professional studies coursework and methodology, including field experiences, required in this chapter shall be designed for completion within an approved program.

F. Professional education programs shall ensure that, as a condition of degree completion, each student enrolled in the education preparation program receives instruction on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with the regulations of the State Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion; ensure that candidates demonstrate proficiency in the use of educational technology for instruction; complete study in child abuse recognition and intervention; and complete training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. Candidates in education endorsement programs must 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. Professional education programs shall ensure that candidates demonstrate skills needed to help preK-12 students achieve college and career performance expectations.

G. Standards and procedures for the review and approval of each education endorsement program shall adhere to procedures for administering the chapter as defined in this section and in 8VAC20-543-40, 8VAC20-543-50, and 8VAC20-543-60. These procedures shall result in biennial recommendations to the State Board of Education for one of the following three ratings: "approved," "approved with stipulations," or "approval denied."

H. Education endorsement programs shall be approved under this chapter biennially based on compliance with the criteria described in 8VAC20-543-40, 8VAC20-543-50, and 8VAC20-543-60.

I. The Department of Education will determine the timeline and procedures for applying for education endorsement program approval.

J. Education endorsement programs in Virginia shall address the competencies set forth in this chapter, and the curriculum for each program must be documented and submitted to the Department of Education for approval.

K. Professional education programs shall submit to the Department of Education on behalf of each education endorsement program under consideration a biennial

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accountability measurement report and an annual professional education program profile to include data prescribed by the State Board of Education on education endorsement programs in accordance with department procedures and timelines.

L. The professional education program authorized administrator shall maintain copies of approved education endorsement programs and required reports.

M. The Department of Education may conduct onsite visits to review education endorsement programs and verify data.

N. The Advisory Board on Teacher Education and Licensure (ABTEL) is authorized to review and make recommendations to the State Board of Education on approval of Virginia education endorsement programs for school personnel. The Board of Education has final authority on education endorsement program approval.

O. In administering this chapter, licensure requirements for Virginia are outlined in the Licensure Regulations for School Personnel (8VAC20-23). This document should be referenced for detailed information regarding requirements for Virginia licensure. An individual must meet licensure requirements set forth in the Code of Virginia.

P. Modifications may be made by the Superintendent of Public Instruction in the administration of this chapter. Proposed modifications shall be made in writing to the Superintendent of Public Instruction, Commonwealth of Virginia.

Q. Upon the effective date of this chapter, the State Board of Education grants colleges and universities two years to align their existing approved programs with this chapter and allows only college and universities that on the effective date of this chapter are accredited by the State Board of Education process four years to become accredited by the Council for the Accreditation of Educator Preparation (CAEP) with the option of submitting a progress report to the Superintendent of Public Instruction to request an additional year, if needed.

VA.R. Doc. No. R22-6602; Filed February 8, 2022, 8:39 a.m.



TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Notice of Objection to Fast-Track Rulemaking Action

REGISTRAR'S NOTICE: Pursuant to § 2.2-4012.1 of the Code of Virginia, the Commonwealth Transportation Board has filed a notice of objection to the fast-track rulemaking action published in [38:10 VA.R. 892-895 January 3, 2022](#). The board intends to proceed with the standard promulgation process set out in Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia, with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Title of Regulation: **24VAC30-200. Vegetation Control Regulations on State Rights-of-Way (amending 24VAC30-200-20).**

Statutory Authority: § 33.2-210 of the Code of Virginia.

The board received more than the requisite 10 objections to the amendments. The objections pertained to the proposed amended regulation failing to take into consideration the public cost versus the private benefit of such pruning and tree removal. Due to the objections, the board has discontinued using the fast-track rulemaking process. The board will proceed with adoption of the amendments using the standard process under Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act, and the publication on January 3, 2022, will serve as the Notice of Intended Regulatory Action in accordance with § 2.2-4012.1 of the Code of Virginia.

Agency Contact: Jo Anne P. Maxwell, Regulatory Coordinator, Policy Division, Department of Transportation, 11th Floor, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-1830, FAX (804) 225-4700, or email joanne.maxwell@vdot.virginia.gov.

VA.R. Doc. No. R22-6261; Filed February 3, 2022, 9:48 a.m.

GUIDANCE DOCUMENTS

PUBLIC COMMENT OPPORTUNITY

Pursuant to § 2.2-4002.1 of the Code of Virginia, a certified guidance document is subject to a 30-day public comment period after publication in the Virginia Register of Regulations and prior to the guidance document's effective date. During the public comment period, comments may be made through the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) or sent to the agency contact. Under subsection C of § 2.2-4002.1, the effective date of the guidance document may be delayed for an additional period. The guidance document may also be withdrawn.

The following guidance documents have been submitted for publication by the listed agencies for a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, Richmond, Virginia 23219.

BOARD OF ACCOUNTANCY

Title of Document: [Virginia Board of Accountancy Policy 4 - Continuing Professional Education Guidelines for Certified Public Accountants.](#)

Public Comment Deadline: March 30, 2022.

Effective Date: March 31, 2022.

Agency Contact: Vasa Clarke, Regulatory Coordinator, Board of Accountancy, 9960 Mayland Drive, Suite 402, Henrico, VA 23233, or email vasa.clarke@boa.virginia.gov.

[Resource Protection Areas: Permitted Development Activities.](#)

[Silvicultural Operations.](#)

Public Comment Deadline: March 30, 2022.

Effective Date: March 31, 2022.

Agency Contact: Justin L. Williams, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-1125, or email justin.williams@deq.virginia.gov.

BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Title of Document: [DBHDS Office of Human Rights Guidance Uses of Isolation, Quarantine, and Seclusion.](#)

Public Comment Deadline: March 30, 2022.

Effective Date: April 1, 2022.

Agency Contact: Taneika Goldman, Human Rights Director, Department of Behavioral Health and Developmental Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-0064, or email taneika.goldman@dbhds.virginia.gov.

STATE WATER CONTROL BOARD

Titles of Documents: Guidance on the Chesapeake Bay Preservation Area Designation and Management Regulations:

[Administrative Procedures for the Designation and Refinement of Chesapeake Bay Preservation Area Boundaries.](#)

[Determinations of Water Bodies with Perennial Flow.](#)

[Exceptions.](#)

[Nonconforming Structures and Uses.](#)

[Resource Protection Area: Buffer Area Encroachments.](#)

[Resource Protection Area: Onsite Buffer Area Delineation.](#)

[Resource Protection Areas: Nontidal Wetlands.](#)

GENERAL NOTICES

DEPARTMENT OF GENERAL SERVICES

Request for Comments on Revision to Fees for Drinking Water Laboratory Certification (1VAC30-41-270)

Effective May 1, 2022-April 30, 2023

Purpose of notice and background information: The Division of Consolidated Laboratory Services (DCLS) is seeking comment on the revision to fees charged for certifying drinking water laboratories under 1VAC30-41-270.

1VAC30-41-270 I 2 requires DCLS to increase or decrease annually the fees charged for certifying drinking water laboratories using the Consumer Price Index-Urban percentage change, average to average for the previous calendar year published by the U.S. Bureau of Labor Statistics in January. The percentage change, average to average for 2021 is an additional 4.7%. See the table labeled "Historical Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, all items, index averages" in page 4 of the document at <https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202112.pdf>.

The revised fees are exempt from the requirements of the Administrative Process Act. The Budget of the Commonwealth of Virginia (Chapter 552, effective July 1, 2021) in Part I, Item 76, at C 3 a requires DCLS to provide notice and an opportunity to submit written comments on the revised fees.

The notice of fees for May 1, 2022, through April 30, 2023, will be published on the DCLS drinking water laboratory certification webpage after consideration of submitted comments.

Public comment period: February 28, 2022, through March 30, 2022.

How to comment: DCLS accepts written comments by email, fax, and postal mail. In order to be considered, comments must include the full name, address, and telephone number of the person commenting and be received by DCLS by the last day of the comment period. All materials received are part of the public record. Email comments should be sent to rhonda.bishton@dgs.virginia.gov. The number for faxed comments is (804) 371-8305. Written comments should be sent to Rhonda Bishton, Regulatory Coordinator, Department of General Services, Attn: DCLS DW Fee Comments, 1100 Bank Street, Richmond, VA, 23219. Agency contact: Rhonda Bishton, (804) 786-3311.

NOTICE OF FEES FOR MAY 1, 2022 - APRIL 30, 2023

DCLS requests comments on the revised fees in the notice below.

TESTING CATEGORY	FEE (\$)
Microbiological testing	
1 - 2 methods	698
3 - 5 methods	814
6+ methods	931
Inorganic chemistry, nonmetals testing	
1 - 2 methods	756
3 - 5 methods	986
6 - 8 methods	1221
9+ methods	1452
Inorganic chemistry, metals testing	
1 - 2 methods	1161
3 - 5 methods	1394
6+ methods	1624
Organic chemistry	
1 - 2 methods	1221
3 - 5 methods	1452
6 - 8 methods	1684
9+ methods	1918
Radiochemistry	
1 - 2 methods	1278
3 - 5 methods	1510
6+ methods	1743
Asbestos	
1 - 2 methods	1045
3 - 5 methods	1278
6+ methods	1510

How fees are calculated: DCLS calculates a laboratory's total fee by adding the fees for the number of test methods in each category in the fee table for which the laboratory is certified or applies to be certified. Contact Lab_Cert@dgs.virginia.gov for more information about the fee category for a specific method.

Additional fees apply when a laboratory:

- Applies for modification of certification under 1VAC30-41-110.
- Is moving its location when the move requires DCLS to perform an onsite assessment.
- Requests reinstatement of certification when DCLS requires an onsite assessment.

Hourly review fee and calculation of total fee. The fee to be charged is the sum of the total hourly charges for all reviewers plus any onsite assessment costs incurred. The hourly charge per reviewer is \$71. The charge per reviewer is determined by multiplying the number of hours expended in the review by \$71.

Onsite review and travel expenses. If an onsite review is required, travel time and onsite review time will be charged at the same hourly rate of \$71 and any travel expenses will be added.

When to pay: Payment is due at the time the application is made or annually thereafter upon receipt of the invoice from DCLS. Annual billing precedes the expiration of the current certificate.

How to pay: Fees may be paid by check, draft, or postal money order payable to the Treasurer, Commonwealth of Virginia, or submitted electronically, if available. Payment must be in United States currency, except that agencies and institutions of the Commonwealth of Virginia may submit interagency transfers for the amount of the fee. Laboratories may also pay fees using credit cards. All fees must be sent to the following address, or submitted electronically, if available: DCLS, Attn: Lab Certification, 600 North 5th Street, Richmond, VA 23219. A fee payment form is available on the drinking water page of the DCLS website at www.dgs.virginia.gov/dcls.

Contact Information: Rhonda Bishton, Director's Executive Administrative Assistant, Department of General Services, 1100 Bank Street, Suite 420, Richmond, VA 23219, telephone (804) 786-3311, FAX (804) 371-8305, or email rhonda.bishton@dgs.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Draft CCC Plus Waiver Provider Manual

The draft CCC Plus Waiver Provider Manual Chapters II and IV are now available on the Department of Medical Assistance Services website at <https://www.dmas.virginia.gov/providers/general-information/medicaid-provider-manual-drafts/> for public comment until March 9, 2022.

Contact Information: Meredith Lee, Policy, Regulations, and Manuals Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, FAX (804) 786-1680, or email meredith.lee@dmas.virginia.gov.

STATE WATER CONTROL BOARD

Proposed Enforcement Action for the Town of Cape Charles

An enforcement action has been proposed for the Town of Cape Charles for violations of the State Water Control Law at the Town of Cape Charles wastewater treatment plant, Cape Charles, Virginia. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Comments will be accepted from February 28, 2022, to March 30, 2022.

Contact Information: John Brandt, Enforcement Manager, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23462, FAX (804) 698-4178, or email john.brandt@deq.virginia.gov.

Proposed Enforcement Action for March Mountain Properties LLC

An enforcement action has been proposed for March Mountain Properties LLC for violations at the Old Trail Village Subdivision Development in Albemarle County, Virginia. The State Water Control Board proposes to issue a consent order with penalty to March Mountain Properties LLC to address noncompliance with State Water Control Law. A description of the proposed action is available at the Department of Environmental Quality office listed. The staff contact will accept comments by email, fax or postal mail from February 28, 2022, to March 30, 2022.

Contact Information: Eric Millard, Enforcement Specialist, Department of Environmental Quality, Valley Regional Office, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, FAX (804) 698-4178, or email eric.millard@deq.virginia.gov.

Proposed Enforcement Action for Timothy Simpson in Farmville

The State Water Control Board proposes to issue a consent special order to Timothy Simpson for alleged violation of the State Water Control Law at 1004 North Main Street, Farmville, Virginia. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. Jeff Reynolds will accept comments by email or postal mail from February 23, 2022, to March 25, 2022.

Contact Information: Jeff Reynolds, Department of Environmental Quality, Piedmont Regional Office (Enforcement), 4949-A Cox Road, Glen Allen, VA 23060, or email jefferson.reynolds@deq.virginia.gov.

General Notices

Proposed Enforcement Action for USDA-US Forest Service Grindstone Recreation Area

An amended enforcement action has been proposed for the USDA-US Forest Service for violations of the State Water Control Law at the Grindstone Recreation Area sewage treatment plant in Smyth County. The State Water Control Board proposes to issue an amendment to order by consent to resolve violations associated with the facility. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. The staff contact person will accept comments by email or postal mail from March 1, 2022, through March 31, 2022.

Contact Information: Jonathan Chapman, Department of Environmental Quality, Southwest Regional Office, 355-A Deadmore Street, Abingdon, VA 24210, or email jonathan.chapman@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, Pocahontas Building, 900 East Main Street, 8th Floor, Richmond, VA 23219; *Telephone:* (804) 698-1810; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <https://commonwealthcalendar.virginia.gov>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/documents/cumultab.pdf>.

Filing Material for Publication in the *Virginia Register of Regulations*: Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

ERRATA

MARINE RESOURCES COMMISSION

Title of Regulation: **4VAC20-720. Pertaining to Restrictions on Oyster Harvest.**

Publication: 38:2 VA.R. 189-199 September 13, 2021.

Correction to Final Regulation:

Page 198, 4VAC20-720-40, subsection B, column 1, subdivision 20, after "20." text should read:

"Mobjack Bay Area: February 1, 2022, through February 28, 2022 (hand scrape only).

21. Pocomoke Sound Rotation Area ~~2~~ 1: December 1, ~~2020~~ 2021, through February 28, ~~2021~~ 2022 (dredge only).

~~20~~ 22. Tangier Sound Rotation Area ~~2~~ 1: December 1, ~~2020~~ 2021, through February 28, ~~2021~~ 2022 (dredge only).

~~21~~ 23. Deep Rock Area: December 1, ~~2020~~ 2021, through February 28, ~~2021~~ 2022 (patent tong only).

~~22~~ 24. Upper Chesapeake Bay - Blackberry Hangs Area: October ~~1~~, ~~2020~~ 18, 2021, through October 31, ~~2020~~ 2021 (patent tong only).

~~23~~ 25. Rappahannock River Rotation Area 1: ~~November 1, 2020, through November 30, 2020, and February 1, 2021, through March 12, 2021~~ October 18, 2021, through February 14, 2022 (patent tong only).

~~24~~ 26. Seaside of the Eastern Shore (for clean cull oysters only): November 1, ~~2020~~ 2021, through March 31, 2021 ~~2022~~ (by hand and hand tong only)."

4VAC20-720-60, subsection B,

line 3, after "B ~~13~~, B" unstrike "21" and remove "20"

line 4, after "through B ~~23~~" replace "24" with "25"

line 7, after "through B" unstrike "20"

line 8 after "~~2021~~" remove "19"

4VAC20-720-70,

subsection C, line 2, after "B ~~18~~" replace "19" with "20"

subsection F, line 2, after "B ~~21~~" replace "22" with "23" and after "B ~~23~~" replace "24" with "25"

VA.R. Doc. No. R22-6936; Filed February 4, 2022 10:55 a.m.

DEPARTMENT OF ENERGY

Title of Regulation: **4VAC25-130. Coal Surface Mining Reclamation Regulations.**

Publication: 38:13 VA.R. 1544-1643 February 14, 2022.

Correction to Fast-Track Regulation:

Page 1544, Titles of Regulations:, Column 2, **4VAC25-130. Coal Surface Mining Reclamation Regulations.**, line 15, after "**4VAC25-130-800.52,**" insert "**4VAC25-130-801.2,**"

VA.R. Doc. No. R22-6960; Filed February 14, 2022 4:41 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **12VAC30-120. Waivered Services.**

Publication: 29:25 VA.R. 3595-3602 August 12, 2013.

Correction to Fast-Track Regulation:

Page 3598, Part VII, line 2, after "Assisted Living Services for Individuals Receiving Auxiliary Grants Residing in Adult Care Residences" remove "(Repealed)"

VA.R. Doc. No. R13-2781; Filed January 12, 2022 5:23 p.m.

* * *

Title of Regulation: **12VAC30-120. Waivered Services.**

Publication: 37:14 VA.R. 1564-1577 March 1, 2021.

Correction to Fast-Track Regulation:

Page 1565, after "Summary of Public Comments and Agency's Response:" and preceding "**12VAC30-120-600. Definitions.**", insert "Part VII Assisted Living Services for Individuals Receiving Auxiliary Grants Residing in Adult Care Residences" remove "Commonwealth Coordinated Care Plus Program"

VA.R. Doc. No. R17-4974; Filed January 12, 2022 5:23 p.m.

STATE CORPORATION COMMISSION

Title of Regulation: **14VAC5-430. Insurance Data Security Risk Assessment and Reporting.**

Publication: 38:13 VA.R. 2035-2037 February 14, 2022.

Correction to Final Regulation:

Page 2035, Effective Date:, after "February 1," replace "2021" with "2022"

VA.R. Doc. No. R22-6886; Filed February 14, 2022 4:41 p.m.

Errata
