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SENATE BILL NO. 1293

Offered January 8, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 22.1-253.13:5 and 54.1-2400 of the Code of Virginia, relating to school board employees; health care professionals; professional development and continuing education; optional programs; children with autism spectrum disorder.

Patrons—Stanley and Srinivasan

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:5 and 54.1-2400 of the Code of Virginia are amended and reenacted as follows: § 22.1-253.13:5. Standard 5. Quality of classroom instruction and educational leadership.

A. Each member of the Board shall participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of his service on the Board.

B. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the performance standards included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic progress as a significant component and an overall summative rating. Teacher evaluations shall include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

C. The Board shall provide guidance on high-quality professional development for (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals, supervisors, and division superintendents in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; (iii) school board members on personnel, curriculum and current issues in education; (iv) teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and Vision Impaired, in Braille; (v) any individual with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, special education blindness/visual impairments preschool through grade 12, or English as a second language preschool through grade 12, or as a reading specialist that builds proficiency in science-based reading research and evidence-based literacy instruction; (vi) each teacher with an endorsement in middle education grades six through eight who teaches English that builds proficiency in evidence-based literacy instruction and science-based reading research; (vii) each middle school principal and teacher with an endorsement in middle education grades six through eight who teaches mathematics, science, or history and social science that builds an awareness of evidence-based literacy instruction and science-based reading research; (viii) each teacher with a provisional general education or special education license or an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, middle education grades six through eight, and secondary education grades six through 12; each principal with an endorsement in administration and supervision preschool through grade 12; and each teacher's aide or other paraprofessional that builds proficiency in instructional practices to support specially designed instruction in inclusive settings; and (ix) each teacher with a provisional special education license or an endorsement in special education general curriculum preschool through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness and visual impairments preschool through grade 12 that builds proficiency in implementing the Virginia IEP established pursuant to subdivision 11 of § 22.1-214.4 and the referral, evaluation, reevaluation, and eligibility forms and worksheets referenced in subdivision 6 of § 22.1-214.4; and (x) all instructional personnel and school board employees whose duties include regular contact with students on communicating with and supporting students with autism spectrum disorder.

The Board shall also provide technical assistance on high-quality professional development to local school boards designed to ensure that all instructional personnel are proficient in the use of educational technology consistent with its comprehensive plan for educational technology.

The Department shall provide technical assistance, including literacy coaching, to local school divisions to provide professional development in science-based reading research and evidence-based literacy instruction for students in kindergarten through grade eight. The Department shall also create a list of professional development programs aligned with science-based reading research and evidence-based literacy

59 instruction that includes programs that provide training in dyslexia for reading specialists as required by  
60 subsection G of § 22.1-253.13:2. The list shall be approved by the Board. The Department shall provide  
61 resources to local school divisions to ensure that each division is able to provide professional development to  
62 teachers and reading specialists listed in subdivision E 2 in one of the programs enumerated in the list  
63 approved by the Board pursuant to this subdivision and that such professional development is provided at no  
64 cost to the teachers and reading specialists.

65 The Department shall provide technical assistance, including special education coaching, to local school  
66 divisions to provide professional development in special education and related services and in instructional  
67 practices to support specially designed instruction in inclusive settings. The Department shall provide  
68 resources to local school divisions to ensure that each division is able to provide professional development to  
69 the teachers, principals, teacher's aides, and other paraprofessionals listed in subdivisions E 4 and 5 at no cost  
70 to such individuals.

71 D. Each local school board shall require (i) its members to participate annually in high-quality  
72 professional development activities at the state, local, or national levels on governance, including, but not  
73 limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use of  
74 data in planning and decision making; and current issues in education as part of their service on the local  
75 board and (ii) the division superintendent to participate annually in high-quality professional development  
76 activities at the local, state, or national levels, including the Standards of Quality, Board regulations, and the  
77 Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and  
78 Superintendents.

79 E. Each local school board shall provide a program of high-quality professional development (i) in the use  
80 and documentation of performance standards and evaluation criteria based on student academic progress and  
81 skills for teachers, principals, and superintendents to clarify roles and performance expectations and to  
82 facilitate the successful implementation of instructional programs that promote student achievement at the  
83 school and classroom levels; (ii) as part of the license renewal process, to assist teachers and principals in  
84 acquiring the skills needed to work with gifted students, students with disabilities, and students who have  
85 been identified as having limited English proficiency and to increase student achievement and expand the  
86 knowledge and skills students require to meet the standards for academic performance set by the Board; (iii)  
87 in educational technology for all instructional personnel which is designed to facilitate integration of  
88 computer skills and related technology into the curricula; and (iv) for principals and supervisors designed to  
89 increase proficiency in instructional leadership and management, including training in the evaluation and  
90 documentation of teacher and principal performance based on student academic progress and the skills and  
91 knowledge of such instructional or administrative personnel.

92 In addition, each local school board shall provide:

93 1. Teachers and principals with high-quality professional development programs each year in (i)  
94 instructional content; (ii) the preparation of tests and other assessment measures; (iii) methods for assessing  
95 the progress of individual students, including Standards of Learning assessment materials or other criterion-  
96 referenced tests that match locally developed objectives; (iv) instruction and remediation techniques in  
97 English, mathematics, science, and history and social science; (v) interpreting test data for instructional  
98 purposes; (vi) technology applications to implement the Standards of Learning; and (vii) effective classroom  
99 management;

100 2. High-quality professional development and training in science-based reading research and evidence-  
101 based literacy instruction, from the list developed and the resources provided by the Department pursuant to  
102 subsection C or an alternative program that consists of evidence-based literacy instruction and aligns with  
103 science-based reading research approved by the Department, for each elementary school principal and each  
104 teacher with an endorsement in early/primary education preschool through grade three, elementary education  
105 preschool through grade six, special education general curriculum kindergarten through grade 12, special  
106 education deaf and hard of hearing preschool through grade 12, special education blindness/visual  
107 impairments preschool through grade 12, or English as a second language preschool through grade 12, or as a  
108 reading specialist that builds proficiency in evidence-based literacy instruction and science-based reading  
109 research in order to aid in the licensure renewal process for such individuals;

110 3. High-quality professional development and training in science-based reading research and evidence-  
111 based literacy instruction, from the list developed and the resources provided by the Department pursuant to  
112 subsection C, or an alternative program that consists of evidence-based literacy instruction and aligns with  
113 science-based reading research approved by the Department, for (i) each teacher with an endorsement in  
114 middle education grades six through eight who teaches English that builds proficiency in evidence-based  
115 literacy instruction and science-based reading research and (ii) each middle school principal and teacher with  
116 an endorsement in middle education grades six through eight who teaches mathematics, science, or history  
117 and social science that builds an awareness of evidence-based literacy instruction and science-based reading  
118 research;

119 4. (Effective July 1, 2027) High-quality professional development in implementing the Virginia IEP

120 established pursuant to subdivision 11 of § 22.1-214.4 and the referral, evaluation, reevaluation, and  
 121 eligibility forms and worksheets referenced in subdivision 6 of § 22.1-214.4 for each teacher with a  
 122 provisional special education license or an endorsement in special education general curriculum kindergarten  
 123 through grade 12, special education deaf and hard of hearing preschool through grade 12, and special  
 124 education blindness and visual impairments preschool through grade 12; and

125 5. (Effective July 1, 2027) High-quality professional development in instructional practices to support  
 126 specially designed instruction in inclusive settings for each teacher with a provisional general education  
 127 license or an endorsement in early/primary education preschool through grade three, elementary education  
 128 preschool through grade six, and secondary education grades six through 12; each principal with an  
 129 endorsement in administration and supervision preschool through grade 12; each teacher's aide or other  
 130 paraprofessional; and any teacher with a provisional special education license for whom the school board  
 131 determines there is a need for such professional development.

132 6. *High-quality professional development each year in communicating with and supporting students with*  
 133 *autism spectrum disorder for any instructional personnel and school board employees whose duties include*  
 134 *regular contact with students, in accordance with the guidance provided by the Board pursuant to clause (x)*  
 135 *of subsection C, that includes (i) an overview of the characteristics and behavioral recognition of autism*  
 136 *spectrum disorder, (ii) strategies for communicating and interacting with and supporting students with*  
 137 *autism spectrum disorder, and (iii) best practices for responding to and de-escalating certain behavioral*  
 138 *challenges and situations. Such professional development shall be optional, provided, however, that any*  
 139 *instructional personnel or school board employee who completes such professional development shall be*  
 140 *eligible for professional development points toward renewal of his license for the number of in-person hours*  
 141 *of coursework completed.*

142 F. Schools and school divisions shall include as an integral component of their comprehensive plans  
 143 required by § 22.1-253.13:6, high-quality professional development programs that support the recruitment,  
 144 employment, and retention of qualified teachers and principals. Each school board shall require all  
 145 instructional personnel to participate each year in these professional development programs.

146 G. Each local school board shall annually review its professional development program for quality,  
 147 effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers  
 148 and the academic achievement needs of the students in the school division.

149 **§ 54.1-2400. General powers and duties of health regulatory boards.**

150 The general powers and duties of health regulatory boards shall be:

151 1. To establish the qualifications for registration, certification, licensure, permit, or the issuance of a  
 152 multistate licensure privilege in accordance with the applicable law which are necessary to ensure  
 153 competence and integrity to engage in the regulated professions.

154 2. To examine or cause to be examined applicants for certification, licensure, or registration. Unless  
 155 otherwise required by law, examinations shall be administered in writing or shall be a demonstration of  
 156 manual skills.

157 3. To register, certify, license, or issue a multistate licensure privilege to qualified applicants as  
 158 practitioners of the particular profession or professions regulated by such board.

159 4. To establish schedules for renewals of registration, certification, licensure, permit, and the issuance of a  
 160 multistate licensure privilege.

161 5. To levy and collect fees for application processing, examination, registration, certification, permitting,  
 162 or licensure or the issuance of a multistate licensure privilege and renewal that are sufficient to cover all  
 163 expenses for the administration and operation of the Department of Health Professions, the Board of Health  
 164 Professions, and the health regulatory boards.

165 6. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that  
 166 are reasonable and necessary to administer effectively the regulatory system, which shall include provisions  
 167 for the satisfaction of board-required continuing education for individuals registered, certified, licensed, or  
 168 issued a multistate licensure privilege by a health regulatory board through delivery of health care services,  
 169 without compensation, to low-income individuals receiving health services through a local health department  
 170 or a free clinic organized in whole or primarily for the delivery of those health services. Such regulations  
 171 shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter  
 172 25 (§ 54.1-2500 et seq.).

173 7. To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate, license, permit, or  
 174 multistate licensure privilege which such board has authority to issue for causes enumerated in applicable law  
 175 and regulations.

176 8. To appoint designees from their membership or immediate staff to coordinate with the Director and the  
 177 Health Practitioners' Monitoring Program Committee and to implement, as is necessary, the provisions of  
 178 Chapter 25.1 (§ 54.1-2515 et seq.). Each health regulatory board shall appoint one such designee.

179 9. To take appropriate disciplinary action for violations of applicable law and regulations, and to accept,  
 180 in their discretion, the surrender of a license, certificate, registration, permit, or multistate licensure privilege

181 in lieu of disciplinary action.

182 10. To appoint a special conference committee, composed of not less than two members of a health  
183 regulatory board or, when required for special conference committees of the Board of Medicine, not less than  
184 two members of the Board and one member of the relevant advisory board, or, when required for special  
185 conference committees of the Board of Nursing, not less than one member of the Board and one member of  
186 the relevant advisory board, to act in accordance with § 2.2-4019 upon receipt of information that a  
187 practitioner or permit holder of the appropriate board may be subject to disciplinary action or to consider an  
188 application for a license, certification, registration, permit or multistate licensure privilege in nursing. The  
189 special conference committee may (i) exonerate; (ii) reinstate; (iii) place the practitioner or permit holder on  
190 probation with such terms as it may deem appropriate; (iv) reprimand; (v) modify a previous order; (vi)  
191 impose a monetary penalty pursuant to § 54.1-2401, (vii) deny or grant an application for licensure,  
192 certification, registration, permit, or multistate licensure privilege; and (viii) issue a restricted license,  
193 certification, registration, permit or multistate licensure privilege subject to terms and conditions. The order  
194 of the special conference committee shall become final 30 days after service of the order unless a written  
195 request to the board for a hearing is received within such time. If service of the decision to a party is  
196 accomplished by mail, three days shall be added to the 30-day period. Upon receiving a timely written  
197 request for a hearing, the board or a panel of the board shall then proceed with a hearing as provided in §  
198 2.2-4020, and the action of the committee shall be vacated. This subdivision shall not be construed to limit  
199 the authority of a board to delegate to an appropriately qualified agency subordinate, as defined in § 2.2-4001  
200 , the authority to conduct informal fact-finding proceedings in accordance with § 2.2-4019. The  
201 recommendation of such subordinate may be considered by a panel consisting of at least five board members,  
202 or, if a quorum of the board is less than five members, consisting of a quorum of the members, convened for  
203 the purpose of issuing a case decision. Criteria for the appointment of an agency subordinate shall be set forth  
204 in regulations adopted by the board.

205 11. To convene, at their discretion, a panel consisting of at least five board members or, if a quorum of the  
206 board is less than five members, consisting of a quorum of the members to conduct formal proceedings  
207 pursuant to § 2.2-4020, decide the case, and issue a final agency case decision. Any decision rendered by  
208 majority vote of such panel shall have the same effect as if made by the full board and shall be subject to  
209 court review in accordance with the Administrative Process Act. No member who participates in an informal  
210 proceeding conducted in accordance with § 2.2-4019 shall serve on a panel conducting formal proceedings  
211 pursuant to § 2.2-4020 to consider the same matter.

212 12. To issue inactive licenses or certificates and promulgate regulations to carry out such purpose. Such  
213 regulations shall include, but not be limited to, the qualifications, renewal fees, and conditions for  
214 reactivation of licenses or certificates.

215 13. To meet by telephone conference call to consider settlement proposals in matters pending before  
216 special conference committees convened pursuant to this section, or matters referred for formal proceedings  
217 pursuant to § 2.2-4020 to a health regulatory board or a panel of the board or to consider modifications of  
218 previously issued board orders when such considerations have been requested by either of the parties.

219 14. To request and accept from a certified, registered, or licensed practitioner; a facility holding a license,  
220 certification, registration, or permit; or a person holding a multistate licensure privilege to practice nursing, in  
221 lieu of disciplinary action, a confidential consent agreement. A confidential consent agreement shall be  
222 subject to the confidentiality provisions of § 54.1-2400.2 and shall not be disclosed by a practitioner or  
223 facility. A confidential consent agreement shall include findings of fact and may include an admission or a  
224 finding of a violation. A confidential consent agreement shall not be considered either a notice or order of any  
225 health regulatory board, but it may be considered by a board in future disciplinary proceedings. A  
226 confidential consent agreement shall be entered into only in cases involving minor misconduct where there is  
227 little or no injury to a patient or the public and little likelihood of repetition by the practitioner or facility. A  
228 board shall not enter into a confidential consent agreement if there is probable cause to believe the  
229 practitioner or facility has (i) demonstrated gross negligence or intentional misconduct in the care of patients  
230 or (ii) conducted his practice in such a manner as to be a danger to the health and welfare of his patients or  
231 the public. A certified, registered, or licensed practitioner, a facility holding a license, certification,  
232 registration, or permit, or a person holding a multistate licensure privilege to practice nursing who has entered  
233 into two confidential consent agreements involving a standard of care violation, within the 10-year period  
234 immediately preceding a board's receipt of the most recent report or complaint being considered, shall receive  
235 public discipline for any subsequent violation within the 10-year period unless the board finds there are  
236 sufficient facts and circumstances to rebut the presumption that the disciplinary action be made public.

237 15. *To adopt and implement policies providing for an annual continuing education program on*  
238 *communicating with children with autism spectrum disorder for any individual who is registered, certified,*  
239 *licensed, or issued a multistate licensure privilege by a health regulatory board whose duties involve direct*  
240 *contact with children. Such continuing education program shall include (i) an overview of the characteristics*  
241 *and behavioral recognition of autism spectrum disorder, (ii) strategies for communicating and interacting*

242 *with children with autism spectrum disorder, and (iii) best practices for responding to and de-escalating*  
243 *certain behavioral challenges and situations. Such continuing education program shall be optional for all*  
244 *such individuals, provided, however, that completion of such continuing education program shall count*  
245 *toward licensure renewal.*

246 16. When a board has probable cause to believe a practitioner is unable to practice with reasonable skill  
247 and safety to patients because of excessive use of alcohol or drugs or physical or mental illness, the board,  
248 after preliminary investigation by an informal fact-finding proceeding, may direct that the practitioner submit  
249 to a mental or physical examination. Failure to submit to the examination shall constitute grounds for  
250 disciplinary action. Any practitioner affected by this subsection shall be afforded reasonable opportunity to  
251 demonstrate that he is competent to practice with reasonable skill and safety to patients. For the purposes of  
252 this subdivision, "practitioner" shall include any person holding a multistate licensure privilege to practice  
253 nursing.