



TEACHER LICENSURE ENFORCEMENT

**PRESENTED TO THE
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EDUCATION**

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Teacher Licensure Enforcement

LEGISLATIVE AND BUDGET ISSUES

- ❑ The Code of Virginia currently does not require local school divisions, courts or social service agencies to report cases of educator misconduct to the Superintendent of Public Instruction or the Board of Education.
- ❑ Proposed legislation, House Bill 1067 and Senate Bill 241, if passed, would require
 - notification by the clerk of each circuit and district court to the Superintendent of Public Instruction and the division superintendent of the conviction of certain offenses of any individual holding a license issued by the Board of Education;
 - local school boards to develop policies and procedures to address complaints of sexual abuse of a student by a teacher or other school board employee;
 - the Board of Education to include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure in its licensure regulations;
 - notification to the Board of Education when a licensed employee of a school board is dismissed or resigns for certain convictions of enumerated crimes; and
 - notification to the Superintendent of Public Instruction when any individual holding a license is the subject of a founded complaint of child abuse or neglect.
- ❑ The Department of Education's Division of Teacher Education and Licensure operates primarily from proceeds from the fee schedule for the issuance of teaching licenses. Additional personnel are needed to investigate, research, and process cases for license denial, suspension, or revocation by the Board of Education.

- ❑ The Governor's introduced 2008-2010 biennium budget proposed an increase in non-general funding and positions to process cases for licensure denial, suspension, or revocation by the Board of Education.
 - Funding for this amendment would be supported by an increase in teacher licensure fees, which the Board of Education has regulatory authority to establish. Fees have not been increased since September 1, 1996.
 - FY2009, \$188,950 (NGF) and two positions
 - FY2010, \$203,400 (NGF)

BACKGROUND

- ❑ Virginia was among the first states to require criminal background checks for all public school teachers and other school board employees. As a condition of employment, the school boards of the Commonwealth shall require any applicant who is offered or accepts employment (after July 1, 1989), whether full-time, permanent, or temporary, to submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for a criminal background check. This requirement was extended in 1998 to include applicants for positions with accredited private and parochial schools.
- ❑ Since 1997, applicants to public school divisions offered or accepting employment requiring direct contact with students have been required to provide written consent and the necessary personal information for the hiring school board to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Virginia Department of Social Services.
- ❑ In 2006, HB 1109 expanded background check certifications to employees of contractors employed by public schools who have direct contact with students.

- ❑ The Virginia Board of Education has the authority to take action against teaching licenses for misconduct. The Board of Education took the following actions on teaching licenses from 2000 to 2007:

Year	Cancellations	Revocations	Denials	Suspensions	Total
2000	3	0	1	0	4
2001	0	1	0	0	1
2002	1	4	4	0	9
2003	2	2	2	0	6
2004	2	2	3	0	7
2005	0	1	2	0	3
2006	2	4 (includes one administrative endorsement)	1	1 (administrative endorsement)	8
2007	10	2	2	0	14

- ❑ On September 21, 2007, Virginia’s licensure regulations became effective to include specific procedures for the Board of Education to act directly when a local school board does not petition for revocation in cases of educator misconduct.
- ❑ The Code of Virginia currently does not require local school divisions, courts, or social service agencies to report cases of educator misconduct to the Superintendent of Public Instruction or the Board of Education.
- ❑ In January 2008, the Virginia Department of Education (VDOE) launched an investigation of former teachers who still hold active or inactive licenses despite having been dismissed or who resigned because of accusations of misconduct, convictions, or founded cases of abuse. These cases are being researched by department staff and petitions are expected to go to the Board of Education for revocation in February or March.
- ❑ The Virginia Department of Education is preparing to post on its Web site a list of actions against licenses by the Board of Education, including revocations and cancellations due to educator misconduct.
- ❑ The National Association of State Directors of Teacher Education and Certification (NASDTEC), provides a national database of teachers who have been disciplined for misconduct. Although

considered the best existing tool to prevent problem teachers from jumping state to state, the database is flawed and incomplete, according to a review by the *Sarasota Herald-Tribune*, the first newspaper to gain access to the list. NASDTEC has no official relationship with the U.S. Department of Education, and membership and reporting cases to the database by states, school divisions and private schools is voluntary. Virginia is a member of NASDTEC and reports Board disciplinary actions for professional misconduct.

AUTHORITY RELATED TO LICENSURE ACTIONS

§ 22.1-292.1. Violation of test security procedures; revocation of license.

- The Board of Education may suspend or revoke the administrative or teaching license it has issued to any person who commits any of the following acts knowingly and willfully with the intent to compromise secure mandatory tests administered to students as required by this title or by the Board of Education: ...
- Any suspension or revocation imposed for the acts enumerated in this section shall be rendered pursuant to Board regulations promulgated pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) and § 22.1-298.1, governing the licensure of teachers.

§ 22.1-298.1. Regulations governing licensure.

- ...The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license...

§ 22.1-296.1. Data on convictions for certain crimes and child abuse and neglect required; penalty.

- As a condition of employment for all of its public school employees, whether full-time or part-time, permanent, or temporary, every school board shall require on its application for employment certification (i) that the applicant has not been

convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and (ii) whether the applicant has been convicted of a crime of moral turpitude. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach.

- Every school board shall also require on its application for employment, as a condition of employment requiring direct contact with students, whether full-time or part-time, permanent, or temporary, certification that the applicant has not been the subject of a founded case of child abuse and neglect...

8VAC20-22-10 et. seq., Licensure Regulations for School Personnel, Part VII--Revocation, Cancellation, Suspension, Denial, and Reinstatement of Teaching Licenses

8VAC20-22-690. Revocation.

- A. A license issued by the Board of Education may be revoked for the following reasons:
1. Obtaining or attempting to obtain such license by fraudulent means or through misrepresentation of material facts;
 2. Falsification of school records, documents, statistics, or reports;
 3. Conviction of any felony;
 4. Conviction of any misdemeanor involving moral turpitude;
 5. Conduct with direct and detrimental effect on the health, welfare, discipline, or morale of students;
 6. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted;
 7. Acts related to secure mandatory tests as specified in [§22.1-292.1](#) of the Code of Virginia;

8. Knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by [§22.1-279.3:1](#) of the Code of Virginia. Any person whose administrative or teaching license is suspended or revoked by the board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth; or
9. Other just cause in the best interest of the public schools of the Commonwealth of Virginia....