

# Virginia Board of Education Agenda Item



**Agenda Item:** F

**Date:** July 28, 2016

<b>Title</b>	First Review of Proposed Teacher Licensure Requirements for Mixed-Delivery Preschool Fund and Grant Program in Response to 2016 Acts of Assembly		
<b>Presenter</b>	Dr. Mark Allan, Federal Preschool Development Grant Coordinator, Division of Instruction		
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**Purpose of Presentation:**

Action required by state or federal law or regulation.

**Previous Review or Action:**

No previous review or action.

**Action Requested:**

Final review: Action requested at this meeting.

The Board is being asked to waive first review and take action July 28, 2016.

**Alignment with Board of Education Goals: Please indicate (X) all that apply:**

	Goal 1: Accountability for Student Learning
	Goal 2: Rigorous Standards to Promote College and Career Readiness
	Goal 3: Expanded Opportunities to Learn
X	Goal 4: Nurturing Young Learners
	Goal 5: Highly Qualified and Effective Educators
	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

**Background Information and Statutory Authority:**

Goal 4: The Board of Education will work cooperatively with partners to promote new and innovative partnerships that help to ensure that all children enter kindergarten with the skills they need for success in school.

The Mixed-Delivery Preschool Grant Program was established by the 2016 General Assembly for the purpose of awarding grants on a competitive basis to urban, suburban, and rural community applicants to field-test innovative strategies and evidence-based practices that support a system of mixed-delivery preschool services. As stated in [§22.1-99.6](#) (Attachment A), “mixed-delivery” includes public, nonsectarian private, and faith-based early education programs. The 2016 Acts of Assembly (§22.1-99.6) require the Virginia Board of Education (Board) to prescribe certain basic conditions for teacher licensure for teachers participating in the Mixed-Delivery Preschool Fund and Grant Program.

Section 22.1-99.6 of the *Code of Virginia*, states, in part, the following:

...F. In order to provide program flexibility and maximize local innovation, grant recipients are eligible to request and receive waivers of Board regulations and guidelines. Notwithstanding the provisions of § 22.1-299, and in order for grant recipients to compare classroom and child outcomes among teachers with different credentials and qualifications pursuant to clause (ii) of subsection E, the Board shall waive teacher licensure requirements upon the request of any grant recipient so long as the teachers for whom such licensure requirements have been waived meet certain basic conditions for licensure prescribed by the Board. Such basic conditions for licensure shall include education and experience qualifications that do not exceed the education and experience qualifications for program leaders of licensed child day centers as set forth in 22VAC40-185-210. Upon the request of any grant recipient, other relevant state agencies and boards may grant additional waivers from agency or board regulations and guidelines, as deemed appropriate. Nothing in this subsection shall be construed to permit individuals or entities other than grant recipients to request and receive waivers pursuant to this subsection....

**Summary of Important Issues:**

Participation in high-quality preschool programs can effectively support the school readiness of at-risk children entering kindergarten. Virginia’s state-funded Virginia Preschool Initiative (VPI) has not enrolled all four-year-olds who are eligible based on family income or other risk factors. Barriers to success of full, effective deployment of VPI are structural and include school division financial challenges due to a required local match and lack of available classroom space within the public school setting. The Mixed-Delivery Preschool Grant Program will pilot possible solutions to barriers through a system of mixed-delivery preschool programs for at-risk students.

As required by §22.1-99.6, the Virginia Early Childhood Foundation (VECF) has administered a request for proposals process and invited community applicants to respond with localized innovations and approaches to a system of mixed-delivery preschool services. The VECF will award grants, in consultation with the Virginia Department of Education (VDOE).

In order to provide program flexibility and maximize local innovation, grant recipients are eligible to request and receive waivers of Board regulations and guidelines, including waivers of teacher licensure as mandated by §22.1-99.6.

Section 22.1-299 of the *Code of Virginia*, states, in part, the following:

No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license of provisional license issued by the Board of Education....

§22.1-99.6 states that the Board shall waive teacher licensure requirements upon the request of any grant recipient. This section also requires the Board to prescribe certain basic conditions for licensure. These conditions shall include education and experience qualifications that do not exceed the education and experience qualifications for program leaders of licensed child day centers as set forth in 22VAC40-185-210 (Attachment B). As stated in this *Code* section, nothing shall be construed to permit individuals or entities other than grant recipients to request and receive waivers pursuant to this subsection and the provisions of the Mixed-Delivery Preschool Program expire on July 1, 2019.

The proposed basic conditions for teacher licensure for the Mixed-Delivery Preschool Grant Program may be found in Attachment B (22VAC40-185-210).

**Impact on Fiscal and Human Resources:**

This responsibility can be absorbed by the agency's existing resources at this time.

**Timetable for Further Review/Action:**

None

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education waive first review and prescribe the basic conditions for teacher licensure for the Mixed-Delivery Preschool Grant Program (expires on July 1, 2019) as provided in Attachment B.

**Rationale for Action:**

The Board of Education is required and authorized by the *Code of Virginia* to prescribe the basic conditions for teacher licensure for the Mixed-Delivery Preschool Grant Program.

*Code of Virginia*

§ 22.1-199.6. (Expires July 1, 2019) Mixed-Delivery Preschool Fund and Grant Program established.

- A. As used in this section, "mixed-delivery" includes public, nonsectarian private, and faith-based early education programs.
- B. There is hereby created in the state treasury a special nonreverting fund to be known as the Mixed-Delivery Preschool Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. Any gifts, donations, grants, bequests, or other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of awarding grants to successful applicants under the Mixed-Delivery Preschool Grant Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent of Public Instruction.
- C. The Mixed-Delivery Preschool Grant Program is hereby established for the purpose of awarding grants on a competitive basis to urban, suburban, and rural community applicants to field-test innovative strategies and evidence-based practices that support a robust system of mixed-delivery preschool services in the Commonwealth.
- D. The Virginia Early Childhood Foundation shall administer a request for proposal process to invite community applicants to respond with localized innovations and approaches to a system of mixed-delivery preschool services.
- E. Grants shall be awarded by the Virginia Early Childhood Foundation, in consultation with the Department of Education, and the Foundation shall notify the Department of grant recipients. Priority shall be given to applicants who (i) commit to pursuing models of local governance that promote the successful mixed delivery of preschool services, (ii) compare classroom and child outcomes among teachers with different credentials and qualifications, (iii) utilize incentives to encourage participation, and (iv) utilize strategic assessment to discern student outcomes.
- F. In order to provide program flexibility and maximize local innovation, grant recipients are eligible to request and receive waivers of Board regulations and guidelines. Notwithstanding the provisions of § [22.1-299](#), and in order for grant recipients to compare classroom and child outcomes among teachers with different credentials and qualifications pursuant to clause (ii) of subsection E, the Board shall waive teacher licensure requirements upon the request of any grant recipient so long as the teachers for whom such licensure requirements have been waived meet certain basic conditions for licensure prescribed by the Board. Such basic conditions for licensure shall include education and experience qualifications that do not exceed the education and experience qualifications for program leaders of licensed child day centers as set forth in 22VAC40-185-210. Upon the request of any grant recipient, other relevant state agencies and boards may grant additional waivers from agency or board regulations and guidelines, as deemed appropriate. Nothing in this subsection shall be construed to permit individuals or entities other than grant recipients to request and receive waivers pursuant to this subsection.

G. Each grant recipient shall annually report on its mixed-delivery preschool services system and any waiver received pursuant to subsection F to the Chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health.

2016, c. [738](#).

**Basic Conditions for Teacher Licensure for the Mixed-Delivery Preschool Grant Program**

*Virginia Administrative Code*

Title 22. Social Services

Agency 40. Department of Social Services

Chapter 185. Chapter 185 Standards for Licensed Child Day Centers

22VAC40-185-210. Program Leader Qualifications.

A. Program leaders shall be at least 18 years of age, have fulfilled a high school program completion or the equivalent, and meet one of the following:

1. Have one of the program director qualifications in 22VAC40-185-190 (Attachment C);
2. Have an endorsement or bachelor's degree in a child-related field such as, but not limited to, elementary education, nursing, or recreation, from a college or university;
3. Have three months of programmatic experience and at least one of the following education backgrounds:
  - a. A one year early childhood certificate from a college or university that consists of at least 30 semester hours;
  - b. A child development credential by an organization listed in § 63.2-1738 of the *Code of Virginia* (Attachment D);
  - c. A teaching diploma from an internationally or nationally recognized Montessori organization; or
4. Have six months of supervised programmatic experience.
  - a. Within six months before being promoted or beginning work or one month after being promoted or beginning work, a minimum of 12 hours of training shall be received related to the care of children, including but not limited to:
    - (1) Child development;
    - (2) Playground safety;
    - (3) Health and safety issues; and
    - (4) Preventing and reporting child abuse and neglect.
  - b. Such training may take place on site while not supervising children. Such training hours shall increase according to the following:

- (1) Program leaders hired or promoted after June 1, 2006 16 hours
- (2) Program leaders hired or promoted after June 1, 2007 20 hours
- (3) Program leaders hired or promoted after June 1, 2008 24 hours

B. For program leaders of therapeutic child day programs and special needs child day programs, at least three months of programmatic experience shall be in the group care of children with special needs.

C. Notwithstanding the experience requirements in subsection A of this section, program leaders at short-term programs may have only one season of programmatic experience, provided that this experience shall include at least 200 hours, of which up to 24 hours can be formal training, working directly with children in a group.

**Statutory Authority**

§§ 63.2-217 and 63.2-1734 of the Code of Virginia.

**Historical Notes**

Former 22VAC15-30-260 derived from VR175-08-01 § 3.7, eff. November 1, 1993; amended, Virginia Register Volume 12, Issue 4, eff. March 1, 1996; Volume 14, Issue 21, eff. September 1, 1998; Volume 21, Issue 12, eff. June 1, 2005; amended and renumbered as 22VAC40-185-210, Virginia Register Volume 29, Issue 1, eff. November 1, 2012.

*Virginia Administrative Code*

Title 22. Social Services

Agency 40. Department of Social Services

Chapter 185. Chapter 185 Standards for Licensed Child Day Centers

22VAC40-185-190. Program Director Qualifications.

A. Program directors shall be at least 21 years of age and shall meet one of the following:

1. A graduate degree in a child-related field such as, but not limited to, elementary education, nursing, or recreation from a college or university and six months of programmatic experience;
2. An endorsement or bachelor's degree in a child-related field such as, but not limited to, elementary education, nursing, or recreation from a college or university and one year of programmatic experience;
3. Forty-eight semester hours or 72 quarter hours of college credit from a college or university of which 12 semester hours or 18 quarter hours are in child-related subjects and one year of programmatic experience;
4. Two years of programmatic experience with one year in a staff supervisory capacity and at least one of the following education backgrounds:
  - a. A one-year early childhood certificate from a college or university that consists of at least 30 semester hours;
  - b. A child development credential that requires:
    - (1) High school program completion or the equivalent;
    - (2) 480 hours working with children in a group which could include a supervised practicum; and
    - (3) Determination of competency in promoting children's development, providing a safe and healthy environment, managing the classroom environment and/or childhood program, and promoting positive and productive relationships with parents/guardians; and
    - (4) At least 120 clock hours of child-related training taught by an individual or by an organization with expertise in early childhood teacher preparation provided that the training facilitator:
      - (a) Documents the student's mastery and competence;
      - (b) Observes the student's application of competence in a classroom setting;
      - (c) Has a combination of at least six years of education (leading to a degree or credential in a child-related field) or programmatic experience; and

(d) Has at least 12 semester hours or 180 clock hours in a child-related field, a child development credential or equivalent, and two years of programmatic experience with one year in a staff supervisory capacity; or

c. A certification of qualification from an internationally or nationally recognized Montessori organization; or

5. Three years of programmatic experience including one year in a staff supervisory capacity and fulfilled a high school program completion or the equivalent.

a. Such programmatic experience shall be obtained in a child day center that offers a staff training program that includes: written goals and objectives; assessment of the employee's participation in the training; and the subject areas of first aid, human growth and development, health and safety issues and behavioral management of children.

b. Such employees shall complete 120 hours of training during this three-year period and provide documentation of completing the training.

c. Effective June 1, 2008, program directors shall meet a qualification as stated in subdivisions 1 through 4 of this subsection.

6. Exception (a): Program directors hired before June 1, 2005, who do not meet the qualifications may continue to be program directors as long as the program director: (i) obtains each year three semester hours or six quarter hours of college credit related to children until meeting a qualification option or (ii) is enrolled in and regularly works toward a child development credential as specified in subdivision 4 b of this subsection, which credential must be awarded by June 1, 2009.

Exception (b): Program directors hired or promoted on or after June 1, 2005, until June 1, 2006, who do not meet the qualifications may continue to be program directors as long as the program director: (i) obtains each year six semester hours or nine quarter hours of college credit related to children until meeting a qualification option or (ii) is enrolled in and regularly works toward a child development credential as specified in subdivision 4 b of this subsection, which credential must be awarded no later than June 1, 2007.

B. Program directors without management experience shall have one college course in a business-related field, 10 clock hours of management training, or one child care management course that satisfactorily covers the management functions of:

1. Planning;
2. Budgeting;
3. Staffing; and
4. Monitoring.

\*Note: Management experience is defined as at least six months of on-the-job training in an administrative position that requires supervising, orienting, training, and scheduling staff.

C. For program directors of therapeutic child day programs and special needs child day programs, education and programmatic experience shall be in the group care of children with special needs.

D. Notwithstanding subsection A of this section, a person between 19 and 21 years of age may serve as a program director at a short-term program serving only school age children if the program director has daily supervisory contact by a person at least 21 years of age who meets one of the program director qualification options.

Statutory Authority

§§ 63.2-217 and 63.2-1734 of the *Code of Virginia*.

Historical Notes

Former 22VAC15-30-230 derived from VR175-08-01 § 3.4, eff. November 1, 1993; amended, Volume 12, Issue 04, eff. March 1, 1996; Volume 14, Issue 21, eff. September 1, 1998; Volume 21, Issue 12, eff. June 1, 2005; amended and renumbered as 22VAC40-185-190, Virginia Register Volume 29, Issue 01, eff. November 1, 2012.

*Code of Virginia*

§ 63.2-1738. Program leaders and child-care supervisors at licensed child day centers; approved credential.

Program leaders and child-care supervisors employed by child day centers may possess an approved credential. For purposes of this section:

"Approved credential" means a competency-based credential awarded to individuals who work with children ages five and under in either a teaching, supervisory or administrative capacity and that is specifically awarded or administered by the National Association for the Education of Young Children; the National Academy of Early Childhood Programs; the Association of Christian Schools International; the American Association of Christian Schools; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and Programs; the International Academy for Private Education; the American Montessori Society; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; the National Accreditation Commission; the Virginia Community College System or other institution of higher learning; or its equivalent as determined by the Department.

"Program leader" or "child-care supervisor" means an individual designated to be responsible for the direct supervision of children and for the implementation of the activities and services for a group of children in a licensed child day center.

2002, c. 848, § 63.1-202.02; 2003, c. 467.