

Licensure Regulations for School Personnel

Effective September 21, 2007

Amended January 19, 2011

Amended January 16, 2013

Amended August 28, 2013

*Virginia Board of Education
8VAC20-22-10 et seq.*



*Virginia Department of Education
Division of Teacher Education and Licensure
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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.
- B. Procedures.
1. Submission of complaints. A complaint may be filed by anyone, but it shall be the duty of a division superintendent, principal or other responsible school

employee to file a complaint in any case in which he has knowledge that a holder of a license is guilty of any offense set forth in subsection A of this section. The person making the complaint shall submit it in writing to the appropriate division superintendent.

2. Action by division superintendent; investigation. Upon receipt of the complaint against the holder of a license, a division superintendent or his duly authorized representative shall investigate the charge. If, on the basis of such investigation, the division superintendent finds the complaint to be without merit, he shall so notify the complaining party or parties in writing and then close his file on the matter. This action shall be final unless the local school board, on its own motion, votes to proceed to a hearing on the complaint or unless circumstances are present making subsection A of this section applicable.
- C. Petition for revocation. Should the division superintendent or local school board conclude that there is reasonable cause to believe that a complaint against the holder of a license is well founded, the teacher shall be notified of the complaint by a written petition for revocation of a license signed by the division superintendent. A copy of such petition shall be sent by certified mail, return receipt requested, to the teacher's last known address. If not otherwise known, the last known address shall be the address shown in the records of the Department of Education.
- D. Form of petition. The petition for the revocation of a license shall set forth:
1. The name and last known address of the person against whom the petition is being filed;
 2. The type of license and the license number held by the person against whom the petition is being filed;
 3. The offenses alleged and the specific actions that comprise the alleged offenses;
 4. The name and address of the party filing the original complaint against the license holder;
 5. A statement of rights of the person charged under this chapter. The statement of rights shall include notification to the person of the right to cancel the license if he chooses not to contest the charges. The statement must 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 to chief state school officers of the other states and territories of the United States; and

6. Any other pertinent information.
- E. Filing of petition. The original petition shall be entered in the files of the local school board where the license holder is employed.
- F. Response to petition. The license holder shall present his written answer to the petition, if any, within 14 days after the date of service of the petition as certified by the United States Postal Service.
1. If the teacher does not wish to contest the charges, he may cancel the license by returning the license to the division superintendent with a written, signed statement requesting cancellation. 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 by certified mail within 14 days of receipt of the request for cancellation.
 2. If the license holder files a written answer admitting the charges, or refuses to accept the copy of the petition from the postal authorities, or fails to file a written answer within 14 days after service of the petition or has failed to provide postal authorities with a forwarding address so that the petition can be delivered, the local school board shall proceed to a hearing as described in subdivisions 3 and 4 of this subsection.
 3. If the license holder files his written answer denying the charges in the petition, the local school board shall provide a hearing at the time and place of its regular meeting or at such other reasonable time and place it may specify. The license holder or his representative, if any, shall be given at least 14 days' notice of the hearing.
 4. Following the hearing, the local school board shall receive the recommendation of the division superintendent and then either dismiss the charges or recommend license revocation or suspension. A decision to dismiss the charges shall be final, except as specified in subsection G of this section, and the investigative file on the charges shall be closed and maintained as a separate file. Any record or material relating to the charges in any other file 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 and the investigative file to the Superintendent of Public Instruction within 14 days.
- G. Revocation on motion of the Board of Education. The Board of Education reserves the right, in situations not covered by this chapter, to act directly to revoke a license when the division superintendent or the local school board has not filed a petition for revocation and the Board of Education has reasonable

cause to believe that subsection A of this section is applicable. The Superintendent of Public Instruction shall send a petition for revocation to the license holder as provided by subsection D of this section. The license holder shall have the opportunity to respond to the petition or request cancellation of the license within 14 days of receipt.

1. If the license holder files a written answer admitting the charges, or refuses to accept the copy of the petition from the postal authorities, or fails to file a written answer within 14 days after service of the petition or has failed to provide postal authorities with a forwarding address so that the petition can be delivered, the petition shall be forwarded to the 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 8VAC20-22-740 B.
 2. If the license holder timely files his written answer denying the charges in the petition, the Superintendent of Public Instruction shall schedule a hearing with the investigative panel provided in 8VAC20-21-740. 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 8VAC20-21-740. No revocation will be ordered without the involved license holder being given the opportunity to appear at a hearing specified in 8VAC20-21-740 C.
- H. Reinstatement of license. A license that has been revoked may be reinstated by the Board of Education after five years if the board is satisfied that reinstatement is in the best interest of the former license holder and the public schools of the Commonwealth of Virginia. The individual must apply to the board for reinstatement. Notification to all appropriate parties will be communicated in writing by the state agency.

8VAC20-22-700. Cancellation.

- A. A license may be canceled by the voluntary return of the license by the license holder. Reasons for cancellation are the same as those listed under 8VAC20-22-690 A.
- B. Procedures. The individual may voluntarily return the license to the division superintendent or the Superintendent of Public Instruction following revocation on motion by the Board of Education with a written, signed statement requesting cancellation. The individual shall acknowledge in the request that he understands that the notice of cancellation will include the statement: "The license holder voluntarily returned his teaching license and requested cancellation. Reasons for cancellation are the same as those for revocation." However, if the request for cancellation is in response to a petition for revocation, the individual shall acknowledge that he understands that the notice of cancellation will include the statement: "The license holder voluntarily returned the license in response to a petition for revocation." The individual also shall acknowledge that he

understands that the cancellation of the license will be reported to division superintendents in Virginia and to chief state school officers of the other states and territories of the United States. When applicable, 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 the person a notice of cancellation by certified mail within 14 days of receipt of the request for cancellation.

- C. Reinstatement of license. A license that has been canceled may be reissued using the normal procedure for application if the board is satisfied that reinstatement is in the best interest of the former license holder and the public schools of the Commonwealth of Virginia. The individual must apply to the board for reinstatement. Notification to all appropriate parties will be communicated in writing by the Department of Education.

8VAC20-22-710. Suspension.

- A. A license may be suspended for the following reasons:

1. Physical, mental, or emotional incapacity as shown by a competent medical authority;
2. Incompetence or neglect of duty;
3. Failure or refusal to comply with school laws and regulations, including willful violation of contractual obligations;
4. Acts related to secure mandatory tests as specified in §22.1-292.1 of the Code of Virginia;
5. Knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by §22.1-279.3:1 of the Code of Virginia. Any person whose administrative or teaching license is suspended or revoked by the board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth; or
6. Other good and just cause of a similar nature in the best interest of the public schools of the Commonwealth of Virginia.

- B. Procedures.

1. Submission of complaints. A complaint may be filed by anyone, but it shall be the duty of a division superintendent, principal, or other responsible school employee to file a complaint in any case in which he has knowledge that the license holder has committed any offense set forth in subsection A of this section. The person making the complaint shall submit it in writing to the appropriate division superintendent.
 2. Action by division superintendent; investigation. Upon receipt of the complaint against the holder of a license, a division superintendent or his duly authorized representative shall investigate the charge. If, on the basis of such investigation, the division superintendent finds the complaint to be without merit, he shall so notify the complaining party or parties in writing and then close his file on the matter. This action shall be final unless the local school board on its own motion votes to proceed to a hearing on the complaint or unless circumstances are present making subsection C of this section applicable.
- C. Petition for suspension. Should the division superintendent or local school board conclude that there is reasonable cause to believe that a complaint against the holder of a license is well founded, the teacher shall be notified of the complaint by a written petition for suspension of a license signed by the division superintendent. A copy of such petition shall be sent by certified mail, return receipt requested, to the teacher's last known address. If not otherwise known, the last known address shall be the address shown in the records of the Department of Education.
- D. Form of petition. The petition for the suspension of a license shall set forth:
1. The name and last known address of the person against whom the petition is being filed;
 2. The type of license and the license number held by the person against whom the petition is being filed;
 3. The offenses alleged and the specific actions that comprise the alleged offenses;
 4. The name and address of the party filing the original complaint against the license holder;
 5. A statement of the rights of the person charged under this chapter. The statement of rights shall notify the person of the right to cancel the license if he chooses not to contest the charges. The statement also shall notify the individual that the license may be suspended for up to five years and 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 suspension." The individual also shall be notified that the cancellation and

period of suspension will be reported to division superintendents in Virginia and to chief state school officers of the other states and territories of the United States ; and

6. Any other pertinent information.
- E. Filing of petition. The original petition shall be entered in the files of the local school board where the license holder is employed.
- F. Response to petition. The license holder shall present his written answer to the petition, if any, within 14 days after the date of service of the petition as certified by the United States Postal Service.
1. If the teacher does not wish to contest the charges, he may cancel the license by returning the license to the division superintendent with a written and signed statement requesting cancellation. The division superintendent shall forward the request for cancellation along with the petition for suspension to the Superintendent of Public Instruction within 14 days of receipt. The Superintendent of Public Instruction shall cancel the license and send the person a notice of cancellation along with the time period for the suspension by registered mail within 14 days of receipt of the request for cancellation.
 2. If the license holder files a written answer admitting the charges, or refuses to accept the copy of the petition from the postal authorities, or fails to file a written answer within 14 days after service of the petition, or has failed to provide postal authorities with a forwarding address so that the petition can be delivered, the local school board shall proceed to a hearing as described in subdivisions 3 and 4 of this subsection.
 3. If the license holder files his written answer denying the charges in the petition, the local school board shall provide a hearing at the time and place of its regular meeting or at such other reasonable time and place it may specify. The license holder or his representative, if any, shall be given at least 14 days notice of the hearing.
 4. Following its hearing, the local school board shall receive the recommendation of the division superintendent and then either dismiss the charges or make such recommendations relative to suspension of a license as it deems appropriate. A decision to dismiss the charges shall be final, except as specified in subsection G of this section, and the file on the charges shall be closed and all materials expunged. Should the local school board recommend the suspension of a license, this recommendation, along with supporting evidence, shall promptly be forwarded by the division superintendent to the Superintendent of Public Instruction.

- G. Suspension on motion of Board of Education. The Board of Education reserves the right, in situations not covered by this chapter, to act directly in suspending a license. No such suspension will be ordered without the involved license holder being given the opportunity for the hearing as specified in 8VAC20-22-740 C.
- H. Reinstatement of license. A license may be suspended for a period of time not to exceed five years. The license may be reinstated by the Department of Education, upon request, with verification that all requirements for license renewal have been satisfied. The individual must apply to the board for reinstatement. Notification to all appropriate parties will be communicated in writing by the Department of Education.

8VAC20-22-720. Denial.

- A. A license may be denied for the following reasons:
 - 1. Attempting to obtain such license by fraudulent means or through misrepresentation of material facts;
 - 2. Falsification of records or documents;
 - 3. Conviction of any felony;
 - 4. Conviction of any misdemeanor involving moral turpitude;
 - 5. Conduct with a direct and detrimental effect on the health, welfare, discipline, or morale of students;
 - 6. Revocation, suspension, or invalidation of the license by another state or territory; or
 - 7. Other good and just cause of a similar nature.
- B. Expired license. The holder of a license that has expired may be denied renewal or reinstatement by the Superintendent of Public Instruction for any of the reasons specified in 8VAC20-22-690 A. No such denial will be ordered unless the license holder is given the opportunity for the hearing specified in 8VAC20-22-740 C.

8VAC20-22-730. Right to counsel and transcript.

A license holder shall have the right, at his own expense, to be represented by an attorney or other representative at the local school board hearing provided for in 8VAC20-22-690 F, the investigative panel hearing provided for in 8VAC20-22-740 A, or in the proceedings before the Board of Education, as specified in 8VAC20-22-740 A .