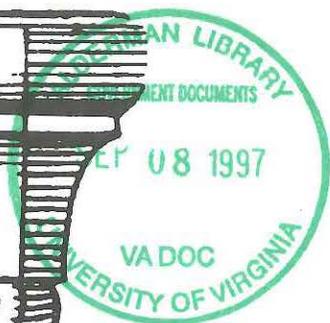
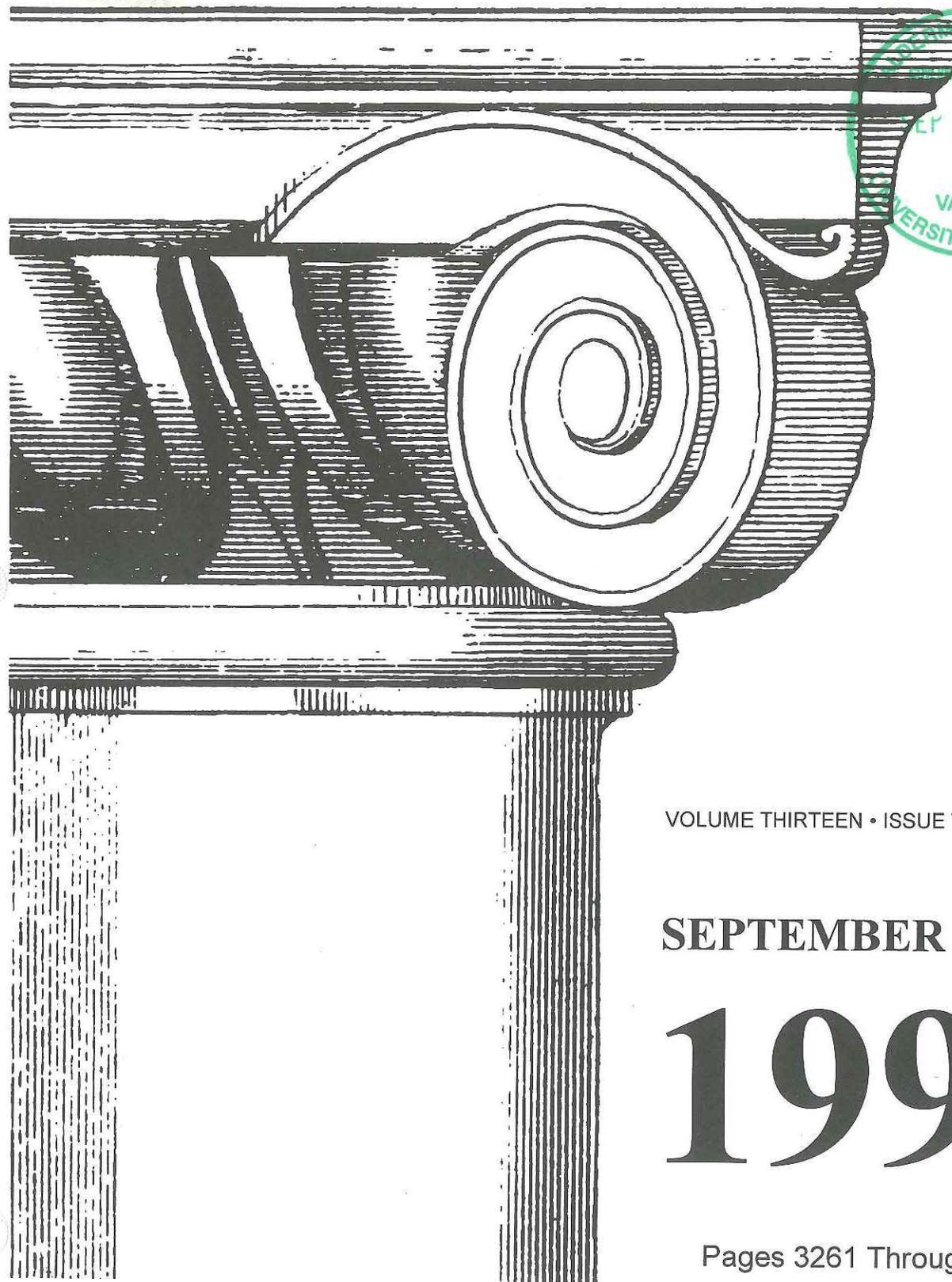


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# THE VIRGINIA REGISTER

VA  
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OF REGULATIONS



VOLUME THIRTEEN • ISSUE TWENTY-FIVE

SEPTEMBER 1, 1997

# 1997

Pages 3261 Through 3452

# THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. 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 OF REGULATIONS. In addition, THE VIRGINIA REGISTER is a source of other information about state government, including all emergency regulations and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish 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 proposal 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 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 appropriate standing committee of each branch 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 committee, 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 standing committees 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 changes made to the proposed regulation 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*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, 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 extension 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.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

## EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation; and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. 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 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 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. 12:8 VA.R. 1096-1106 January 8, 1996, refers to Volume 12, Issue 8, pages 1096 through 1106 of the *Virginia Register* issued on January 8, 1996.

"THE VIRGINIA REGISTER OF REGULATIONS" (USPS-001831) is published bi-weekly, with quarterly cumulative indices published in January, April, July and October, for \$100 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Periodical Postage Rates Paid at Richmond, Virginia. POSTMASTER: Send address changes to THE VIRGINIA REGISTER OF REGULATIONS, 910 CAPITOL STREET, 2ND FLOOR, RICHMOND, VIRGINIA 23219.

The *Virginia Register of Regulations* is published pursuant to Article 7 (§ 9-6.14:22 et seq.) of Chapter 1.1:1 of the Code of Virginia. Individual copies, if available, may be purchased for \$4.00 each from the Registrar of Regulations.

Members of the Virginia Code Commission: Joseph V. Gartlan, Jr., Chairman; W. Tayloe Murphy, Jr., Vice Chairman; Robert L. Calhoun; Russell M. Carneal; Bernard S. Cohen; Jay W. DeBoer; Frank S. Ferguson; E. M. Miller, Jr.; Jackson E. Reasor, Jr.; James B. Wilkinson.

Staff of the *Virginia Register*: E. M. Miller, Jr., Acting Registrar of Regulations; Jane D. Chaffin, Deputy Registrar of Regulations.

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# PUBLICATION DEADLINE AND SCHEDULES

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September 1997 through June 1998

**Material Submitted  
By Noon Wednesday**

**Will Be Published On**

**Volume 13**

August 13, 1997

September 1, 1997

August 27, 1997

September 15, 1997

**FINAL INDEX - Volume 13**

**October 1997**

**Volume 14**

September 10, 1997

September 29, 1997

September 24, 1997

October 13, 1997

October 8, 1997

October 27, 1997

October 22, 1997

November 10, 1997

November 5, 1997

November 24, 1997

November 18, 1997 (Tuesday)

December 8, 1997

December 3, 1997

December 22, 1997

**INDEX 1 - Volume 14**

**January 1998**

December 16, 1997 (Tuesday)

January 5, 1998

December 31, 1997

January 19, 1998

January 14, 1998

February 2, 1998

January 28, 1998

February 16, 1998

February 11, 1998

March 2, 1998

February 25, 1998

March 16, 1998

March 11, 1998

March 30, 1998

**INDEX 2 - Volume 14**

**April 1998**

March 25, 1998

April 13, 1998

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

† Indicates entries since last publication of the *Virginia Register*

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### BOARD OF AGRICULTURE AND CONSUMER SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-50-10 et seq. Rules and Regulations Governing the Prevention, Control, and Eradication of Brucellosis in Cattle in Virginia.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including but not limited to expanding the scope of the regulation to include cervidae (all species of deer, elk, and moose) and bison (all animals in the genus bison). The recommendation to expand the regulation to require brucellosis testing of cervidae and bison and subject them to certain other requirements of the regulation differs from the recommendation contained in the report on this regulation made as a part of the comprehensive review of existing regulations. The recommendation of that earlier document was that the regulation should not be amended. The reason for this recommendation is that it is important to assure that brucellosis from infected cervidae and bison do not infect Virginia's cattle. Also, the federal government is proposing that all states have cervidae brucellosis eradication programs in place by 1998. The agency intends to hold a public hearing on the proposed regulation after publication.

The agency invites comment on whether there should be an advisor appointed for the present regulatory action. An advisor is (i) a standing advisory panel, (ii) an ad-hoc advisory panel, (iii) consultation with groups, (iv) consultation with individuals, or (v) any combination thereof.

Statutory Authority: §§ 3.1-724, 3.1-726, and 3.1-730 of the Code of Virginia.

Public comments may be submitted until 8:30 a.m. on September 19, 1997, to Dr. W. M. Sims, Jr., Department of Agriculture and Consumer Services, Division of Animal Industry Services, P.O. Box 1163, Richmond, Virginia 23218-1163.

**Contact:** Thomas R. Lee, Program Supervisor, Office of Veterinary Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218-1163, telephone (804) 786-2483.

VA.R. Doc. No. R97-653; Filed July 21, 1997, 4:49 p.m.

### STATE AIR POLLUTION CONTROL BOARD

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-40-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. F97).** The purpose of the proposed action is to adopt regulation amendments that remove requirements concerning petroleum liquid storage and transfer operations (9 VAC 5 Chapter 40, Article 37) that exceed federal mandates as identified pursuant to the review of existing regulations mandated by Executive Order 15(94).

**Public Meeting:** A public meeting will be held by the department in the Training Room, 629 East Main Street, Richmond, Virginia, at 11 a.m. on October 8, 1997, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

**Ad Hoc Advisory Group:** The department will form an ad hoc advisory group to assist in the development of the regulation. If you desire to be on the group, notify the agency contact in writing by 4:30 p.m. October 9, 1997, and provide your name, address, phone number and the organization you represent (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants. If you wish to be on the group, you are encouraged to attend the public meeting mentioned above. The primary function of the group is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus.

**Public Hearing Plans:** After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

**Need:** The contemplated regulation is essential (i) to protect the health, safety or welfare of citizens or (ii) for the efficient and economical performance of an important governmental function. The reasoning for this conclusion is set forth below.

The agency performed an analysis to determine if statutory mandates justify continuation of the regulation. The analysis revealed that statutory justification does exist for the regulation. The regulation was adopted in order to implement the policy set forth in the Virginia Air Pollution Control Law and to fulfill the Commonwealth's responsibilities under the federal Clean Air Act to provide a legally enforceable State Implementation Plan for the control of criteria pollutants. These statutes still remain in force with the provisions that initiated adoption of the regulation still intact.

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## Notices of Intended Regulatory Action

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Analysis reveals that the regulation is consistent with applicable state and federal regulations, statutory provisions, and judicial decisions. Factors and circumstances (federal statutes, original intent, state air quality program, and air pollution control methodology and technology) which justified the original issuance of the regulation have not changed to a degree that would justify a change to the basic requirements of the regulation.

Federal guidance on states' approaches to air pollution control has varied considerably over the years, ranging from very general in the early years of the Clean Air Act to very specific in more recent years. The 1977 amendments to the Clean Air Act authorized the establishment of nonattainment areas and prescribed specific requirements for those areas. These amendments also required EPA to promulgate minimum RACT requirements for sources of volatile organic compounds. These requirements are summarized in Appendix D to EPA's proposed policy statement. See 52 FR 45105 (November 24, 1987). The 1990 amendments to the Clean Air Act required states to adopt regulations incorporating EPA's minimum RACT requirements for sources of volatile organic compounds. Therefore, the legally binding federal mandate for this regulation derives from the minimum RACT requirements published pursuant to the 1977 amendments combined with the directive in the 1990 amendments for states to adopt regulations which include these minimum RACT requirements in order to control volatile organic compounds, which are emitted by the sources subject to this regulation.

There is, however, one provision of the regulation that exceeds the specific minimum requirements of a legally binding state or federal mandate.

9 VAC 5-40-5200 B specifies the applicability of the regulation to sources outside the volatile organic compound emissions control areas according to a phased schedule set forth in 9 VAC 5-40-5200 B 1, 2, and 3. This requirement exceeds the federal mandate, which requires only sources inside, not outside, the volatile organic compound emissions control areas to comply with the standards. When the regulation was adopted Virginia's State Air Pollution Control Board chose to extend the applicability of the regulation to the entire state.

The specified provision of the regulation is not essential to protect the health, safety or welfare of the citizens of the Commonwealth because recent Regional Oxidant Modeling (ROM) has shown that controlling volatile organic compound emissions outside nonattainment areas does not contribute significantly to attainment within those areas. Therefore, the extension of the regulation's applicability to the entire state does not accomplish any more than limiting the applicability to the volatile organic compound emissions control areas.

Alternatives: Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the third alternative is appropriate as it is the least burdensome and least intrusive alternative that fully meets the purpose of the

regulation amendments. The alternatives being considered by the department are discussed below.

1. Take no action to amend the regulation. This option is not being selected because of the reason specified below in 3.
2. Make alternative regulatory changes to those that are required by the provisions of the legally binding state or federal mandates. This option is not being selected because such changes are not warranted.
3. Amend the regulation to satisfy the provisions of the legally binding state or federal mandates. This option is being selected because such changes are necessary as the current regulation needlessly exceeds the federal mandate.

Costs and Benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Applicable Statutory Requirements: The regulation is mandated by federal law or regulation. A succinct statement of the source (including legal citation) and scope of the mandate may be found below.

Section 110(a) of the Clean Air Act (CAA) mandates that each state adopt and submit to EPA a plan which provides for the implementation, maintenance, and enforcement of each primary and secondary air quality standard within each air quality control region in the state. The state implementation plan shall be adopted only after reasonable public notice is given and public hearings are held. The plan shall include provisions to accomplish, among other tasks, the following:

- (1) establish enforceable emission limitations and other control measures as necessary to comply with the provisions of the CAA, including economic incentives such as fees, marketable permits, and auctions of emissions rights;
- (2) establish schedules for compliance;
- (3) prohibit emissions which would contribute to nonattainment of the standards or interference with maintenance of the standards by any state; and
- (4) require sources of air pollution to install, maintain, and replace monitoring equipment as necessary and to report periodically on emissions-related data.

40 CFR Part 51 sets out the general requirements for the preparation, adoption, and submittal of state implementation plans. These requirements mandate that any such plan shall include several provisions including those summarized below.

Subpart G (Control Strategy) specifies the description of control measures and schedules for implementation, the description of emissions reductions estimates sufficient to attain and maintain the standards, time periods for demonstrations of the control strategy's adequacy, an

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## Notices of Intended Regulatory Action

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emissions inventory, an air quality data summary, data availability, special requirements for lead emissions, stack height provisions, and intermittent control systems.

Subpart K (Source Surveillance) specifies procedures for emissions reports and recordkeeping, procedures for testing, inspection, enforcement, and complaints, transportation control measures, and procedures for continuous emissions monitoring.

Subpart L (Legal Authority) specifies the requirements for legal authority to implement plans.

Section 51.230 under Subpart L specifies that each state implementation plan must show that the state has the legal authority to carry out the plan, including the authority to perform the following actions:

- (1) adopt emission standards and limitations and any other measures necessary for the attainment and maintenance of the national ambient air quality standards;
- (2) enforce applicable laws, regulations, and standards, and seek injunctive relief;
- (3) abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons;
- (4) prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which directly or indirectly results or may result in emissions of any air pollutant at any location which will prevent the attainment or maintenance of a national standard;
- (5) obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources;
- (6) require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the state on the nature and amounts of emissions from such stationary sources; and
- (7) make emissions data available to the public as reported and as correlated with any applicable emission standards or limitations.

Section 51.231 under Subpart L requires the identification of legal authority as follows:

- (1) the provisions of law or regulation which the state determines provide the authorities required under this section must be specifically identified, and copies of such laws or regulations must be submitted with the plan; and

(2) the plan must show that the legal authorities specified in this subpart are available to the state at the time of submission of the plan.

Subpart N (Compliance Schedules) specifies legally enforceable compliance schedules, final compliance schedule dates, and conditions for extensions beyond one year.

Part D of the Clean Air Act specifies state implementation plan requirements for nonattainment areas, with Subpart 1 covering nonattainment areas in general and Subpart 2 covering additional provisions for ozone nonattainment areas.

Section 171 defines "reasonable further progress," "nonattainment area," "lowest achievable emission rate," and "modification."

Section 172(a) authorizes EPA to classify nonattainment areas for the purpose of assigning attainment dates. Section 172(b) authorizes EPA to establish schedules for the submission of plans designed to achieve attainment by the specified dates. Section 172(c) specifies the provisions to be included in each attainment plan, as follows:

- (1) the implementation of all reasonably available control measures as expeditiously as practicable and shall provide for the attainment of the national ambient air quality standards;
- (2) the requirement of reasonable further progress;
- (3) a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutants in the nonattainment area;
- (4) an identification and quantification of allowable emissions from the construction and modification of new and modified major stationary sources in the nonattainment area;
- (5) the requirement for permits for the construction and operations of new and modified major stationary sources in the nonattainment area;
- (6) the inclusion of enforceable emission limitations and such other control measures (including economic incentives such as fees, marketable permits, and auctions of emission rights) as well as schedules for compliance;
- (7) if applicable, the proposal of equivalent modeling, emission inventory, or planning procedures; and
- (8) the inclusion of specific contingency measures to be undertaken if the nonattainment area fails to make reasonable further progress or to attain the national ambient air quality standards by the attainment date.

Section 172(d) requires that attainment plans be revised if EPA finds inadequacies. Section 172(e) authorizes the issuance of requirements for nonattainment areas in the event of a relaxation of any national ambient air quality

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# Notices of Intended Regulatory Action

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standard. Such requirements shall provide for controls which are not less stringent than the controls applicable to these same areas before such relaxation.

Under Part D, Subpart 2, § 182(a)(2)(A) requires that the existing regulatory program requiring reasonably available control technology (RACT) for stationary sources of volatile organic compounds (VOCs) in marginal nonattainment areas be corrected by May 15, 1991, to meet the minimum requirements in existence prior to the enactment of the 1990 amendments. RACT is the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. EPA has published control technology guidelines (CTGs) for various types of sources, thereby defining the minimum acceptable control measure or RACT for a particular source type.

Section 182(b) requires stationary sources in moderate nonattainment areas to comply with the requirements for sources in marginal nonattainment areas. The additional, more comprehensive control measures in § 182(b)(2)(A) require that each category of VOC sources employ RACT if the source is covered by a CTG document issued between enactment of the 1990 amendments and the attainment date for the nonattainment area. Section 182(b)(2)(B) requires that existing stationary sources emitting VOCs for which a CTG existed prior to adoption of the 1990 amendments also employ RACT.

Section 182(c) requires stationary sources in serious nonattainment areas to comply with the requirements for sources in both marginal and moderate nonattainment areas.

EPA has issued detailed guidance that sets out its preliminary views on the implementation of the air quality planning requirements applicable to nonattainment areas. This guidance is titled the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (or "General Preamble"). See 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992). The General Preamble has been supplemented with further guidance on Title I requirements. See 57 FR 31477 (July 16, 1992) (announcing the availability of draft guidance for lead nonattainment areas and serious PM<sub>10</sub> nonattainment areas); 57 FR 55621 (Nov. 25, 1992) (guidance on NO<sub>x</sub> RACT requirements in ozone nonattainment areas). For this subject, the guidance provides little more than a summary and reiteration of the provisions of the Act.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. October 9, 1997, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

**Contact:** Mary E. Major, Environmental Program Manager, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

VA.R. Doc. No. R97-709; Filed August 12, 1997, 4:03 p.m.

## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-40-10 et seq., 9 VAC 5-50-10 et seq., and 9 VAC 5-60-10 et seq., Regulations for the Control and Abatement of Air Pollution (Rev. D97)**. The purpose of the proposed action is to adopt regulation amendments to update the special provisions for existing sources, 9 VAC 5 Chapter 40, Part I; new and modified sources, 9 VAC 5 Chapter 50, Part I; and hazardous air pollutant sources, 9 VAC 5 Chapter 60, Part I, to be consistent with federal requirements as identified pursuant to the review of existing regulations mandated by Executive Order 15(94).

**Public Meeting:** A public meeting will be held by the department in the Training Room, 629 East Main Street, Richmond, Virginia, at 10 a.m. on October 8, 1997, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

**Ad Hoc Advisory Group:** The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue may be submitted until 4:30 p.m. October 9, 1997, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

**Public Hearing Plans:** After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

**Need:** The contemplated regulation is essential (i) to protect the health, safety or welfare of citizens or (ii) for the efficient and economical performance of an important governmental function. The reasoning for this conclusion is set forth below.

The agency performed an analysis to determine if statutory mandates justify continuation of the regulation. The analysis revealed that statutory justification does exist for the regulation. The regulation was adopted in order to implement the policy set forth in the Virginia Air Pollution Control Law and to fulfill the Commonwealth's responsibilities under the Federal Clean Air Act to provide a legally enforceable State Implementation Plan for the control of criteria pollutants. These statutes still remain in force with the provisions that initiated adoption of the regulation still intact.

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## Notices of Intended Regulatory Action

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Analysis reveals that the regulation is not consistent with applicable state and federal regulations, statutory provisions, and judicial decisions. Factors and circumstances (federal statutes, original intent, state air quality program and air pollution control methodology and technology) which justified the initial issuance of the regulation have changed to a degree that would justify a change to the basic requirements of the regulation, as explained below.

### 9 VAC 5 Chapter 40, Existing Sources

Federal guidance on states' approaches to air pollution control has varied considerably over the years, ranging from very general in the early years of the Clean Air Act to very specific in more recent years. 9 VAC 5 Chapter 40, Part I, Special Provisions for Existing Sources, was adopted in 1975, when little detailed guidance existed. Therefore, the legally binding federal mandate for this regulation is general, not specific, consisting of the Clean Air Act's broad-based directive to states to meet the air quality standards.

The current regulatory requirements of 9 VAC 5 Chapter 40, Part I, Special Provisions, for Existing Sources and 9 VAC 5-10-20, Appendices J and N were reviewed against the current requirements of 40 CFR Part 51, and Appendix M and Appendix P to 40 CFR Part 51. Appendix S relates specifically to VOC sources and will be evaluated with pertinent regulations. In some cases, 40 CFR Part 51 suggested or required the use of regulatory provisions of 40 CFR Part 60. In these cases, the requirements of 40 CFR Part 60 were reviewed against 9 VAC 5 Chapter 40, Part I, Special Provisions, and 9 VAC 5-10-20, Appendix J. In addition, the current regulatory requirements of 9 VAC 5-40-20 I concerning stack height were reviewed against the current requirements of 40 CFR § 51.118.

In this review, certain provisions were found to be inconsistent with the corresponding federal requirements. An explanation of the amendments needed to bring the affected provisions in line with the federal requirements is provided below.

1. 9 VAC 5-10-20, Appendix J needs to be amended to meet the requirements of 40 CFR Part 51, Appendix P, with regard to the frequency of sampling, analyzing and data recording and with regard to the number of data points needed to calculate averages when using continuous emissions monitoring.
2. 9 VAC 5-40-30 needs to be amended to include the test methods in 40 CFR Part 51, Appendix M, as well as those in 40 CFR Part 60, Appendix A.

### 9 VAC 5 Chapter 50, New and Modified Sources

The current regulatory requirements of 9 VAC 5 Chapter 50, Part I, Special Provisions for New and Modified Sources were reviewed against the current requirements of 40 CFR Part 51, and Appendix M and Appendix P to 40 CFR Part 51. Appendix S relates specifically to VOC sources and will be evaluated with pertinent regulations. In some cases, 40 CFR Part 51 suggested or required the use of regulatory provisions of 40 CFR Part 60. In these cases, the

requirements of 40 CFR Part 60 were reviewed against 9 VAC 5 Chapter 50, Part I, Special Provisions. In addition, the current regulatory requirements of 9 VAC 5-50-20 H concerning stack height were reviewed against the current requirements of 40 CFR § 51.118 and 40 CFR § 51.164.

In this review, certain provisions were found to be inconsistent with the corresponding federal requirements. An explanation of the amendments needed to bring the affected provisions in line with the federal requirements is provided below.

9 VAC 5-50-30 needs to be amended to include the test methods in 40 CFR Part 51, Appendix M, as well as those in 40 CFR Part 60, Appendix A.

### 9 VAC 5 Chapter 60, Hazardous Air Pollutant Sources

The current regulatory requirements of 9 VAC 5 Chapter 60, Part I, Special Provisions, Hazardous Air Pollutants, were reviewed against the current requirements of 40 CFR Part 61.

In this review, certain provisions were found to be inconsistent with the corresponding federal requirements. An explanation of the amendments needed to bring the affected provisions in line with the federal requirements is provided below.

9 VAC 5 Chapter 60, Part I, needs to be amended to ensure that it meets the federal requirements of 40 CFR Part 61, particularly with regard to requirements for visible emissions.

Alternatives: Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the third alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulation amendments. The alternatives being considered by the department are discussed below.

1. Take no action to amend the regulation. This option is not being selected because the regulation would remain out of date.
2. Make alternative regulatory changes to those required by the provisions of the legally binding state or federal mandates. This option is not being selected because no alternative to the federal mandate would be appropriate.
3. Amend the regulation to satisfy the provisions of the legally binding state or federal mandates. This option is being selected because the regulation should be updated to reflect the latest requirements.

Applicable Statutory Requirements: The contemplated regulation amendments are mandated by federal law or regulation. A succinct statement of the source (including legal citation) and scope of the mandate may be found below.

### 9 VAC 5 Chapter 40, Existing Sources

Section 110(a) of the Clean Air Act (CAA) mandates that each state adopt and submit to EPA a plan which provides for the implementation, maintenance, and enforcement of each primary and secondary air quality standard within each air

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## Notices of Intended Regulatory Action

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quality control region in the state. The state implementation plan shall be adopted only after reasonable public notice is given and public hearings are held. The plan shall include provisions to accomplish, among other tasks, the following:

1. Establish enforceable emission limitations and other control measures as necessary to comply with the provisions of the CAA including economic incentives such as fees, marketable permits, and auctions of emissions rights;
2. Establish schedules for compliance;
3. Establish a program for the enforcement of the emission limitations and schedules for compliance; and
4. Require sources of air pollution to install, maintain, and replace monitoring equipment as necessary and to report periodically on emissions-related data.

Section 123 of the Clean Air Act establishes the criteria for determining the stack height for stationary sources of air pollution in existence before the date of enactment of the Clean Air Act Amendments of 1970. Specifically the section requires that "the degree of emission limitation required of any source for control of any air pollutant under an applicable implementation plan...must not be affected in any manner by-

- (1) so much of any source's stack height that exceeds good engineering practice (as determined under regulations promulgated by the Administrator), or
- (2) any other dispersion technique."

For purposes of this section the term "dispersion technique" includes any intermittent or supplemental control of air pollutants varying with atmospheric conditions. Good engineering practice means, with respect to stack height, the height necessary to ensure that emissions from the stack do not result in excessive concentrations of any pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles.

40 CFR Part 51 sets out requirements for the preparation, adoption, and submittal of state implementation plans. These requirements mandate that any such plan shall include several provisions as summarized below.

Subpart F (Procedural Requirements) specifies definitions of key terms, stipulations and format for plan submission, requirements for public hearings, and conditions for plan revisions and federal approval.

Subpart G (Control Strategy) specifies the description of emissions reductions estimates sufficient to attain and maintain the standards, the description of control measures and schedules for implementation, time periods for demonstrations of the control strategy's adequacy, an emissions inventory, an air quality data summary, data availability, special requirements for lead emissions, and intermittent control systems.

Section 51.118 of Subpart G sets out stack height requirements. Section 51.118 requires that the plan submitted by the state must provide that "the degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique." Facilities with stacks in existence after December 31, 1970, must follow good engineering practice.

Subpart K (Source Surveillance) specifies procedures for emissions reports and recordkeeping, procedures for testing, inspection, enforcement, and complaints, transportation control measures and procedures for continuous emissions monitoring.

Subpart L (Legal Authority) specifies the requirements for legal authority to implement plans and assignment of legal authority to local agencies.

Section 51.230 of Subpart L specifies that each state implementation plan must show that the state has the legal authority to carry out the plan including the authority to perform the following actions:

1. Adopt emission standards and limitations and any other measures necessary for the attainment and maintenance of the national ambient air quality standards;
2. Enforce applicable laws, regulations, and standards, and seek injunctive relief;
3. Obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources;
4. Require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the state on the nature and amounts of emissions from such stationary sources; and
5. Make emissions data available to the public as reported and as correlated with any applicable emission standards or limitations.

Section 51.231 of Subpart L requires the identification of legal authority as follows:

1. The provisions of law or regulation which the state determines provide the authorities required under § 51.231 must be specifically identified, and copies of such laws or regulations must be submitted with the plan; and
2. The plan must show that the legal authorities specified in Subpart L are available to the state at the time of submission of the plan.

Subpart N (Compliance Schedules) specifies legally enforceable compliance schedules, final compliance

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## Notices of Intended Regulatory Action

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schedule dates, and conditions for extensions beyond one year.

Appendix M (Recommended Test Methods for State Implementation Plans) provides recommended test methods for measuring air pollutants which a state may choose to meet the requirements of Subpart K. The state may also choose to meet the requirements of Subpart K through any of the relevant methods in Appendix A to 40 CFR Part 60 or any other method that could be approved and adopted into the state implementation plan.

Appendix P (Minimum Emission Monitoring Requirements) specifies the minimum requirements for continuous emission monitoring and recording.

### 9 VAC 5 Chapter 50, New and Modified Sources

Section 110(a) of the Clean Air Act (CAA) mandates that each state adopt and submit to EPA a plan which provides for the implementation, maintenance, and enforcement of each primary and secondary air quality standard within each air quality control region in the state. The state implementation plan shall be adopted only after reasonable public notice is given and public hearings are held. The plan shall include provisions to accomplish, among other tasks, the following:

1. Establish enforceable emission limitations and other control measures as necessary to comply with the provisions of the CAA, including economic incentives such as fees, marketable permits, and auctions of emissions rights;
2. Establish schedules for compliance;
3. Establish a program for the enforcement of the emission limitations and schedules for compliance; and
4. Require sources of air pollution to install, maintain, and replace monitoring equipment as necessary and to report periodically on emissions-related data.

Section 110(j) specifies that, as a condition for issuance of any permit required under this title, the owner or operator of each new or modified stationary source which is required to obtain such a permit must show to the satisfaction of the permitting authority that the technological system of continuous emission reduction which is proposed will enable the source to comply with the standards of performance which are to apply to the source and that the construction or modification and operation of the source will be in compliance with all other requirements of the CAA.

Section 123 of the Clean Air Act establishes the criteria for determining the stack height for stationary sources of air pollution in existence before the date of enactment of the Clean Air Act Amendments of 1970. Specifically the section requires that "the degree of emission limitation required of any source for control of any air pollutant under an applicable implementation plan...must not be affected in any manner by-

- (1) so much of any source's stack height that exceeds good engineering practice (as determined

under regulations promulgated by the Administrator), or

- (2) any other dispersion technique."

For purposes of this section the term "dispersion technique" includes any intermittent or supplemental control of air pollutants varying with atmospheric conditions. Good engineering practice means, with respect to stack height, the height necessary to ensure that emissions from the stack do not result in excessive concentrations of any pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles.

40 CFR Part 51 sets out requirements for the preparation, adoption, and submittal of state implementation plans. These requirements mandate that any such plan shall include several provisions as summarized below.

Subpart F (Procedural Requirements) specifies definitions of key terms, stipulations and format for plan submission, requirements for public hearings, and conditions for plan revisions and federal approval.

Subpart G (Control Strategy) specifies the description of emissions reductions estimates sufficient to attain and maintain the standards, the description of control measures and schedules for implementation, time periods for demonstrations of the control strategy's adequacy, an emissions inventory, an air quality data summary, data availability, special requirements for lead emissions, and intermittent control systems.

Section 51.118 of Subpart G sets out stack height requirements. Section 51.118 requires that the plan submitted by the state must provide that "the degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique." Facilities with stacks in existence after December 31, 1970, must follow good engineering practice.

Subpart I (Review of New Sources and Modifications) specifies legally enforceable procedures, public availability of information on sources, identification of responsible agency, administrative procedures, stack height procedures, permit requirements, and requirements for prevention of significant deterioration of air quality.

Subpart K (Source Surveillance) specifies procedures for emissions reports and recordkeeping, procedures for testing, inspection, enforcement, and complaints, transportation control measures, and procedures for continuous emissions monitoring.

Subpart L (Legal Authority) specifies the requirements for legal authority to implement plans and assignment of legal authority to local agencies.

Section 51.230 of Subpart L specifies that each state implementation plan must show that the state has the legal

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## Notices of Intended Regulatory Action

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authority to carry out the plan, including the authority to perform the following actions:

- (1) adopt emission standards and limitations and any other measures necessary for the attainment and maintenance of the national ambient air quality standards;
- (2) enforce applicable laws, regulations, and standards, and seek injunctive relief;
- (3) obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources;
- (4) require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the state on the nature and amounts of emissions from such stationary sources; and
- (5) make emissions data available to the public as reported and as correlated with any applicable emission standards or limitations.

Section 51.231 of Subpart L requires the identification of legal authority as follows:

- (1) the provisions of law or regulation which the state determines provide the authorities required under § 51.231 must be specifically identified, and copies of such laws or regulations must be submitted with the plan; and
- (2) the plan must show that the legal authorities specified in Subpart L are available to the state at the time of submission of the plan.

Subpart N (Compliance Schedules) specifies legally enforceable compliance schedules, final compliance schedule dates, and conditions for extensions beyond one year.

Appendix M (Recommended Test Methods for State Implementation Plans) provides recommended test methods for measuring air pollutants which a state may choose to meet the requirements of Subpart K. The state may also choose to meet the requirements of Subpart K through any of the relevant methods in Appendix A to 40 CFR Part 60 or any other method that could be approved and adopted into the state implementation plan.

Appendix P (Minimum Emission Monitoring Requirements) specifies the minimum requirements for continuous emission monitoring and recording.

### 9 VAC 5 Chapter 60, Hazardous Air Pollutant Sources

Hazardous air pollutants (HAPs) are pollutants for which no ambient air quality standard is applicable yet pose the risk of serious health problems. EPA's program for dealing with HAPs was first established in § 112 of the Clean Air Act

Amendments of 1977. This section requires that EPA develop and maintain a list of hazardous air pollutants (HAPs), and develop national emission standards (NESHAPs) for these pollutants.

Section 112(b)(1)(A) requires EPA to develop the list of HAPs; under § 112(b)(1)(B), emission standards for each HAP on the list must be established. States may be delegated the authority to implement and enforce the NESHAPs; § 112(d)(1) states, "Each State may develop and submit to [EPA] a procedure for implementing and enforcing emission standards for [HAPs] for stationary sources located in such State. If [EPA] finds the State procedure is adequate, [it] shall delegate to such State any authority . . . to implement and enforce such standards."

The National Emission Standards for Hazardous Air Pollutants are found in 40 CFR 61. Thus far, over 20 NESHAPs have been established, as well as related test methods and quality assurance procedures. Additionally, the General Provisions include lists of pollutants and applicability; determination, application, and approval of construction or modification; source reporting; compliance with standards and maintenance requirements; emission tests; monitoring requirements; and state authority.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. October 9, 1997, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

**Contact:** Mary E. Major, Environmental Program Manager, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

VA.R. Doc. No. R97-708; Filed August 12, 1997, 4:03 p.m.

## BOARD FOR CONTRACTORS

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Contractors intends to consider amending regulations entitled: **18 VAC 50-30-10 et seq. Tradesman Certification Regulations**. The purpose of the proposed action is to amend the current regulations to include the trade of backflow prevention device worker as required by §§ 54.1-1128 through 54.1-1135 of the Code of Virginia. Other changes to the regulations which may be necessary will be considered. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-201, 54.1-1102, and 54.1-1128 through 54.1-1135 of the Code of Virginia.

Public comments may be submitted until October 1, 1997, to Steven L. Arthur, Administrator, Tradesman Program, Board

# Notices of Intended Regulatory Action

for Contractors, 3600 West Broad Street, Richmond, VA 23230.

**Contact:** Jan McMahon, Administrative Assistant, Board for Contractors, Tradesman Program, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-6166 or FAX (804) 367-2474.

VA.R. Doc. No. R97-701; Filed August 6, 1997, 3:03 p.m.

## BOARD OF DENTISTRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Dentistry intends to consider amending regulations entitled: **18 VAC 60-20-10 et seq. Virginia Board of Dentistry Regulations.** The purpose of the proposed action is to simplify and clarify regulations according to the recommendations of the review conducted pursuant to Executive Order 15(94). The board intends to eliminate sections of these regulations which are redundant or unnecessary and amend or reorganize sections of these regulations. In addition, the board will consider the following: a new fee to cover the administrative cost for returned checks; reducing the regulatory burden by allowing continuing education hours to be acquired over a two- or three-year period; reducing the regulatory burden by amending the current penalty of \$1,000 for noncompliance with continuing education as the regulation does not provide for the board to consider individual cases on their particular merits; requiring records to be kept for three rather than the current five years, as consistent with § 54.1-2719 of the Code of Virginia; and replacing the specific listing of procedures and services under advertising and the specific listing of specialties may be eliminated by incorporating by reference the guidelines from the American Dental Association. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until September 3, 1997.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or FAX (804) 662-9943.

VA.R. Doc. No. R97-615; Filed July 8, 1997, 9:21 a.m.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Dentistry intends to consider amending regulations entitled: **18 VAC 60-20-105 et seq. Virginia Board of Dentistry Regulations.** The purpose of the proposed action is to replace emergency regulations which established an inactive license for dentists and dental hygienists according to the provisions of §§ 54.1-2709 and 54.1-2722 of the Code of Virginia as amended by

the 1997 Session of the General Assembly. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400, 54.1-2709 and 54.1-2722 of the Code of Virginia.

Public comments may be submitted until October 1, 1997.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or FAX (804) 662-9943.

VA.R. Doc. No. R97-728; Filed August 13, 1997, 11:28 a.m.

## BOARDS OF EDUCATION; JUVENILE JUSTICE; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; AND SOCIAL SERVICES

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Boards of Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intend to consider repealing regulations entitled: **8 VAC 20-50-10 et seq., 6 VAC 35-50-10 et seq., 12 VAC 35-30-10 et seq., and 22 VAC 40-150-10 et seq. Standards for Interdepartmental Regulation of Residential Facilities for Children.** The purpose of the proposed action is to repeal the existing regulations and promulgate a replacement regulation. Although the agencies jointly promulgated an identical regulation, it is published and considered as four different regulations in the Virginia Administrative Code. In addition to any substantive changes that may be made, the agencies propose to (i) reorganize and simplify the regulation, (ii) assure the regulation addresses only the generic elements of care related to all children, (iii) increase providers' flexibility to provide care based on the facility's program and the population served, and (iv) increase providers' and regulators' opportunities for use of professional judgment. The need for such revisions was verified in the agencies' regulation review analyses prepared in response to Executive Order 15(94): Comprehensive Review of All Existing Agency Regulations. The agencies intend to hold a public hearing on the proposed regulations after publication.

Statutory Authority: §§ 16.1-309.9, 22.1-321, 22.1-323, 22.1-323.2, 37.1-182, 37.1-183.1, 37.1-189.1, 63.1-25, 63.1-196, 63.1-196.4, 63.1-217, 66-10, and 66-24 of the Code of Virginia.

Public comments may be submitted until October 1, 1997.

**Contact:** John J. Allen, Coordinator, Office of Interdepartmental Regulation, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1960 or FAX (804) 692-1999.

VA.R. Doc. No. R97-705; Filed August 12, 1997, 12:54 p.m.

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# Notices of Intended Regulatory Action

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## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Boards of Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intend to consider promulgating regulations entitled: **22 VAC 42-10-10 et seq. Standards for Interagency Regulation of Children's Residential Facilities.** The purpose of the proposed action is to promulgate a single regulation to reorganize, simplify, and replace four regulations which are each entitled Standards for Interdepartmental Regulation of Residential Facilities for Children. In addition to any substantive changes that may be made, the agencies propose to (i) reorganize and simplify the regulation, (ii) assure the regulation addresses only the generic elements of care related to all children, (iii) increase providers' flexibility to provide care based on the facility's program and the population served, and (iv) increase providers' and regulators' opportunities for use of professional judgment. The need for such revisions was verified in the agencies' regulation review analyses prepared in response to Executive Order 15(94): Comprehensive Review of All Existing Agency Regulations. The agencies intend to hold a public hearing on the proposed regulations after publication.

Statutory Authority: §§ 16.1-309.9, 22.1-321, 22.1-323, 22.1-323.2, 37.1-182, 37.1-183.1, 37.1-189.1, 63.1-25, 63.1-196, 63.1-196.4, 63.1-217, 66-10, and 66-24 of the Code of Virginia.

Public comments may be submitted until October 1, 1997.

**Contact:** John J. Allen, Coordinator, Office of Interdepartmental Regulation, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1960 or FAX (804) 692-1999.

VA.R. Doc. No. R97-706; Filed August 12, 1997, 12:56 p.m.

## DEPARTMENT OF HEALTH (STATE BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-90-10 et seq. Regulations for Disease Reporting and Control.** The purpose of the proposed action is to amend the regulations to comply with current disease control policies. These policies will facilitate efforts to capture, measure, and contain emerging diseases effectively. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12 and 32.1-35 of the Code of Virginia.

Public comments may be submitted until September 19, 1997.

**Contact:** C. Diane Woolard, Ph.D., M.P.H., Director, Division of Surveillance and Investigation, Department of Health, Office of Epidemiology, P.O. Box 2448, Room 113, Richmond, VA 23218, telephone (804) 786-6261, FAX (804) 371-4050, or toll-free 1-800-828-1120/TDD ☎

VA.R. Doc. No. R97-685; Filed July 30, 1997, 9:44 a.m.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care and Services.** The purpose of the proposed action is to amend the State Plan for Medical Assistance to provide coverage for the additional school-based health care services of skilled nursing services and Individualized Education Plan for development for children who qualify for special education services under Public Law 101-476. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until October 1, 1997, to Jeff Nelson, Division of Policy and Budget, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219.

**Contact:** Victoria P. Simmons or Roberta J. Jonas, Regulator Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or (804) 371-4981.

VA.R. Doc. No. R97-722; Filed August 13, 1997, 11:12 a.m.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-100, 12 VAC 30-50-140, and 12 VAC 30-50-543, Amount, Duration, and Scope of Medical and Remedial Care Services.** The purpose of the proposed action is to authorize the Department of Medical Assistance Services to provide reimbursement for high dose chemotherapy and bone marrow transplants for individuals over the age of 21 who have been diagnosed with lymphoma or breast cancer and to clarify the transplant reimbursement policy. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until October 1, 1997.

# Notices of Intended Regulatory Action

**Contact:** Victoria P. Simmons or Roberta J. Jonas, Regulator Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or (804) 371-4981.

VA.R. Doc. No. R97-721; Filed August 13, 1997, 11:12 a.m.

## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-70-140, Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care.** The purpose of the proposed action is to amend the current hospital appeals regulations to address the new payment methodology based on Diagnosis Related Groups. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until October 1, 1997, to the Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219.

**Contact:** Victoria P. Simmons or Roberta J. Jonas, Regulator Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or (804) 371-4981.

VA.R. Doc. No. R97-720; Filed August 13, 1997, 11:12 a.m.

## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-90-380, Methods and Standards for Establishing Payment Rates for Long-Term Care.** The purpose of the proposed action is to establish a payment methodology to nursing facilities for care rendered to persons having diagnoses of traumatic brain injury and the concomitant behavioral problems. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until October 1, 1997, to Scott Crawford, Division of Financial Operations, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219.

**Contact:** Victoria P. Simmons or Roberta J. Jonas, Regulator Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or (804) 371-4981.

VA.R. Doc. No. R97-723; Filed August 13, 1997, 11:12 a.m.

## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider promulgating regulations entitled: **12 VAC 30-120 Part VIII. Medallion II: Waivered Services.** The purpose of the proposed action is to promulgate regulations for the provision of personal attendant services when they are directed by the consumer-recipient of the services. This program also contains the requirements and restrictions applicable to attendants, provider agencies, service coordinators, and the consumer-recipients themselves. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until October 1, 1997, to Karen Lawson, Division of Policy and Budget, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219.

**Contact:** Victoria P. Simmons or Roberta J. Jonas, Regulator Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or (804) 371-4981.

VA.R. Doc. No. R97-724; Filed August 13, 1997, 11:12 a.m.

## BOARD OF MEDICINE

## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, and Physician Acupuncture.** The purpose of the proposed action is to consider amendments to regulations in compliance with § 54.1-2912.1 of the Code of Virginia which provides that the board shall prescribe by regulation such requirements as may be necessary to ensure continued practitioner competence which may include continuing education, testing, or any other requirement. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public comments may be submitted until October 1, 1997.

**Contact:** Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

VA.R. Doc. No. R97-726; Filed August 13, 1997, 11:28 a.m.

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# Notices of Intended Regulatory Action

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## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-101-10 et seq. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited.** The purpose of the proposed action is to consider minimal guidelines for a board-approved educational program and to establish a requirement for testing by a recognized entity for licensure of radiologic technologists-limited. The board will also consider standards for licensing of persons for performance of mammography. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400, 54.1-2956.8:1 and 54.1-2956.8:2 of the Code of Virginia.

Public comments may be submitted until October 1, 1997.

**Contact:** Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

VA.R. Doc. No. R97-725; Filed August 13, 1997, 11:28 a.m.

## BOARDS OF NURSING AND MEDICINE

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled: **18 VAC 90-30-10 et seq. Regulations Governing the Licensure of Nurse Practitioners.** The purpose of the proposed action is to consider amendments which will (i) clarify terminology and categories of licensure, (ii) revise the appointment of an advisory committee, (iii) clarify the role of a nurse practitioner in the practice of a podiatrist, (iv) add criteria such as "according to an acceptable standard of practice" to the requirement for availability of a supervising physician, and (v) revise burdensome requirements for approval of educational programs. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Public comments may be submitted until October 1, 1997.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or FAX (804) 662-9943.

VA.R. Doc. No. R97-727; Filed August 13, 1997, 11:28 a.m.

## BOARD OF SOCIAL SERVICES

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled: **22 VAC 40-40-10 et seq. Rules of the Neighborhood Assistance Act.** The purpose of the proposed action is to repeal outdated and burdensome regulations. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25 and 63.1-323 of the Code of Virginia.

Public comments may be submitted until October 1, 1997.

**Contact:** Phyllis Parrish, Special Projects Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1895 or FAX (804) 692-1869.

VA.R. Doc. No. R97-704; Filed August 12, 1997, 12:54 p.m.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider promulgating regulations entitled: **22 VAC 40-41-10 et seq. Neighborhood Assistance Tax Credit Program.** The purpose of the proposed action is to replace regulations which are being repealed and reflect changes which have developed over time and through legislation. The regulations will set out criteria for approving projects, allocating tax credits and appealing decisions made by Department of Social Services staff. The regulations will also require applicant organizations to submit an audit as a prerequisite to approval. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25 and 63.1-323 of the Code of Virginia.

Public comments may be submitted until October 1, 1997.

**Contact:** Phyllis Parrish, Special Projects Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1895 or FAX (804) 692-1869.

VA.R. Doc. No. R97-707; Filed August 12, 1997, 12:54 p.m.

## BOARD OF SOCIAL WORK

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to consider amending regulations entitled: **18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to simplify and clarify regulations and to eliminate unnecessary or redundant

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## Notices of Intended Regulatory Action

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regulations according to the recommendations of the review conducted pursuant to Executive Order 15(94). The board will also consider amending burdensome requirements for applicants with lengthy experience to become licensed by endorsement. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 37 (§ 54.1-3700 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until September 3, 1997.

**Contact:** Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 4<sup>th</sup> Floor, Richmond, VA 23230-1717, telephone (804) 662-9914 or FAX (804) 662-9943.

VA.R. Doc. No. R97-614; Filed July 8, 1997, 9:21 a.m.

# PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



## PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

Effective July 1, 1995, publication of notices of public comment periods in a newspaper of general circulation in the state capital is no longer required by the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). Chapter 717 of the 1995 Acts of Assembly eliminated the newspaper publication requirement from the Administrative Process Act. In *The Virginia Register of Regulations*, the Registrar of Regulations has developed this section entitled "Public Comment Periods - Proposed Regulations" to give notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

### CRIMINAL JUSTICE SERVICES BOARD

**October 14, 1997 - 10 a.m.** – Public Hearing  
Virginia Military Institute, Jackson Memorial Hall, Lexington, Virginia.

**November 5, 1997 - 10 a.m.** – Public Hearing  
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia.

**November 1, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **6 VAC 20-20-10 et seq. Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Officers.** The proposed amendments relate to approval authority for performance outcomes, hours, and categories of training by the Criminal Justice Services Board and the training objective, criteria, and lesson plan guides by the Committee on Training of the Criminal Justice Services Board. Hours and categories of training are updated. Performance outcomes are incorporated by reference.

Statutory Authority: § 9-170 of the Code of Virginia.

Public comments may be submitted until November 1, 1997, to Lex Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219.

**Contact:** George Gotschalk, Section Chief, Standards and Certification, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8001 or FAX (804) 371-8981.

### STATE BOARD OF EDUCATION

**September 17, 1997 - 7 p.m.** – Public Hearing  
Francis C. Hammond Middle School, 4646 Seminary Road East, Alexandria, Virginia.

**September 17, 1997 - 7 p.m.** – Public Hearing  
Toano Middle School, 7817 Richmond Road, Toano, Virginia.

**September 17, 1997 - 7 p.m.** – Public Hearing  
Lynchburg College, 1501 Lakeside Drive, Hall Campus Center, Lynchburg, Virginia.

**October 31, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to **repeal** regulations entitled: **8 VAC 20-20-10 et seq. Regulations Governing the Licensure of School Personnel** and **adopt** regulations entitled: **8 VAC 20-21-10 et seq. Licensure Regulations for School Personnel.** The purpose of the Licensure Regulations for School Personnel is to maintain standards of professional competence for teachers and other school personnel.

Statutory Authority: § 22.1-298 of the Code of Virginia.

**Contact:** Thomas A. Elliott, Assistant Superintendent for Compliance, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522.

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**September 17, 1997 - 7 p.m.** – Public Hearing  
Francis C. Hammond Middle School, 4646 Seminary Road East, Alexandria, Virginia.

**September 17, 1997 - 7 p.m.** – Public Hearing  
Toano Middle School, 7817 Richmond Road, Toano, Virginia.

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## Public Comment Periods - Proposed Regulations

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**September 17, 1997 - 7 p.m.** – Public Hearing  
Lynchburg College, 1501 Lakeside Drive, Hall Campus  
Center, Lynchburg, Virginia.

**October 31, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to adopt regulations entitled: **8 VAC 20-25-10 et seq. Technology Standards for Instructional Personnel.** The purpose of the proposed regulation is to ensure that instructional personnel in Virginia have mastered and demonstrated competency in technology. The proposed regulation identifies eight standards based on Virginia's revised Standards of Learning.

Statutory Authority: § 22.1-16 of the Code of Virginia.

**Contact:** Thomas A. Elliott, Assistant Superintendent for Compliance, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2748, FAX (804) 225-3831, toll-free 1-800-292-3820 or 1-800-422-1098/TDD ☎

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**October 31, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services.** The purpose of the proposed amendments is to improve program operations through modification of the current regulations for the Client Medical Management Program by restricting specific recipients and providers who have demonstrated habits of overutilization services at excessive costs to Medicaid.

Statutory Authority: § 32.1-325 of the Code of Virginia.

**Contact:** Victoria P. Simmons or Roberta J. Jonas, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text.  
Language which has been stricken indicates proposed text for deletion.

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### CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: 6 VAC 20-20-10 et seq. Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers (amending 6 VAC 20-20-10, 6 VAC 20-20-20, 6 VAC 20-20-30, 6 VAC 20-20-40, 6 VAC 20-20-50, 6 VAC 20-20-70, 6 VAC 20-20-80 and 6 VAC 20-20-90; adding 6 VAC 20-20-21, 6 VAC 20-20-25 and 6 VAC 20-20-61; repealing 6 VAC 20-20-60, 6 VAC 20-20-100 and 6 VAC 20-20-110).

Statutory Authority: § 9-170 of the Code of Virginia.

Public Hearing Date:

October 14, 1997 - 10 a.m. (Lexington)

November 5, 1997 - 10 a.m. (Richmond)

Public comments may be submitted until November 1, 1997.

(See Calendar of Events section for additional information)

Basis: Pursuant to the statutory authority set forth by § 9-170 (1) of the Code of Virginia, the Criminal Justice Services Board proposes to amend and revise its regulations relating to entry-level law-enforcement training. The primary basis for amending the regulations is to incorporate changes identified through the 1995 statewide job task analysis and to provide a method for reviewing training objectives on an ongoing basis with updates handled in a more systematic and expeditious manner.

Purpose: Current rules were adopted in 1983. The purpose of these amendments is to update and set forth training mandates and prescribe compulsory minimum training standards that must be met by successful achievement of each training objective related to a task which must be performed as a requirement of the position by every newly employed officer attending entry-level law-enforcement training. Successful achievement of all training objectives is the standard which ensures minimum competency in the performance of law-enforcement duties throughout the Commonwealth. The safety of the public and the officer is paramount in setting forth these requirements while providing protection from incompetent or unqualified persons from performing law-enforcement duties.

Substance: The substance of these regulations is in 6 VAC 20-20-20 and is three-fold. First, the standard requires satisfactory completion of the performance outcomes and training hours approved by the Criminal Justice Services Board for entry-level law-enforcement training. Second, the standard requires satisfactory completion of all field training objectives. In 6 VAC 20-20-40, law-enforcement officers are required to meet the training standards within 12 months of employment as a law-enforcement officer. Extensions may

be given in certain circumstances. And third, provisions are set forth in the rules which establish minimum requirements for training providers.

Issues: The advantages these regulations provide to the public are the assurance of a minimum level of competency required by all law-enforcement officers throughout the Commonwealth; involvement of the Committee on Training, the legislatively established body representing every aspect of the criminal justice system and criminal justice services, as the approving authority for revisions or updates to the training objectives which provide guidance for the delivery of entry-level law-enforcement training; and delivery of training through a certified training academy. The Criminal Justice Services Board remains the adopting authority for revisions to the rules.

The recognition that training for minimum levels of competency needs to increase as the requirements of law, technology, and citizen involvement change does have a financial impact for the delivery of this training. The General Assembly addressed this issue with legislation providing for an ongoing and consistent additional source of funding to regional training academies during 1997. It is anticipated that the funding to regional academies will approximately double by July 1998. The sufficiency of the level of funding and distribution of funding will continue to be an issue to address as this initial effort is received and reviewed.

Economic Impact: Under the current training delivery system, it is difficult to ascertain the level of fiscal impact the proposed changes will have. The cost of training at the various academies differs due to use of a decentralized system for delivery of training in the Commonwealth. While an increase in minimum training hours is proposed, it is equal to or less than what is currently being taught at all certified academies. While the rules provide for the minimum number of hours which must be provided, the certified academies providing the training may exceed the minimum number of hours based upon their perceived needs. However, the net economic impact of this increase will not be known until the academies have had time to compare the proposed training objectives to what is currently taught at the respective academies.

In 1996, 933 officers attended and completed entry-level law-enforcement training. The estimated number of persons affected annually by the Regulations Relating to Entry-Level Law-enforcement Training on a direct basis is approximately 900 to 1,000 individuals attending training and approximately 150 staff for the delivery of training. The results of the training, however, impact every person in the Commonwealth in terms of public safety, health, and welfare.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation updates compulsory minimum training standards for law-enforcement officers. It sets forth training mandates and prescribes minimum training standards that must be met by all newly employed law-enforcement agents. Successful completion of all the minimum requirements will ensure that newly appointed law-enforcement agents have acquired the minimum competency needed in the performance of their law-enforcement duties throughout the Commonwealth.

Estimated economic impact. The substantive portions of the amendments are as follows:

1. Satisfactory completion of all performance outcomes and training hours approved by the Criminal Justice Services Board for entry-level law-enforcement training;
2. Satisfactory completion of all field training objectives; and
3. Law-enforcement officers are required to meet the training standards within 12 months of employment as a law-enforcement officer.

The amendments contained in the proposed regulation would likely have two main economic consequences: an increase in the quality of law-enforcement services offered in Virginia and an increase in the training costs required to prepare newly appointed officers to meet the minimum standards.

The new requirements are intended to ensure that individuals who train to become law-enforcement agents complete minimum training requirements. This assures minimum competency in the performance of law-enforcement duties throughout the Commonwealth. It would be cost prohibitive for DPB to quantify the exact magnitude of the benefit derived from the implied increase in the quality of law-enforcement services. However, the nature of the benefits can be identified. Residents will be assured of the fact that their law-enforcement officers have the required minimum training to provide adequate protection. Crime will likely be decreased, which will lead to safer neighborhoods. Property values will likely increase as a result and if property tax rates remain unadjusted, there will be an increase in tax revenues.

For the new minimum standards to work effectively, there has to be better monitoring of academies to ensure that they are providing the necessary training. There is likely to be an increase in compliance costs associated with this regulation. In particular, the DCJS estimates that funding to regional academies will double by July 1998. However, requiring minimum standards for law-enforcement officers could lead to a situation where only those who have a great desire to be officers enroll in the academies. This could lead to fewer but better trained candidates graduating from the academies. The net effect of decreased costs of training fewer officers and increased benefit of better-prepared graduates is difficult to quantify.

Businesses and entities affected. The Department of Criminal Justice Services estimates that 900 to 1,000 individuals in training and approximately 150 staff will be affected by this regulation. All individuals in the Commonwealth will be impacted to some extent by this regulation. The costs and benefits associated with these impacts are difficult to measure.

Localities particularly affected. All localities in the Commonwealth will be impacted by this regulation. However, areas that have higher crime rates will be particularly affected.

Projected impact on employment. It is not possible to quantify the impact of this regulation on employment. However, there probably will be a small increase in employment due to the anticipated decrease in the crime rate.

Effects on the use and value of private property. Decreased crime rates could lead to higher property values. Private enterprises could relocate into otherwise high crime areas.

Summary of analysis. DPB anticipates that the proposed regulation will have the following economic effects: it will (i) increase the quality and consistency of law-enforcement services; (ii) cause a decrease in crime rates across the Commonwealth; (iii) cause an increase in property values; (iv) cause an increase in tax revenues and (v) increase the costs associated with training law-enforcement officers.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Criminal Justice Services agrees with the economic impact analysis. It agrees both with the analysis of the benefits to the public and industry as well as the increased costs. However, the 1997 Session of the General Assembly created a permanent funding source to assist in offsetting these costs to the certified regional academies designated by the Criminal Justice Services Board. This funding source is in addition to moneys already appropriated to assist those academies through the general fund.

Summary:

*The proposed amendments update the training requirements for state and local law-enforcement officers by addressing the knowledge, skills and abilities, identified by a job task analysis, needed to fulfill the*

# Proposed Regulations

*duties and responsibilities of an entry-level law-enforcement officer.*

## CHAPTER 20.

### RULES RELATING TO COMPULSORY MINIMUM TRAINING STANDARDS FOR LAW-ENFORCEMENT OFFICERS.

#### 6 VAC 20-20-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Academy director" means the chief administrative officer of a certified training academy.

"Agency administrator" means any chief of police, sheriff or agency head of a state or local law-enforcement agency.

"Approved training" means training approved by the department to meet minimum training standards.

~~"Approved training school" means a training school which provides instruction of at least the minimum training standards mandated by the department and has been approved by the department for the specific purpose of training criminal justice personnel.~~

"Board" means the Criminal Justice Services Board.

"Certified training academy" means a training facility in compliance with academy certification standards operated by the state or local units of government for the purpose of providing instruction of compulsory minimum training standards.

"Compulsory minimum training standards" means the performance outcomes and minimum hours approved by the Criminal Justice Services Board.

"Curriculum Review Committee" means the committee consisting of nine individuals representing the certified academies. Four members of the committee shall represent regional criminal justice academies, four members of the committee shall represent independent criminal justice academies, and one member shall represent the Department of State Police Training Academy.

"Department" means the Department of Criminal Justice Services.

"Director" means the chief administrative officer of the department or his designee.

~~"School director" means the chief administrative officer of an approved training school.~~

#### 6 VAC 20-20-20. Compulsory minimum training standards.

Pursuant to the provisions of § 9-170 (2) of the Code of Virginia, the department establishes ~~the following as the~~ compulsory minimum training these standards for compulsory minimum training for full-time and part-time law-enforcement officers as defined by § 9-169(9) of the Code of Virginia.

##### I. Core curriculum for all law-enforcement officers.

~~The performance objectives constituting the core and subcore curricula are detailed in the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training for Law-Enforcement Officers" (June 1993).~~

~~1.0. The Role of Law Enforcement Performance Objectives 1.1 through 1.4.~~

~~2.0. Law Enforcement Within the Criminal Justice System Performance Objectives 2.1 through 2.4.~~

~~3.0. Law Enforcement As a Profession Performance Objectives 3.1 through 3.6.~~

~~4.0. Protection of Life Performance Objectives 4.1 through 4.12.1.2 (See also firearms course descriptions).~~

~~5.0. Vehicle Operations Performance Objectives 5.1 through 5.6.~~

~~6.0. Communication Performance Objectives 6.1 through 6.5.7.~~

~~7.0. Interview and Interrogation Techniques Performance Objectives 7.1 through 7.3.2.~~

~~8.0. Arrest Procedures and Techniques Performance Objectives 8.1 through 8.7.~~

~~9.0. Patrol Techniques Performance Objectives 9.1 through 9.26.2.~~

~~10.0. Search, Seizure and Evidence Performance Objectives 10.1 through 10.5.8.~~

~~11.0. Basic Law Performance Objectives 11.1 through 11.19.5.~~

~~12.0. Criminal Investigation Performance Objectives 12.1 through 12.14.3.~~

~~13.0. Enforcement of Narcotics and Dangerous Drug Laws Performance Objectives 13.1 through 13.2.11.~~

~~14.0. Handling Juvenile Matters Performance Objectives 14.1 through 14.2.5.~~

~~15.0. Traffic Control and Enforcement Performance Objectives 15.1 through 15.12.1.~~

~~16.0. Custody Procedures Performance Objectives 16.1 through 16.4.~~

~~17.0. Crime Information and Communication Systems Performance Objectives 17.1 through 17.4.~~

~~18.0. Surveillance Techniques Performance Objectives 18.1 through 18.3.~~

##### II. General Sub Core Curriculum (Excluding Virginia State Police):

~~19.0. Court System Performance Objectives 19.1 through 19.8.~~

~~20.0. Crime Prevention Performance Objectives 20.1 through 20.6.~~

Total Core Curriculum Hours	312
Total General Sub-core Curriculum Hours	3
Total	315

### III. Field Training.

~~A. Field training will include 60 hours of local training with selected experienced law enforcement officers. All departments or agencies will follow the format as set forth below in Section B. Field training must be completed and the appropriate form forwarded to the department no later than 120 days after completion of the basic school.~~

#### ~~B. Training - Local.~~

##### ~~1. Departmental Policies, Rules and Regulations.~~

##### ~~2. Departmental Procedures.~~

~~(a) Reports and Communications~~

~~(b) Operations of Department~~

##### ~~3. Liaison with Commonwealth's Attorney, Judge, and Other Criminal Justice Agencies (Federal, State and Local)~~

##### ~~4. Local Ordinances.~~

##### ~~5. Operation of Departmental and/or Law Enforcement Vehicle.~~

##### ~~6. Familiarization and Execution of Legal Documents.~~

##### ~~7. Familiarization of Territory and Facilities.~~

##### ~~8. Familiarization with Magistrates and Courts.~~

##### ~~9. Administrative Handling of Mental Cases.~~

##### ~~10. Local Juvenile Procedures.~~

##### ~~11. Structure of Local Government.~~

##### ~~12. Detention Facility and Booking Procedures.~~

#### **6 VAC 20-20-21. Performance outcomes and minimum hours required.**

A. The performance outcomes are detailed in the document entitled "Performance Outcomes for Compulsory Minimum Training For Law Enforcement Officers," May 1997, which is incorporated by reference and made a part of this chapter.

#### B. Academy training.

1. Category 1 - Professionalism, Performance Outcomes 1.1 through 1.5

2. Category 2 - Legal Issues, Performance Outcomes 2.A.1 through 2.C.1.f

3. Category 3 - Communications, Performance Outcomes 3.A.1 through 3.B.3

4. Category 4 - Patrol, Performance Outcomes 4.A.1 through 4.H.3

5. Category 5 - Investigations, Performance Outcomes 5.A.1 through 5.D.2

6. Category 6 - Defensive Tactics/Use of Force, Performance Outcomes 6.A.1 through 6.F.1

7. Category 7 - Weapons Use, Performance Outcomes 7.A.1 through 7.A.3.d

8. Category 8 - Driver Training, Performance Outcomes 8.A.1 through 8.A.7

9. Category 9 - Physical Training, Performance Outcomes 9.A.1 through 9.B.9 (Optional)

ACADEMY TRAINING HOURS - 480 (excluding Category 9)

#### C. Field training.

Category 10 - Field Training, Performance Outcomes 10.A.1 through 10.J.6

FIELD TRAINING HOURS - 100

TOTAL MINIMUM TRAINING STANDARDS HOURS - 580 (excluding Category 9)

#### **6 VAC 20-20-25. Approval authority.**

A. The Criminal Justice Services Board shall be the approval authority for the training categories, hours and performance outcomes of the compulsory minimum training standards. Amendments to training categories, hours and performance outcomes shall be made in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

B. The Committee on Training of the Criminal Justice Services Board shall be the approval authority for the training objectives, criteria and lesson plan guides which support the performance outcomes. Training objectives, criteria and lesson plan guides supporting the compulsory minimum training standards and performance outcomes may be added, deleted or amended by the Committee on Training based upon written recommendation of a chief of police, sheriff, agency administrator, academy director or the Curriculum Review Committee.

Prior to approving changes to training objectives, criteria or lesson plan guides, the Committee on Training shall conduct a public hearing. Sixty days prior to the public hearing, the proposed changes shall be distributed to all affected parties for the opportunity to comment. Notice of change of training objectives, criteria and lesson plan guides shall be filed for publication in the Virginia Register of Regulations upon adoption, change or deletion. The department shall notify each certified academy in writing of any new, revised, or deleted objectives. Such adoptions, changes or deletions shall become effective 30 days after notice of publication in the Virginia Register.

#### **6 VAC 20-20-30. Applicability.**

A. Every person employed as a full-time or part-time law-enforcement officer, as defined by § 9-169 (9) of the

## Proposed Regulations

Code of Virginia, subsequent to July 1, 1971, ~~must meet compulsory minimum training standards herein established unless provided otherwise in accordance with subsection B~~ shall satisfactorily complete the compulsory minimum training standards for law-enforcement officers.

B. The director may grant ~~a waiver an exemption~~ or partial ~~waiver of exemption~~ from the compulsory minimum training standards set forth in ~~6 VAC 20-20-20~~ 6 VAC 20-20-21 to a law-enforcement officer of any political subdivision of the Commonwealth, who has had previous experience and training as ~~a law-enforcement officer provided in § 9-173 of the Code of Virginia.~~

C. Any person not employed as a full-time or part-time law-enforcement officer on July 1, 1971, who remains out of law-enforcement for ~~a period of time in excess of more than~~ 24 months, upon reappointment as a full-time or part-time law-enforcement officer, ~~will~~ shall be required to comply with the compulsory minimum training standards unless provided otherwise in accordance with subsection B of this section.

### 6 VAC 20-20-40. Time requirement for completion of training.

A. Every law-enforcement officer who is required to the comply with the compulsory minimum training standards ~~must~~ shall satisfactorily complete such training within 12 months of the date of appointment as a law-enforcement officer.

B. The director, ~~or his designee~~, may grant an extension of the time limit for completion of the ~~compulsory~~ minimum training ~~required upon presentation of evidence by the agency administrator that such officer was unable to complete the required training within the specified time limit due to illness, injury, military service, or special duty assignment required and performed in the public interest. The agency administrator must request such extension prior to expiration of any time limit.~~ standards under the following conditions:

1. Illness;
2. Injury;
3. Military service;
4. Special duty assignment required and performed in the public interest;
5. Administrative leave involving the determination of worker's compensation or disability retirement issues, full-time educational leave or suspension pending investigation or adjudication of a crime; or
6. Any other reason documented by the agency administrator. Such reason shall be specified and approval granted shall not exceed 90 days.

C. Law-enforcement officers who do not complete training within 12 months of employment as a law-enforcement officer, or who do not receive an extension of the time limit for completion of training, shall be subject to the provisions of § 9-181 of the Code of Virginia. The department shall notify the

agency administrator of any officer not in compliance with the requirements of this section.

### 6 VAC 20-20-50. How Compliance with compulsory minimum training standards may be attained.

A. The compulsory minimum training standards shall be ~~attained accomplished by attending and satisfactorily completing an approved training school satisfactory completion of the academy training objectives and criteria at a certified training academy and the successful completion of field training objectives unless otherwise provided by 6 VAC 20-20-30 B.~~

B. Officers attending ~~an~~ approved training school are required to attend all classes and ~~should~~ shall not be placed on duty or call except in cases of emergency.

C. ~~All approved training schools which begin on or after July 1, 1984, shall be conducted in conformance with the Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers as amended by the board on July 6, 1983. However, the period July 6, 1983, through June 30, 1984, shall serve as a transition period wherein training schools may be approved by the department to conduct training according to the Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers as amended by the board on November 10, 1982, or according to the Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers as amended by the board on July 6, 1983. Every law-enforcement officer satisfactorily completing training approved by the department under the rules as amended on November 10, 1982, or under the rules amended on July 6, 1983, shall be deemed to have complied with the compulsory minimum training standards for law-enforcement officers.~~

C. The Criminal Justice Services Board will provide a one-year transition period for implementation of this chapter. The transition period shall begin with the effective date of this chapter. During the transition period, certified training academies may conduct law-enforcement entry-level training using the performance objectives within the "Compulsory Minimum Training Standards for Law-Enforcement Officers," effective July 6, 1983, or the performance outcomes and training objectives. Accordingly, any certified training academy may institute a curriculum transition by replacing existing performance objectives with the revised performance outcomes and training objectives. Effective January 1, 1999, all entry-level training programs shall meet the requirements of 6 VAC 20-20-21.

### 6 VAC 20-20-60. Approved training schools. (Repealed.)

A. ~~Law-enforcement officers training schools must be approved by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which on the basis of curricula, instructors, facilities, and examinations, provide the required minimum training. One application for all mandated training shall be submitted prior to the beginning of each fiscal year.~~

~~A curriculum listing the performance objectives by number, the instructors, dates and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30-day requirement may be granted for good cause shown by the school director.~~

~~B. Each school director will be required to maintain a file of all current lesson plans and supporting material for each subject contained in the compulsory minimum training standards.~~

~~C. Schools which are approved will be subject to inspection and review by the director and/or staff.~~

~~D. The director may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension.~~

~~E. The director may revoke the approval of any approved training school upon written notice, which shall contain the reason(s) upon which the revocation is based, to the school's director. The school's director may request a hearing before the board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation.~~

## **6 VAC 20-20-61. Certified training academies.**

*A. To become a certified academy, a state or local unit of government must demonstrate a need which contains the following elements:*

- 1. The inability to obtain adequate training from existing academies or a sufficient hardship which renders the use of other existing academies impractical.*
- 2. Based upon a training needs assessment, a sufficient number of officers to warrant the establishment of a full-time training function for a minimum of five years.*

*B. In addition, the state or local unit of government must make the following commitments:*

- 1. The provision of a full range of training to include entry-level training, in-service training, recertification training, specialized training and instructor certification.*
- 2. The assignment of one position with primary responsibility as academy director and one clerical position to support training and training-related functions.*
- 3. The maintenance of a training facility adequate to conduct training in accordance with academy certification standards.*
- 4. The commitment of sufficient funding to adequately support the training function.*

*C. Process.*

*1. The state or local governmental unit shall submit a justification to the Committee on Training as described in subsection B of this section. The Committee on Training shall review the justification and make a recommendation to the department as to whether the establishment of an academy is warranted.*

*2. If the Committee on Training recommends the establishment of the proposed academy, the department shall make a determination as to whether the establishment of the academy is warranted.*

*3. If the establishment of the academy is approved by the department, the proposed academy must successfully complete the academy certification process.*

*D. The certified training academy shall submit to the department its curriculum and other information as designated within time limitations established by the department.*

*E. Each academy director shall maintain a file of all current lesson plans and supporting material for training objectives and shall provide this information to the director upon request.*

*F. A certified training academy is subject to inspection and review by the director or his staff.*

*G. The department may suspend or revoke the certification of any certified training academy upon written notice, which shall contain the reason or reasons upon which the suspension or revocation is based, to the academy's director. The academy's director may request a hearing before the director. The request shall be in writing and shall be received by the department within 15 days of the date of the notice of the suspension or revocation. The academy's director may appeal the director's decision to the board.*

## **6 VAC 20-20-70. Grading.**

~~A. Each officer shall comply with the requirements of all the performance objectives set forth in 6 VAC 20-20-20 and the document entitled "Performance Objectives for Law Enforcement Officers" (September 1984). All approved training schools shall utilize testing procedures which indicate that every officer, prior to satisfactory completion of the training school, has met the requirements set forth in each performance objective specified in the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training for Law Enforcement Officers" (June 1983). All certified training academies shall utilize testing procedures which indicate that every officer has satisfactorily completed the criteria in each training objective approved by the Committee on Training of the Criminal Justice Services Board. An officer may be tested and retested as may be necessary within the time limits of 6 VAC 20-20-40 of this chapter and in accordance with each academy's written policy. An officer shall not be certified as having complied with the compulsory minimum training standards unless all applicable requirements have been met, including field training.~~

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~~B. Approved law enforcement Certified training schools academies shall maintain accurate records of all tests, grades and testing procedures. Academy training records must be maintained in accordance with the provisions of these rules and §§ 42.1-76 through 42.1-91 of the Code of Virginia.~~

~~C. The school director shall complete a grade report on each officer on forms approved by the department.~~

~~D. The following firearms training will be required for each officer attending an approved school:~~

- ~~1. Nomenclature and care of service revolver~~
- ~~2. Safety (on the firearms range, on duty and off duty)~~
- ~~3. Legal responsibilities and liabilities of firearms~~
- ~~4. Service revolver (handling, firing principles)~~
- ~~5. Dry firing and application of basic shooting principles~~
- ~~6. Prequalification shooting (150 rounds, minimum)~~
- ~~7. Virginia Modified Double Action Course (70% minimum qualification required)~~
- ~~8. Qualification (70% minimum required) on one of the following record courses:~~
  - ~~a. Modified Tactical Revolver Course~~
  - ~~b. Modified Practical Pistol Course~~
  - ~~c. Virginia Modified Combat Course I~~
  - ~~d. Virginia Modified Combat Course II~~
- ~~9. Familiarization with the police shotgun (20 rounds required—shoulder and hip position)~~

## 6 VAC 20-20-80. Failure to comply with rules and regulations.

~~Law enforcement officers Any individual attending approved training schools a certified training academy shall comply with the rules and regulations promulgated by the department and any other rules and regulations within the authority of the school director. The school academy director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school academy director considers a violation of the rules and regulations detrimental to the welfare of the school academy, the school academy director may expel the officer individual from the school academy. Notification of such action shall immediately be reported, in writing, to the agency administrator of the officer and the director individual in accordance with the rules and regulations within the authority of the certified training academy.~~

## 6 VAC 20-20-90. Administrative requirements.

A. Reports will be required from the agency administrator and school academy director on forms approved by the department and at such times as designated by the director.

B. The agency administrator shall ~~within 120 days~~ forward a properly executed field training form to the department for each officer, *within 12 months of employment.*

C. The ~~school academy~~ director shall, within 30 days upon completion of an approved training school, comply with the following:

~~1. Prepare a grade report on each officer maintaining the original for the academy records and forwarding a copy to the agency administrator of the officer.~~

~~2. 1. Submit to the department a roster containing the names of those officers who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session the compulsory minimum training standards.~~

~~2. Submit to the department the final curriculum with the training objectives, hours and instructor names listed.~~

D. The ~~school academy~~ director shall furnish each instructor with the applicable performance objectives outcomes, criteria and lesson plan guides for assigned subject matter.

## 6 VAC 20-20-100. Effective date. (Repealed.)

~~These rules shall be effective on and after July 6, 1983, and until amended or repealed.~~

## 6 VAC 20-20-110. Adopted. (Repealed.)

~~This chapter was adopted April 28, 1971; amended July 6, 1983.~~

## FORMS

Application for Exemption From Virginia Compulsory Minimum Training Standards, Form W-2, eff. 1/91.

Field Training: Law Enforcement, B-13, eff. 4/83 rev. 1/98.

Criminal Justice Training Roster, Form 41, eff. 1/93 rev. 4/94.

## DOCUMENT INCORPORATED BY REFERENCE

Performance Outcomes for Compulsory Minimum Training for Law Enforcement Officers, September 1997, Department of Criminal Justice Services.



**DEPARTMENT OF CRIMINAL JUSTICE SERVICES  
FIELD TRAINING: LAW ENFORCEMENT**

Officer's Name: \_\_\_\_\_  
(Last) (First) (M.I.)

Department: \_\_\_\_\_

Academy: \_\_\_\_\_

Basic Academy Completion Date: \_\_\_\_\_

B-13 (Rev. 1/98)

**FOR DCJS USE ONLY**

Certificate mailed: \_\_\_\_\_

Date: \_\_\_\_\_

Initials: \_\_\_\_\_

**Instructions:**

The chief administrative officer of a local agency or department is responsible for assuring this form is completed and returned to: Department of Criminal Justice Services, 305 East Broad Street, Richmond, Virginia 23219. The field training instructor and the recruit law enforcement officer must certify, by date and initials, when the listed performance outcomes are satisfactorily completed.

FIELD TRAINING TASKS	DATE COMPLETED	OFFICER'S INITIALS	FIELD TRAINING INSTRUCTOR'S INITIALS
<b>A. Department Policies, Procedures, &amp; Operations</b> <i>Performance Outcomes 10.A.1 through 10.A.47</i>	_____	_____	_____
<b>B. Local Government Structure &amp; Ordinances</b> <i>Performance Outcomes 10.B.1 through 10.B.6</i>	_____	_____	_____
<b>C. Court Systems, Personnel, Functions, &amp; Locations</b> <i>Performance Outcomes 10.C.1 through 10.C.4</i>	_____	_____	_____
<b>D. Resources and Referrals</b> <i>Performance Outcomes 10.D.1 through 10.D.3</i>	_____	_____	_____
<b>E. Records and Documentation</b> <i>Performance Outcomes 10.E.1 through 10.E.9</i>	_____	_____	_____
<b>F. Administrative Handling of Mental Cases</b> <i>Performance Outcomes 10.F.1 through 10.F.4</i>	_____	_____	_____
<b>G. Local Juvenile Procedures</b> <i>Performance Outcomes 10.G.1 through 10.G.5</i>	_____	_____	_____
<b>H. Detention Facilities and Booking Procedures</b> <i>Performance Outcomes 10.H.1 through 10.H.4</i>	_____	_____	_____
<b>I. Facilities &amp; Territory Familiarization</b> <i>Performance Outcomes 10.I.1 through 10.I.8</i>	_____	_____	_____
<b>J. Miscellaneous</b> <i>Performance Outcomes 10.J.1 through 10.J.6</i>	_____	_____	_____

I certify that the above-named officer has received a minimum of 100 hours field training in the applicable subjects listed above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Sheriff, Chief, or Agency Administrator

# Proposed Regulations

FORM  
41  
Rev. 4/94

CRIMINAL JUSTICE  
TRAINING  
ROSTER

DEPARTMENT OF CRIMINAL JUSTICE SERVICES  
COMMONWEALTH OF VIRGINIA  
(Please type. See instructions on reverse side)  
Name of Training Facility: \_\_\_\_\_

FOR DCJS USE ONLY  
AGENCY ID: \_\_\_\_\_  
TRAINING CODE: \_\_\_\_\_

(ONLY THOSE OFFICERS WHO HAVE SATISFACTORILY COMPLETED THE TRAINING CHECKED AT THE LEFT OF THIS FORM SHOULD BE LISTED BELOW.)				
	Date Officer Completed School (MM-DD-YY)	VA DMV Operator's License Number	Name of Officer (Last, First, Middle Initial)	Department
To report BASIC TRAINING, (Entry-Level) check one of the following: <input type="checkbox"/> Law Enforcement Officer <input type="checkbox"/> Jailor/Custodial Officer <input type="checkbox"/> Dispatcher <input type="checkbox"/> DOC Correctional Officer <input type="checkbox"/> Court Security Officer/Process Server (In case of a "combined school" there should be a separate roster for each group of officers who have satisfactorily completed the training for each). Date school started: _____ Number registered: _____ Number dropped out before completion: _____ Number unsatisfactorily completed: _____ Number satisfactorily completed: _____	1.			
	2.			
	3.			
	4.			
	5.			
	6.			
	7.			
	8.			
	9.			
	10.			
	11.			
	12.			
To report IN-SERVICE TRAINING, check one of the following: <input type="checkbox"/> Law Enforcement Officer <input type="checkbox"/> Jailor/Custodial Officer <input type="checkbox"/> DOC Officer <input type="checkbox"/> Court Security Officer/Process Server	13.			
	14.			
	15.			
	16.			
17.				
To report SPECIALIZED TRAINING: (Other than mandatory Basic or In-service Training), enter name of course here:	18.			
	19.			
	20.			
	21.			
	22.			
	23.			

(Continue listing on reverse side if necessary. Also complete certification on reverse side.)

DEPARTMENT OF CRIMINAL JUSTICE SERVICES  
COMMONWEALTH OF VIRGINIA

Continued from other side

INSTRUCTIONS	Date Officer Completed School (MM-DD-YY)	VA DMV Operator's License Number	Name of Officer (Last, First, Middle Initial)	Department	
Dates should be expressed numerically as six digits (Month-day-year). For example, September 9, 1993, should be reported as 09-09-93; October 11, 1993, as 10-11-93; etc. If the same date is repeated consecutively in the column for Completion Date of Training, "ditto marks" may be used to indicate the repetition of the date.	23.				
	24.				
	25.				
	26.				
	27.				
	28.				
	If the officer does not have a driver's license issued by the Virginia Department of Motor Vehicles, his/her Social Security Number should be entered in the column headed "VA DMV Operator's License Number". This number is essential for accurate processing of training data by the Department of Criminal Justice Services.	29.			
		30.			
		31.			
		32.			
		33.			
		34.			
35.					
36.					
37.					
38.					
39.					
40.					

I certify that the above-listed individuals have complied with the applicable rules relating to compulsory training standards or applicable requirements for specialized training and have satisfactorily completed a school approved by the Department of Criminal Justice Services.

Name of School Director: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

VA.R. Doc. No. R97-712; Filed August 13, 1997, 9:36 a.m.

## STATE BOARD OF EDUCATION

Title of Regulation: 8 VAC 20-20-10 et seq. **Regulations Governing the Licensure of School Personnel (REPEALING).**

Title of Regulation: 8 VAC 20-21-10 et seq. **Licensure Regulations for School Personnel.**

Statutory Authority: § 22.1-298 of the Code of Virginia.

Public Hearing Date:

Public comments may be submitted until October 31, 1997.

(See Calendar of Events section for additional information)

Basis: The proposed regulation is mandated by state law. The legal basis for the proposed licensure regulation is:

Section 22.1-298 of the Code of Virginia. Regulations governing licensure. The Board of Education shall, by regulation, prescribe the requirements for the licensure of teachers. Such regulations shall include a requirement that every teacher seeking initial licensure take a professional teacher's assessment prescribed by the board. Notwithstanding any provision of law to the contrary, the board may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any person who does not meet the requirement or any other requirement for licensure by law.

Section 22.1-299 of the Code of Virginia. Licensure required of teachers. No teachers shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board of Education. In accordance with regulations prescribed by the board, a person not meeting the requirements for a license or provisional license may be employed and paid from public funds by a school board temporarily as a substitute teacher to meet an emergency.

Purpose: The primary purpose for licensing teachers and other school personnel is to maintain standards of professional competence. These licensure regulations set forth competencies required of instructional personnel in Virginia.

The Board of Education recently adopted new Standards of Learning in the core subject areas of mathematics, science, English, and history/social science, raising the expectations for all students in Virginia's public schools. With these revisions comes the need to establish licensure regulations for school personnel that will ensure that instructional personnel have the background needed to facilitate student achievement of these rigorous standards.

Substance: The proposed licensure regulations for school personnel do not propose revisions to the current status of the law. The Board of Education is authorized by state law to promulgate licensure regulations. The effective date for local school divisions is July 1, 1998, and fall 2000 for institutions of higher education. Institutions of higher education will be

given time to incorporate the competencies into their approved preparation programs.

The proposed revisions in the licensure regulations will (i) align the licensure requirements with the Standards of Learning, (ii) establish a statewide licensure system and continue to provide flexibility for the approved teacher education programs, and (iii) reduce the number of endorsements from the current 104 licensure areas to 49.

Major revisions proposed include the requirement of a 21-semester-hour concentration in the core areas of mathematics, science, English, or history/social science for the middle education endorsement; additional requirements in language acquisition and reading for individuals seeking endorsement in early/primary preK-3, elementary preK-6, and special education; special education endorsements in mild to moderate disabilities and moderate to severe disabilities; a combined endorsement in administration and supervision; and exit expectations of graduates of approved teacher preparation programs. The proposed regulations also expand the technical professional license to include individuals with or without a baccalaureate degree who have demonstrated academic proficiency and technical competency and who have completed occupational experience.

Issues: The advantages of promulgating new licensure regulations for school personnel include:

1. Aligning the licensure requirements with the Standards of Learning to ensure that instructional personnel are prepared to address these new standards for students Kindergarten-12;
2. Establishing a statewide licensure system that will provide flexibility for the approved Board of Education programs designed to prepare teachers; and
3. Reducing the number of endorsements, therefore, streamlining the regulations to facilitate hiring and placement of school personnel in local school divisions.

Even though colleges and universities will need to modify their programs with the new regulations it does not appear that there are major disadvantages in revising the regulations.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The

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## Proposed Regulations

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analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The State Board of Education proposes to amend its regulation to license teachers and other school personnel in order to maintain standards of professional competence. The proposed revisions in the licensure regulations will (i) align the licensure requirements with the Standards of Learning, (ii) establish a statewide licensure system and continue to provide flexibility for the approved teacher education programs, and (iii) reduce the number of endorsements from the current 104 licensure areas to 49.

Estimated economic impact. The proposed regulation is likely to have two major economic effects: (i) increase the quality and consistency of newly trained teachers coming out of approved teacher education programs and (ii) increase the regulatory compliance associated with meeting the minimum standards.

This regulation seeks to establish minimum requirements for teachers in order to capture the anticipated benefits of the new Standards of Learning. Without the minimum standards for teachers, the anticipated results from the new Standards of Learning may not be realized. This regulation will ensure that this does not happen.

The proposed regulation sets out minimum competency standards for all students graduating from approved teacher education programs. This will ensure that at a minimum all new teachers will have the same basic skills and training needed to be effective in implementing the new Standards of Learning. The number of credit hours required for graduation remains the same at 120 hours. Schools will have the flexibility of incorporating whatever they deem appropriate in the 120 hours so long as graduates meet the minimum requirements. There is also the opportunity for the schools to specialize in areas where they have a comparative advantage. The regulations will only apply to new hires. New hires will have to pass the Beginning Teachers Test, which will include material on the Standards of Learning, in order to be licensed. The Board of Education will conduct campus visits every five years to evaluate how the Standards of Learning are being incorporated into the curriculum. Current teachers will be granted an exemption and do not need to retrain to be licensed. However, as teachers come up for license renewal every five years, DOE hopes that they will participate in local school district programs designed for professional development.

The cost of this regulation will be borne by students and universities especially those that have approved teacher education programs. Students will now have to take more credit hours in the core areas to be licensed. This implies less time to take classes that they might have taken. The cost to the students is the lost opportunity to take other classes and in turn broaden their horizons. If they wish to take these other courses, then they will have to pay for extra credit hours. Universities with approved education programs could see a decrease in enrollment for other classes besides

those that are considered as core courses. The exact magnitude of the decrease cannot be assessed at this time.

Another potential cost of this regulation is a decrease in the number of students enrolling in teacher programs. If the cost as discussed above is high enough, students could decide to seek other career opportunities. On the other hand, one could argue that students enrolling in teacher education programs would be those who have a greater average commitment, which should increase the quality of teachers coming out of these programs.

The purpose of this regulation is to match the skills of teachers to those required in implementing the new Standards of Learning. Students and parents will benefit by having teachers that can confidently and effectively implement the new Standards of Learning. However, there is a cost associated with this regulation. Students will have fewer opportunities to take classes that they might have taken. Universities with education programs could see a decrease in enrollment for other classes besides those considered as core courses. There is also the possibility that the number of teachers enrolling in teacher programs could decrease.

Businesses and entities affected. Students, parents, and schools with approved teacher education programs will be affected by this regulation. Students and parents will benefit by having teachers that can confidently and effectively implement the new Standards of Learning. Student teachers will have fewer opportunities to take other classes and universities could see a decrease in enrollments especially in the classes that are not considered core subjects in the Standards of Learning. It is not possible at this moment to estimate the dollar amounts associated with the benefits and costs of this regulation.

Localities particularly affected. No particular locality will be uniquely affected.

Projected impact on employment. There will be no measurable impact on employment.

Effects on the use and value of private property. Any effects on the use and value of private property will be too small to measure.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The proposed licensure regulations for school personnel by the Board of Education are expected to result in minimal economic impact because licensure regulations for school personnel currently exist. Colleges and universities will need to incorporate the competencies into their approved preparation programs and align endorsements with the proposed regulations.

The proposed regulations are aligned with the Standards of Learning; therefore, teachers will gain knowledge and skills to address these standards. The proposed regulations, however, should not affect the overall number of students enrolling in teacher preparation programs. Even though teacher preparation programs will need to be revised, the

cost of the program for the student should remain consistent with tuition rates for a baccalaureate or master's degree.

The Office of Teacher Education and Professional Licensure is a self-supporting office operated by fees for licensure. The revision in the regulations will not affect the current fee schedule.

## Summary:

The board is proposing to repeal its existing regulations governing school personnel licensure and replace them with a new set of regulations. The proposed revisions to the licensure regulations will (i) align the licensure requirements with the Standards of Learning, (ii) establish a statewide licensure system and continue to provide flexibility for the approved teacher education programs, and (iii) reduce the number of endorsements from the current 104 licensure areas to 49.

Major revisions proposed include the requirement of a 21-semester-hour concentration in the core areas of mathematics, science, English, or history/social science for the middle education endorsement; additional requirements in language acquisition and reading for individuals seeking endorsement in early/primary preK-3, elementary preK-6, and special education; special education endorsements in mild to moderate disabilities and moderate to severe disabilities; a combined endorsement in administration and supervision; and exit expectation of graduates of approved teacher preparation programs. The proposed regulations also expand the technical professional license to include individuals with or without a baccalaureate degree who have demonstrated academic proficiency and technical competency and who have completed occupational experience.

## CHAPTER 21.

### LICENSURE REGULATIONS FOR SCHOOL PERSONNEL.

#### PART I. DEFINITIONS.

#### **8 VAC 20-21-10. 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.

"Alternative route to licensure" means one route to licensure available to individuals employed by a Virginia educational agency who meet the guidelines specified in 8 VAC 20-21-80.

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

"Cancellation" means the annulment, voiding, or invalidation of a teaching license following voluntary surrender of the license by the license holder.

"Collegiate Professional License" means a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including the professional teacher's assessment prescribed by the Board of Education.

"Competency" means a capability or skill that a person possesses and can demonstrate, given the appropriate resources and conditions. As used in this chapter, a competency refers to a behavior that a licensure candidate should be able to demonstrate prior to being issued a teaching license. In most cases, entry level proficiency relative to the competency is specified rather than desired mastery level proficiency.

"Content area course work" means courses at the undergraduate level (i.e., two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social science, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts or sciences.

"Denial" means the refusal to grant a teaching license to a new applicant or to an applicant who is reapplying after the expiration of a license.

"Division Superintendent License" means a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited institution of higher education and meets the requirements specified in 8 VAC 20-21-570. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

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

"Provisional License" means a nonrenewable license issued for a period of three years to individuals who have been employed by a Virginia educational agency and meet the requirements specified in 8 VAC 20-21-50 A 4.

"Pupil Personnel Services License" means a five-year, renewable license available to an individual who has earned an appropriate graduate degree from an accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, or visiting teacher. This license does not require teaching experience.

"Reciprocity" means an agreement between two or more states that will recognize and accept one another's regulations and laws for privileges for mutual benefit. See 8 VAC 20-21-90 for conditions for teacher licensure by reciprocity.

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"Revocation" means the annulment by recalling, repealing, or rescinding a teaching license.

"Special Education Conditional License" means a three-year, nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement but meets the criteria specified in 8 VAC 20-21-50 A 5. This conditional license is not applicable to individuals employed as speech pathologists.

"Suspension" means the temporary withdrawal of a teaching license.

"Technical Professional License" means a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and meets the requirements specified in 8 VAC 20-21-50 A 3.

## PART II. ADMINISTERING THE REGULATIONS.

### 8 VAC 20-21-20. Administering the regulations.

A. In administering this chapter, modifications may be made in exceptional cases by the Superintendent of Public Instruction. Proposed modifications shall be made in writing to the Superintendent of Public Instruction, Commonwealth of Virginia, Virginia Department of Education, P. O. Box 2120, Richmond, Virginia 23218-2120.

B. Universities or colleges of education may propose modifications to this chapter to the Superintendent of Public Instruction. Requests for modifications shall be submitted in writing. Proposals shall include at least the following information: (i) philosophy/rationale for the proposed modification; (ii) requirements of the program including academic and professional studies; (iii) program competencies; (iv) program evaluation; and (v) faculty assigned to the program. Proposals received by the Superintendent of Public Instruction will be presented to the Advisory Board on Teacher Education and Licensure for review and formulation of a recommendation to the Board of Education.

## PART III. LICENSURE.

### 8 VAC 20-21-30. Purpose and responsibility for licensure.

The primary purpose for licensing teachers and other school personnel is to maintain standards of professional competence. The responsibility for licensure is set forth in § 22.1-298 of the Code of Virginia, which states that the Board of Education shall prescribe by regulation the requirements for licensure of teachers.

### 8 VAC 20-21-40. Conditions for licensure.

#### A. Applicants for licensure must:

1. Be at least 18 years of age;
2. Pay the appropriate fees as determined by the Board of Education and complete the application process;
3. Have earned a baccalaureate degree (with the exception of the Technical Professional License) from an accredited institution of higher education with a Board of Education approved teacher education program; and
4. Possess good moral character (free of conditions outlined in Part VII of this chapter).

B. All candidates who hold at least a bachelor's degree and who seek an initial Virginia teaching license must obtain passing scores on a professional teacher's assessment prescribed by the Board of Education. Candidates seeking a Technical Professional License or the Pupil Personnel Services License are not required to take the professional teacher's assessment. Individuals who have completed a minimum of two years of full-time, successful teaching experience in an accredited public or nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the assessment requirement.

### 8 VAC 20-21-50. Types of licenses; dating of licenses.

#### A. The following types of licenses are available:

1. Collegiate Professional License. The Collegiate Professional License is a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including the professional teacher's assessment prescribed by the Board of Education.
2. Postgraduate Professional License. The Postgraduate Professional License is a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from an accredited institution.
3. Technical Professional License. The Technical Professional License is a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and has completed nine semester hours of specialized professional studies credit from an accredited college or university. The nine semester hours of professional studies course work must include human growth and development (three semester hours), curriculum and instructional procedures (three semester hours), and applications of instructional technology or foundations of education (three semester hours). The Technical Professional License is issued at the recommendation of an employing educational agency in the areas of vocational education, educational

technology, and military science. In addition to demonstrating competency in the endorsement area sought, the individual must:

- a. Hold a license issued by the appropriate Virginia board for those program areas requiring a license and a minimum of two years of satisfactory experience at the journeyman level or an equivalent;
- b. Have completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade; or
- c. Have four years of work experience at the management or supervisory level or equivalent or have a combination of four years of training and 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 must meet the professional teacher's assessment requirement.

4. *Provisional License.* The Provisional License is a three-year, nonrenewable license available to individuals who are employed by a Virginia educational agency and are:

- a. Entering the teaching field through the alternative route to licensure upon recommendation of the employing educational agency;
- b. Failing to meet an allowable portion of general, professional, or specific endorsement requirements;
- c. Seeking the Technical Professional License; or
- d. Eligible for licensure but need to complete successfully the professional teacher's assessment prescribed by the Board of Education.

5. *Special Education Conditional License.* A Special Education Conditional License is a three-year, nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement. The conditional license is not applicable to individuals employed as speech pathologists. To be issued the Special Education Conditional License an individual must:

- a. Be employed by a Virginia public or nonpublic school and have the recommendation of the employing educational agency;
- b. Hold a baccalaureate degree from an accredited college or university;
- c. Have an assigned mentor endorsed in special education; and

d. Have a planned program of study in the assigned endorsement area and have completed a minimum of six semester hours in the core competencies of characteristics of students with disabilities and legal aspects associated with students with disabilities.

During the three years the Special Education Conditional License is valid, the individual must complete all requirements for the special education endorsement area, complete professional studies requirements, and meet Virginia's professional teacher's assessment requirement prescribed by the Board of Education.

6. *Pupil Personnel Services License.* The Pupil Personnel Services License is a five-year, renewable license available to an individual who has earned an appropriate graduate degree from an accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, or visiting teacher. This license does not require teaching experience.

7. *Division Superintendent License.* The Division Superintendent License is a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited institution of higher education and meets the requirements specified in 8 VAC 20-21-570. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

B. All licenses will be effective from July 1 in the school year in which the application is made.

## **8 VAC 20-21-60. Additional endorsements.**

One or more endorsements may be added to a license provided specific endorsement requirements have been met. Written requests may be made by the licensed professional and should be directed to the employing educational agency or college or university. If the request is not acted upon by the local educational agency or college or university within 30 days or is disputed, the license holder may make a written request for an additional endorsement directly to the Office of Professional Licensure, Virginia Department of Education. Written requests should be submitted by January 15 to be in effect by July 1 of the same year.

## **8 VAC 20-21-70. Deletion of an endorsement.**

An endorsement may be deleted from a license at the request of the licensed professional. Written requests are made by the licensed professional and should be directed to the employing educational agency. If the request is not acted upon by the local educational agency within 30 days, or is disputed, the license holder may make a written request for the deletion of an endorsement directly to the Office of Professional Licensure, Virginia Department of Education. Written requests should be submitted by January 15 to be in effect of July 1 of that year. Individuals who wish to add an endorsement that has been deleted must meet requirements for that endorsement at the time it is requested.

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## **8 VAC 20-21-80. Alternative route to licensure.**

A. An alternative route is available to individuals employed by an educational agency who seek teaching endorsements pre-K through grade 12.

1. An individual seeking a Provisional License through the alternative route must meet the requirements specified in 8 VAC 20-21-50 A 4.

2. The professional studies requirements for the appropriate level of endorsement sought must be completed. A Virginia educational agency may submit to the Superintendent of Public Instruction for approval an alternative program to meet the professional studies requirements. The alternative program must include training (seminar, internship, course work, etc.) in human growth and development, curriculum and instructional procedures (including technology), foundations of education, and reading.

3. One year of successful, full-time teaching experience in the appropriate teaching area in an accredited public or nonpublic school must be completed. A fully-licensed experienced teacher must be available in the school building to assist the beginning teacher employed through the alternative route.

B. Alternative programs developed by institutions of higher education (i) recognize the unique strengths of prospective teachers from nontraditional backgrounds, and (ii) prepare these individuals to meet the same standards that are established for others who are granted a provisional license.

## **8 VAC 20-21-90. Conditions for licensure by reciprocity.**

An individual coming into Virginia from any state may qualify for a Virginia teaching license with comparable endorsement areas if the individual has completed a state-approved teacher training program through a regionally accredited four-year college or university, or if the individual holds a valid out-of-state teaching license which must be in force at the time the application for a Virginia license is made. An individual seeking licensure must establish a file in the Department of Education by submitting a complete application packet, which includes official student transcripts. A professional teacher's assessment prescribed by the Board of Education must be satisfied.

## **8 VAC 20-21-100. Requirements for renewing a license.**

A. The Division Superintendent, Postgraduate Professional, Collegiate Professional, Technical Professional, and Pupil Personnel Services Licenses may be renewed upon the completion of 180 professional development points within a five-year validity period based on an individualized professional development plan. Professional development points can be accrued by the completion of activities from one or more of the following options: college credit, professional conference, peer observation, educational travel, curriculum development, publication of article, publication of book, mentorship/supervision, educational

project, and employing educational agency professional development activity.

B. A minimum of 90 points (three semester hours in a content area) in the license holder's endorsement area or areas shall be required of license holders without a master's degree and may be satisfied at the undergraduate (two-year or four-year institution) or graduate level. Special education course work designed to assist classroom teachers and other school personnel in working with students with disabilities, a course in gifted education, a course in educational technology, or a course in English as a Second Language may be completed to satisfy the content course requirement for one cycle of the renewal process. Technical Professional License holders without baccalaureate degrees may satisfy the requirement through vocational education workshops, vocational education institutes, or through undergraduate course work at two-year or four-year institutions.

C. Content area courses are courses at the undergraduate level (two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social science, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts and sciences. License holders with elementary education, middle education, special education, or reading endorsements must satisfy the 90-point requirement through content course work in one of the areas listed above. Courses available through the college's or institution's department of education may be used to satisfy the content requirement for those license holders with endorsements in health and physical education, vocational education, and library science education.

D. With prior approval of the division superintendent, the 90 points in a content area also may be satisfied through course work taken to obtain a new teaching endorsement or course work taken because of a particular need of a particular teacher.

E. The remaining 90 points may be accrued by activities drawn from one or more of the 10 options described in The Virginia Renewal Manual. Renewal work is designed to provide licensed personnel with opportunities for professional development relative to the grade levels or teaching fields to which they are assigned or for which they seek an added endorsement. Such professional development encompasses (i) responsible remediation of any area of an individual's knowledge or skills that fails to meet the standards of competency and (ii) responsible efforts to increase the individual's knowledge of new developments in his field and to respond to new curricular demands within the person's area of professional competence.

F. The proposed work toward renewal in certain options must be approved in advance by the chief executive officer or designee of the employing educational agency. Persons who are not employed by an educational agency may renew or reinstate their license by submitting to the Office of Professional Licensure, Department of Education, their

individualized renewal record and verification of points, including official student transcripts of course work taken at an accredited two-year or four-year college or university.

G. Accrual of professional development points shall be determined by criteria set forth by the Virginia Department of Education.

H. Virginia school divisions and nonpublic schools will recommend renewal of licenses using the renewal point system.

## PART IV.

### LICENSURE REGULATIONS GOVERNING EARLY/PRIMARY EDUCATION, ELEMENTARY EDUCATION AND MIDDLE EDUCATION ENDORSEMENTS.

#### **8 VAC 20-21-110. Early/primary education, elementary education, and middle education endorsements.**

Individuals seeking licensure with endorsements in early/primary education, elementary education, and middle education may meet requirements through the completion of an approved program or, if employed by a Virginia public or nonpublic school, through the alternative route to licensure. Components of the licensure program include a degree in the liberal arts and sciences (or equivalent), professional teacher's assessment requirement prescribed by the Board of Education, specific endorsement requirements, and professional studies requirements.

#### **8 VAC 20-21-120. Professional studies requirements.**

Professional studies requirements for early/primary education, elementary education, and middle education: 18 semester hours.

1. Human growth and development (birth through adolescence): 3 semester hours. Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual differences -- economic, social, racial, ethnic, religious, physical, and mental -- should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to attention deficit disorders, substance abuse, child abuse, and family disruptions.

2. Curriculum and instructional procedures: 6 semester hours.

a. Early/primary education preK-3 or elementary education preK-6 curriculum and instructional procedures. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; classroom management; selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for gifted and talented students and those students with disabling conditions,

must be appropriate for the level of endorsement (preK-3 or preK-6). Pre-student teaching experiences (field experiences) should be evident within these skills.

b. Middle education 6-8 curriculum and instructional procedures. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes, classroom management; selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for gifted and talented students and students with disabling conditions, must be appropriate for the middle education endorsement. Pre-student teaching experiences (field experiences) should be evident within these skills.

3. Foundations of education: 3 semester hours. 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. Attention should be given to the legal status of teachers and students, including federal and state laws and regulations, school as an organization/culture, and contemporary issues in education.

4. Reading: 6 semester hours

a. Early/primary preK-3 and elementary education preK-6 -- language acquisition and reading: 6 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 awareness, an understanding of sound/symbol relationships, explicit phonics instruction, syllables, phonemes, morphemes, decoding skills, word attack skills, and a knowledge of how phonics, syntax, and semantics interact. Additional skills shall include proficiency in a wide variety of comprehension strategies, as well as the ability to foster appreciation of a variety of literature and independent reading.

b. Middle education -- reading in the content areas: 6 semester hours. Skills in this area shall be designed to impart an understanding of comprehension skills in all content areas, including a repertoire of questioning strategies, summarizing and retelling skills, and strategies in literal, interpretive, critical, and evaluative comprehension, as well as the ability to foster appreciation of a variety of literature and independent reading.

5. Supervised classroom experience. The student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 300 clock hours with at least half of that time spent supervised in direct teaching activities (providing direct instruction) at the level of endorsement. One year of

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successful full-time teaching experience in the endorsement area in any accredited public or nonpublic school may be accepted in lieu of the supervised teaching experience. A fully licensed, experienced teacher must be available in the school building to assist a beginning teacher employed through the alternative route.

### 8 VAC 20-21-130. Early/primary education preK-3.

A. The program for early/primary education preK-3 will ensure that the candidate has demonstrated the following competencies:

#### 1. Methods.

a. Understanding of the knowledge, skills, and processes to support learners in achievement of the Virginia Standards of Learning in English, mathematics, history and social science, science, and computer/technology;

b. The ability to integrate language and literacy, mathematics, science, health, social studies, art, music, drama, movement, and technology in learning experiences;

c. The use of differentiated instruction and flexible groupings to meet the needs of learners at different stages of development, abilities, and achievement;

d. The use of appropriate methods, including direct instruction, to help learners develop knowledge and basic skills, sustain intellectual curiosity, and problem solve;

e. The ability to utilize effective classroom management skills through methods that will build responsibility and self-discipline and maintain a positive learning environment;

f. The ability to modify and manage learning environments and experiences to meet the individual needs of children, including children with disabilities, gifted children, and children with limited proficiency in English;

g. The ability to use formal and informal assessments to diagnose needs, plan and modify instruction, and record student progress;

h. A commitment to professional growth and development through reflection, collaboration, and continuous learning;

i. The ability to analyze, evaluate, apply, and conduct quantitative and qualitative research; and

j. The ability to use computer technology as a tool for teaching, learning, research, and communication.

#### 2. Knowledge and skills.

a. Reading/English. Understanding of the content, knowledge, skills, and processes for teaching the Standards of Learning for English including: reading,

writing, literature, oral language (speaking and listening), and research and how these standards provide the core for teaching English in grades preK-3 (early/primary licensure).

(1) Assessment and diagnostic teaching. The individual must:

(a) Be proficient in the use of assessment and screening measures (formal and informal) for language proficiency, concepts of print, phoneme awareness, letter recognition, sound-symbol knowledge, single word recognition, decoding, word attack skills, word recognition in context, reading fluency, and oral and silent reading comprehension; and

(b) Be proficient in the ability to use diagnostic data to tailor instruction, accelerate, and remediate, using flexible skill-level groupings as necessary.

(2) Oral communication. The individual must:

(a) Be proficient in the knowledge, skills, and processes necessary for teaching oral language (including speaking and listening);

(b) Be proficient in developing students' phonemic awareness/phonological association skills;

(c) Demonstrate effective strategies for facilitating the learning of standard English by speakers of other languages and dialects;

(d) Demonstrate an understanding of the unique needs of students with language differences and delays; and

(e) Demonstrate the ability to promote creative thinking and expression, as through storytelling, drama, choral/oral reading, etc.

(3) Reading/literature. The individual must:

(a) Demonstrate an understanding of the role of the family in developing literacy;

(b) Demonstrate the ability to appreciate the written word and the awareness of the printed language and writing system;

(c) Develop an understanding of the linguistic, sociological, cultural, cognitive, and psychological basis of the reading process;

(d) Be proficient in explicit phonics instruction, including an understanding of sound/symbol relationships, syllables, phonemes, morphemes, decoding skills, and word attack skills;

(e) Be proficient in the use of the cuing systems of language, including knowledge of how phonics, syntax, and semantics interact as the reader constructs meaning;

(f) Be proficient in strategies to increase vocabulary;

(g) Be proficient in the structure of the English language, including an understanding of syntax and vocabulary development;

(h) Be proficient in reading comprehension strategies, including a repertoire of questioning strategies, understanding the dimensions of word meanings, teaching summarizing and retelling skills, and guiding students to make connections beyond the text;

(i) Be proficient in the ability to teach strategies in literal, interpretive, critical, and evaluative comprehension;

(j) Demonstrate the ability to develop comprehension skills in all content areas;

(k) Demonstrate the ability to foster the appreciation of a variety of literature; and

(l) Understand the importance of promoting independent reading and reading reflectively by selecting quality literature, including fiction and nonfiction, at appropriate reading levels.

(4) Writing. The individual must:

(a) Be proficient in the knowledge, skills, and processes necessary for teaching writing, including grammar, punctuation, spelling, syntax, etc.;

(b) Be proficient in systematic spelling instruction, including awareness of the purpose and limitations of "invented spelling," the connection between stages of language acquisition and spelling, orthographic patterns, and strategies for promoting generalization of spelling study to writing; and

(c) Demonstrate the ability to promote creative thinking and expression, as through imaginative writing, etc.

(5) Research. The individual must demonstrate the ability to guide students in their use of technology for both process and product as they work with reading, writing, and research.

b. Mathematics.

(1) Understanding of the mathematics relevant to the content identified in the Virginia Standards of Learning and how the standards provide the foundation for teaching mathematics in grades preK-6. Experiences with practical applications and the use of appropriate technology and manipulatives should be used within the following content:

(a) Number systems, their structure, basic operations, and properties;

(b) Elementary number theory, ratio, proportion and percent;

(c) Algebra: operations with monomials and polynomials; algebraic fractions; linear and quadratic equations and inequalities, linear systems of equations and inequalities; radicals and exponents; arithmetic and geometric sequences and series; algebraic and trigonometric functions; and transformations among graphical, tabular, and symbolic form of functions;

(d) Geometry: geometric figures, their properties, relationships, Pythagorean Theorem; deductive and inductive reasoning; perimeter, area, and surface area of 2- and 3-dimensional figures; coordinate and transformational geometry; and constructions;

(e) Probability and statistics: permutations and combinations; experimental and theoretical probability; prediction; graphical representations including box-and whisker plots; measures of central tendency, range, and normal distribution; and

(f) Computer science: terminology, simple programming, and software applications.

(2) Understanding of the nature of mathematics and how the study of the discipline helps students appreciate:

(a) The sequential nature of mathematics;

(b) The multiple representations of mathematical concepts and procedures;

(c) The ways to reason mathematically, solve problems, and communicate mathematics effectively at different levels of formality;

(d) The contributions of different cultures toward its development;

(e) The role of mathematics and its applications in culture and society; and

(f) The way changes in technology have influenced mathematics education.

c. History and social science.

(1) Understanding of the knowledge, skills, and processes of history and the social science disciplines as defined in the Standards of Learning and how the standards provide the necessary foundation for teaching history and social science, including in:

(a) History.

(i) The contributions of ancient civilizations to American social and political institutions;

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- (ii) Major events in Virginia history from 1607 to the present;
  - (iii) Key individuals, documents, and events in the American revolution;
  - (iv) The evolution of American's constitutional republic, its ideas, institutions, and practices;
  - (v) The influence of religious traditions on American heritage and contemporary American society;
  - (vi) The changing role of America around the world; relations between domestic affairs and foreign policy; global political and economic interactions; and
  - (vii) The origins, effects, aftermath, and significance of the two world wars and the Korean and Vietnam conflicts.
- (b) Geography.
- (i) The use of maps and other geographic representations, tools, and technologies to acquire, process, and report information;
  - (ii) The relationship between human activity and the physical environment in the community and the world;
  - (iii) Physical processes that shape the surface of the earth; and
  - (iv) How political forces influence the division and control of the earth's resources.
- (c) Civics/economics.
- (i) The privileges and responsibilities of good citizenship and the importance of the rule of law for the protection of individual rights;
  - (ii) The process of making laws in the United States and the fundamental ideals and principles of a republican form of government;
  - (iii) The nature and purposes of constitutions and alternative ways of organizing constitutional governments; and
  - (iv) The structure of the United States economy compared to other economies.
- (2) Understanding of the nature of history and the social sciences, and how the study of the disciplines assists students in developing critical thinking skills in helping them to understand:
- (a) The relationship between past and present;
  - (b) The use of primary sources such as: artifacts, letters, photographs, and newspapers;
  - (c) How events in history are shaped both by the ideas and actions of people;
  - (d) Diverse cultures and shared humanity;
  - (e) Civic participation in a pluralistic democracy; and
  - (f) The relationship between history, literature, art, and music.
- d. Science.
- (1) Understanding of the knowledge, skills, and processes of the Earth, life, and physical sciences as defined in the Virginia Science Standards of Learning and how these standards provide a sound foundation for teaching science in the elementary grades.
  - (2) Understanding of the nature of science and scientific inquiry including:
    - (a) The role of science in explaining and predicting events and phenomena; and
    - (b) The science skills of data analysis, measurement, observation, prediction, and experimentation.
  - (3) Understanding of the knowledge, skills, and processes for an active elementary science program including the ability to:
    - (a) Design instruction reflecting the goals of the Science Standards of Learning;
    - (b) Conduct research projects and experiments in a safe environment;
    - (c) Organize key science content into meaningful units of instruction;
    - (d) Adapt instruction to diverse learners using a variety of techniques;
    - (e) Evaluate instructional materials, instruction, and student achievement; and
    - (f) Incorporate instructional technology to enhance student performance in science.
  - (4) Understanding of the content, processes, and skills of the Earth sciences, biology, chemistry, and physics supporting the teaching of elementary school science as defined by the Science Standards of Learning and equivalent to academic course work in each of these core science areas.
  - (5) Understanding of the core scientific disciplines to ensure:
    - (a) The ability to teach the processes and organizing concepts common to the natural and physical sciences; and
    - (b) Student achievement in science.
  - (6) Understanding of the contributions and significance of science including:

- (a) *Its social and cultural significance;*
- (b) *The relationship of science to technology; and*
- (c) *The historical development of scientific concepts and scientific reasoning.*

### 3. *Child and family.*

- a. *Knowledge and understanding of human growth and development from birth through adolescence and the link between child development and instruction;*
- b. *The ability to understand children in the context of family, culture, and community;*
- c. *The ability to establish positive and collaborative relationships with all families as partners in teaching and learning;*
- d. *The ability to support families in character development through emphasis on respect, responsibility, and moral behavior; and*
- e. *The ability to support students by cooperatively working with parents and other professionals.*

### B. *Endorsement requirements.*

1. *The candidate must have graduated from an approved teacher preparation program in early/primary education preK-3; or*

2. *The candidate for the early/primary education preK-3 endorsement must have a degree in the liberal arts and sciences (or equivalent) and completed course work which covers the early/primary education preK-3 competencies and fulfills the following 51-semester-hour requirements:*

- a. *English (must include composition, oral communication, and literature): 12 semester hours;*
- b. *Mathematics: 9 semester hours;*
- c. *Science (including a laboratory course): 9 semester hours;*
- d. *History (must include American history and world history): 6 semester hours;*
- e. *Social science (must include geography and economics): 6 semester hours;*
- f. *Arts and humanities: 6 semester hours; and*
- g. *Computer/technology: 3 semester hours.*

### **8 VAC 20-21-140. Elementary education preK-6.**

A. *The program in elementary education preK-6 will ensure that the candidate has demonstrated the following competencies:*

#### 1. *Methods.*

- a. *Understanding of the needed knowledge, skills, and processes to support learners in achievement of the Virginia Standards of Learning in English,*

*mathematics, history and social science, science, and computer/technology;*

b. *The ability to integrate language and literacy, mathematics, science, health, social studies, art, music, drama, movement, and technology in learning experiences;*

c. *The use of differentiated instruction and flexible groupings to meet the needs of learners at different stages of development, abilities, and achievement;*

d. *The use of appropriate methods, including direct instruction, to help learners develop knowledge and basic skills, sustain intellectual curiosity, and problem solve;*

e. *The ability to utilize effective classroom management skills through methods that will build responsibility and self-discipline and maintain a positive learning environment;*

f. *The ability to modify and manage learning environments and experiences to meet the individual needs of children, including children with disabilities, gifted children, and children with limited proficiency in English;*

g. *The ability to use formal and informal assessments to diagnose needs, plan and modify instruction, and record student progress;*

h. *A commitment to professional growth and development through reflection, collaboration, and continuous learning;*

i. *The ability to analyze, evaluate, apply, and conduct quantitative and qualitative research; and*

j. *The ability to use computer technology as a tool for teaching, learning, research, and communication.*

#### 2. *Knowledge and skills.*

a. *Reading/English. Understanding of the content, knowledge, skills, and processes for teaching the Standards of Learning for English including: reading, writing, literature, oral language (speaking and listening), and research and how these standards provide the core for teaching English in grades preK-6 (elementary licensure).*

(1) *Assessment and diagnostic teaching. The individual must:*

- (a) *Be proficient in the use of assessment and screening measures (formal and informal) for language proficiency, concepts of print, phoneme awareness, letter recognition, sound-symbol knowledge, single word recognition, decoding, word attack skills, word recognition in context, reading fluency, and oral and silent reading comprehension; and*

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(b) Be proficient in the ability to use diagnostic data to tailor instruction, accelerate, and remediate, using flexible skill-level groupings as necessary.

(2) Oral communication. The individual must:

(a) Be proficient in the knowledge, skills, and processes necessary for teaching oral language (including speaking and listening);

(b) Be proficient in developing students' phonemic awareness/phonological association skills;

(c) Demonstrate effective strategies for facilitating the learning of standard English by speakers of other languages and dialects;

(d) Demonstrate an understanding of the unique needs of students with language differences and delays; and

(e) Demonstrate the ability to promote creative thinking and expression, as through storytelling, drama, choral/oral reading, etc.

(3) Reading/literature. The individual must:

(a) Demonstrate an understanding of the role of the family in developing literacy;

(b) Demonstrate the ability to create appreciation of the written word and the awareness of the printed language and writing system;

(c) Develop an understanding of the linguistic, sociological, cultural, cognitive, and psychological basis of the reading process;

(d) Be proficient in explicit phonics instruction, including an understanding of sound/symbol relationships, syllables, phonemes, morphemes, decoding skills, and word attack skills;

(e) Be proficient in the use of the cuing systems of language, including knowledge of how phonics, syntax, and semantics interact as the reader constructs meaning;

(f) Be proficient in strategies to increase vocabulary;

(g) Be proficient in the structure of the English language, including an understanding of syntax and vocabulary development;

(h) Be proficient in reading comprehension strategies, including a repertoire of questioning strategies, understanding the dimensions of word meanings, teaching summarizing and retelling skills, and guiding students to make connections beyond the text; and

(i) Be proficient in the ability to teach strategies in literal, interpretive, critical, and evaluative comprehension.

(j) Demonstrate the ability to develop comprehension skills in all content areas;

(k) Demonstrate the ability to foster appreciation of a variety of literature; and

(l) Understand the importance of promoting independent reading and reading reflectively by selecting quality literature, including fiction and non-fiction, at appropriate reading levels.

(4) Writing. The individual must:

(a) Be proficient in the knowledge, skills, and processes necessary for teaching writing, including grammar, punctuation, spelling, syntax, etc.;

(b) Be proficient in systematic spelling instruction, including awareness of the purpose and limitations of "invented spelling," the connection between stages of language acquisition and spelling, orthographic patterns, and strategies for promoting generalization of spelling study to writing; and

(c) Demonstrate the ability to promote creative thinking and expression, as through imaginative writing, etc.

(5) Research. The individual must demonstrate the ability to guide students in their use of technology for both process and product as they work with reading, writing, and research.

b. Mathematics.

(1) Understanding of the mathematics relevant to the content identified in the Virginia Standards of Learning and how the standards provide the foundation for teaching mathematics in grades preK-6. Experiences with practical applications and the use of appropriate technology and manipulatives should be used within the following content:

(a) Number systems, their structure, basic operations, and properties;

(b) Elementary number theory, ratio, proportion and percent;

(c) Algebra: operations with monomials and polynomials; algebraic fractions; linear and quadratic equations and inequalities, linear systems of equations and inequalities; radicals and exponents; arithmetic and geometric sequences and series; algebraic and trigonometric functions; and transformations among graphical, tabular, and symbolic form of functions;

(d) Geometry: geometric figures, their properties, relationships, Pythagorean Theorem; deductive and inductive reasoning; perimeter, area, and surface area of 2- and 3-dimensional figures;

coordinate and transformational geometry; and constructions;

(e) Probability and statistics: permutations and combinations; experimental and theoretical probability; prediction; graphical representations, including box-and whisker plots; measures of central tendency, range, and normal distribution; and

(f) Computer science: terminology, simple programming, and software applications.

(2) Understanding of the nature of mathematics and how the study of the discipline helps students appreciate:

(a) The sequential nature of mathematics;

(b) The multiple representations of mathematical concepts and procedures;

(c) The ways to reason mathematically, solve problems, and communicate mathematics effectively at different levels of formality;

(d) The contributions of different cultures toward its development;

(e) The role of mathematics and its applications in culture and society; and

(f) The way changes in technology have influenced mathematics education.

### c. History and social science.

(1) Understanding of the knowledge, skills, and processes of history and the social science disciplines as defined in the Standards of Learning and how the standards provide the necessary foundation for teaching history and social science, including in:

#### (a) History

(i) The contributions of ancient civilizations to American social and political institutions;

(ii) Major events in Virginia history from 1607 to the present;

(iii) Key individuals, documents, and events in the American revolution;

(iv) The evolution of America's constitutional republic, its ideas, institutions, and practices;

(v) The influence of religious traditions on American heritage and contemporary American society;

(vi) The changing role of America around the world; relations between domestic affairs and foreign policy; global political and economic interactions; and

(vii) The origins, effects, aftermath, and significance of the two world wars and the Korean and Vietnam conflicts.

#### (b) Geography.

(i) The use of maps and other geographic representations, tools, and technologies to acquire, process, and report information;

(ii) The relationship between human activity and the physical environment in the community and the world;

(iii) Physical processes that shape the surface of the earth; and

(iv) How political forces influence the division and control of the earth's resources.

#### (c) Civics/economics.

(i) The privileges and responsibilities of good citizenship and the importance of the Rule of Law for the protection of individual rights;

(ii) The process of making laws in the United States and the fundamental ideals and principles of a republican form of government;

(iii) The nature and purposes of constitutions and alternative ways of organizing constitutional governments; and

(iv) The structure of the United States economy compared to other economies.

(2) Understanding of the nature of history and social sciences and how the study of the disciplines assists students in developing critical thinking skills in helping them to understand:

(a) The relationship between past and present;

(b) The use of primary sources such as: artifacts, letters, photographs, and newspapers;

(c) How events in history are shaped both by the ideas and actions of people;

(d) Diverse cultures and shared humanity;

(e) Civic participation in a pluralistic democracy; and

(f) The relationship between history, literature, art, and music.

### d. Science.

(1) Understanding of the knowledge, skills, and processes of the Earth, life, and physical sciences as defined in the Virginia Science Standards of Learning and how these standards provide a sound foundation for teaching science in the elementary grades;

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(2) *Understanding of the nature of science and scientific inquiry, including:*

- (a) *The role of science in explaining and predicting events and phenomena; and*
- (b) *The science skills of data analysis, measurement, observation, prediction, and experimentation.*

(3) *Understanding of the knowledge, skills, and processes for an active elementary science program including the ability to:*

- (a) *Design instruction reflecting the goals of the Science Standards of Learning;*
- (b) *Conduct research projects and experiments in a safe environment;*
- (c) *Organize key science content into meaningful units of instruction;*
- (d) *Adapt instruction to diverse learners using a variety of techniques;*
- (e) *Evaluate instructional materials, instruction, and student achievement; and*
- (f) *Incorporate instructional technology to enhance student performance in science.*

(4) *Understanding of the content, processes, and skills of the Earth sciences, biology, chemistry, and physics supporting the teaching of elementary school science as defined by the Science Standards of Learning and equivalent course work reflecting each of these core science areas.*

(5) *Understanding of the core scientific disciplines to ensure:*

- (a) *The ability to teach the processes and organizing concepts common to the natural and physical sciences; and*
- (b) *Student achievement in science.*

(6) *Understanding of the contributions and significance of science including:*

- (a) *Its social and cultural significance;*
- (b) *The relationship of science to technology; and*
- (c) *The historical development of scientific concepts and scientific reasoning.*

3. *Child and family.*

- a. *Knowledge and understanding of human growth and development from birth through adolescence and the link between child development and instruction;*
- b. *The ability to understand children in the context of family, culture, and community;*

c. *The ability to establish positive and collaborative relationships with all families as partners in teaching and learning;*

d. *The ability to support families in character development through emphasis on respect, responsibility, and moral behavior; and*

e. *The ability to support students by cooperatively working with parents and other professionals.*

B. *Endorsement requirements.*

1. *The candidate shall have graduated from an approved teacher preparation program in elementary education preK-6; or*

2. *The candidate for the elementary education preK-6 endorsement must have a degree in the liberal arts and sciences (or equivalent) and completed course work which covers the elementary education preK-6 competencies and fulfills the following 60-semester-hour requirements:*

a. *English (must include composition, oral communication, and literature): 12 semester hours;*

b. *Mathematics: 12 semester hours;*

c. *Science (including a laboratory course): 12 semester hours;*

d. *History (must include American history and world history): 9 semester hours;*

e. *Social science (must include geography and economics): 6 semester hours;*

f. *Arts and humanities: 6 semester hours; and*

g. *Computer/technology: 3 semester hours.*

**8 VAC 20-21-150. Middle education 6-8.**

A. *The program in middle education 6-8 will ensure that the candidate has demonstrated the following competencies:*

1. *Methods.*

a. *Understanding of the needed knowledge, skills, and processes to support learners in achievement of the Virginia Standards of Learning for grades 6-8;*

b. *The use of appropriate methods, including direct instruction, to help learners develop knowledge and skills, sustain intellectual curiosity, and solve problems;*

c. *The ability to plan and teach collaboratively to facilitate interdisciplinary learning;*

d. *The use of differentiated instruction and flexible groupings to meet the needs of preadolescents at different stages of development, abilities, and achievement;*

e. *The ability to utilize effective classroom management skills through methods that will build*

responsibility and self-discipline and maintain a positive learning environment;

f. The ability to modify and manage learning environments and experiences to meet the individual needs of preadolescents, including children with disabilities, gifted children, and children with limited proficiency in English;

g. The ability to use formal and informal assessments to diagnose needs, plan and modify instruction, and record student progress;

h. A commitment to professional growth and development through reflection, collaboration, and continuous learning;

i. The ability to analyze, evaluate, apply, and conduct quantitative and qualitative research;

j. The ability to use computer technology as a tool for teaching, learning, research, and communication;

k. An understanding of how to apply a variety of school organizational structures, schedules, groupings, and classroom formats appropriately for middle level learners; and

l. Skill in promoting the development of all students' abilities for academic achievement and continued learning.

## 2. English.

a. Possession of the skills necessary to teach the writing process, to differentiate among the forms of writing (creative, expository, persuasive, and technical), and to use computers and other available technology;

b. Understanding of and knowledge in grammar usage and mechanics and its integration in writing;

c. Understanding of the theory of linguistics and of the nature and development of language and its impact on vocabulary development and spelling;

d. Understanding of and knowledge in reading and comprehensive skills;

e. Understanding of and knowledge in speaking and listening;

f. Knowledge of major works from British, American, world, and ethnic/minority literature appropriate for English instruction.

## 3. History and social science.

a. Understanding of the knowledge, skills, and processes of history and the social science disciplines as defined by the Virginia History and Social Science Standards of Learning and how the standards provide the foundation for teaching history and social science, including in:

(1) United States history.

(a) The evolution of the American constitutional republic and its ideas, institutions, and practices from the colonial period to the present; the American Revolution, including ideas and principles preserved in significant Virginia and United States historical documents as required by § 22.1-201 of the Code of Virginia (Declaration of American Independence, the general principles of the Constitution of the United States, the Virginia Statute of Religious Freedom, the charters of April 10, 1606, May 23, 1609, and March 12, 1612, of The Virginia Company, and the Virginia Declaration of Rights), and historical challenges to the American political system (i.e., slavery, the Civil War, emancipation, and civil rights);

(b) The influence of religious traditions on the American heritage and on contemporary American society;

(c) The changing role of America around the world; the relationship between domestic affairs and foreign policy; global political and economic interactions;

(d) The influence of immigration on American political, social, and economic life;

(e) Origins, effects, aftermath and significance of the two world wars and the Korean and Vietnam conflicts;

(f) Social, political, and economic transformations in American life during the 20th century; and

(g) Tensions between liberty and equality, liberty and order, region and nation, individualism and the common welfare, and between cultural diversity and civic unity.

## (2) World history.

(a) The political, philosophical, and cultural legacies of ancient, American, Asian, African, and European civilizations;

(b) Origins, ideas, and institutions of Judaism, Christianity, Hinduism, Confucianism and Taoism, and Shinto, Buddhist and Islamic religious traditions;

(c) Medieval society and institutions; relations with Islam; feudalism and the evolution of representative government;

(d) The social, political, and economic contributions of selected civilizations in Africa, Asia, Europe, and the Americas;

(e) The culture and ideas of the Renaissance and the Reformation, European exploration, and the origins of capitalism and colonization;

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(f) *The cultural ideas of the Enlightenment and the intellectual revolution of the 17th and 18th centuries;*

(g) *The sources, results, and influence of the American and French revolutions;*

(h) *The social consequences of the Industrial Revolution and its impact on politics and culture;*

(i) *The global influence of European ideologies of the 19th and 20th centuries (liberalism, republicanism, social democracy, Marxism, nationalism, Communism, Fascism, and Nazism); and*

(j) *The origins, effects, aftermath and significance of the two world wars.*

### (3) *Civics and economics.*

(a) *Essential characteristics of limited and unlimited governments;*

(b) *Importance of the Rule of Law for the protection of individual rights and the common good;*

(c) *Rights and responsibilities of American citizenship;*

(d) *Nature and purposes of constitutions and alternative ways of organizing constitutional governments;*

(e) *American political culture;*

(f) *Values and principles of the American constitutional republic;*

(g) *Structures, functions, and powers of local, state, and national governments; and*

(h) *The structure and function of the United States market economy as compared with other economies.*

b. *Understanding of the nature of history and social science and how the study of these disciplines helps students go beyond critical thinking skills to help them appreciate:*

(1) *The significance of the past to their lives and to society;*

(2) *Diverse cultures and shared humanity;*

(3) *How things happen, how they change, and how human intervention matters;*

(4) *The interplay of change and continuity;*

(5) *Historical cause and effect;*

(6) *The importance of individuals who have made a difference in history and the significance of personal character to the future of society;*

(7) *The relationship among history, geography, civics, and economics; and*

(8) *The difference between fact and conjecture, evidence and assertion, and the importance of framing useful questions.*

### 4. *Mathematics.*

a. *Understanding of the knowledge and skills necessary to teach the Virginia Mathematics Standards of Learning and how curriculum may be organized to teach these standards to diverse learners;*

b. *Understanding of a core knowledge base of concepts and procedures within the discipline of mathematics including the following strands: number systems and number theory, geometry and measurement; statistics and probability; functions and algebra;*

c. *Understanding of the sequential nature of mathematics and the mathematical structures inherent in the content strands;*

d. *Understanding of and the ability to use the four processes -- becoming mathematical problem solvers, reasoning mathematically, communicating mathematically, and making mathematical connections -- at different levels of complexity;*

e. *Understanding of the history of mathematics, including the contributions of various individuals and cultures toward the development of mathematics, and the role of mathematics in culture and society;*

f. *Understanding of the major current curriculum studies and trends in mathematics;*

g. *Understanding of the role of technology and the ability to use graphing utilities and computers in the teaching and learning of mathematics;*

h. *Understanding of and the ability to select, adapt, evaluate and use instructional materials and resources, including professional journals and technology;*

i. *Understanding of and the ability to use strategies for managing, assessing, and monitoring student learning, including diagnosing student errors; and*

j. *Understanding of and the ability to use strategies to teach mathematics to diverse learners.*

### 5. *Science.*

a. *Understanding of the knowledge, skills, and processes of the Earth, life, and physical sciences as defined in the Virginia Science Standards of Learning and how these provide a sound foundation for teaching science in the middle grades.*

b. *Understanding of the nature of science and scientific inquiry, including:*

- (1) *Function of research design and experimentation;*
  - (2) *Role of science in explaining and predicting events and phenomena; and*
  - (3) *Science skills of data analysis, measurement, observation, prediction, and experimentation.*
- c. *Understanding of the knowledge, skills, and processes for an active middle school science program, including the ability to:*
- (1) *Design instruction reflecting the goals of the Science Standards of Learning;*
  - (2) *Conduct research projects and experiments;*
  - (3) *Implement safety rules/procedures and ensure that students take appropriate safety precautions;*
  - (4) *Organize key biological content into meaningful units of instruction;*
  - (5) *Adapt instruction to diverse learners using a variety of techniques;*
  - (6) *Evaluate instructional materials, instruction, and student achievement; and*
  - (7) *Incorporate instructional technology to enhance student performance in science.*
- d. *Understanding of the content, processes, and skills of the Earth sciences, biology, chemistry, and physics supporting the teaching of middle school science as defined by the Science Standards of Learning and equivalent to academic course work in each of these core science areas.*
- e. *Understanding of the core scientific disciplines to ensure:*
- (1) *The placement of science in an appropriate interdisciplinary context;*
  - (2) *The ability to teach the processes and organize concepts common to the natural and physical sciences; and*
  - (3) *Student achievement in science.*
- f. *Understanding of the contributions and significance of science to include:*
- (1) *Its social and cultural significance;*
  - (2) *The relationship of science to technology; and*
  - (3) *The historical development of scientific concepts and scientific reasoning.*
6. *Youth and family.*
- a. *Knowledge and understanding of the physical, social, emotional, intellectual, and moral development of youth from preadolescence through early adolescence and the link between adolescent development and instruction;*
  - b. *The ability to understand children in the context of family, culture, and community;*
  - c. *The ability to establish positive and collaborative relationships with all families as partners in teaching and learning;*
  - d. *The ability to support families and youth in character development through emphasis on respect, responsibility, and moral behavior; and*
  - e. *The ability to support students by cooperatively working with parents and other professionals.*
- B. *Endorsement requirements.*
1. *The candidate must have graduated from an approved teacher preparation discipline-specific program in middle education 6-8; or*
  2. *An applicant seeking the middle education 6-8 endorsement must have earned a degree in the liberal arts and sciences (or equivalent); and completed a minimum of 21 semester hours in one or more areas of concentration which will be listed on the license; and completed minimum requirements for those areas (English, mathematics, science, and history/social science) in which the individual is not seeking an area of concentration. The applicant will be restricted to teaching only in those areas of concentration listed on the teaching license.*
    - a. *English.*
      - (1) *English concentration (must include course work in language, e.g., history, structure, grammar, literature, advanced composition, and interpersonal communication or speech): 21 semester hours.*
      - (2) *Individuals seeking endorsement in middle education 6-8 without an English concentration must have completed 12 semester hours in English.*
    - b. *Mathematics.*
      - (1) *Mathematics concentration (must include course work in algebra, geometry, probability and statistics, and applications of mathematics): 21 semester hours.*
      - (2) *Individuals seeking endorsement in middle education 6-8 without a mathematics concentration must have completed a minimum of 6 semester hours in mathematics for a total of 15 semester hours in mathematics and science.*
    - c. *Science.*
      - (1) *Science concentration (must include courses in each of the following: biology, chemistry, physics, and Earth and space science; a laboratory course is required in two of the four areas): 21 semester hours.*

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(2) Individuals seeking endorsement in middle education 6-8 without a science concentration must have completed a minimum of 6 semester hours in science for a total of 15 semester hours in mathematics and science.

d. *History/social science.*

(1) *History/social science concentration (must include American history, world history, economics, geography, international affairs, and current events): 21 semester hours.*

(2) *Individuals seeking endorsement in middle education 6-8 without a history/social science concentration must have completed a minimum of 6 semester hours in history and a minimum of 6 semester hours in social science for a total of 15 semester hours in history and social science.*

### PART V.

#### LICENSURE REGULATIONS GOVERNING PREK-12 ENDORSEMENTS, SECONDARY GRADES 6-12 ENDORSEMENTS, AND ADULT EDUCATION.

#### **8 VAC 20-21-160. PreK-12 endorsements, secondary grades 6-12 endorsements, and adult education.**

Individuals seeking licensure with preK-12 endorsements, secondary grades 6-12 endorsements, or adult education may meet requirements through the completion of an approved program or, if employed by a Virginia public or nonpublic school, through the alternative route to licensure. Components of the licensure program include a degree in the liberal arts and sciences (or equivalent), professional teacher's assessment requirement prescribed by the Board of Education, specific endorsement requirements, and professional studies requirements.

#### **8 VAC 20-21-170. Professional studies requirements.**

Professional studies requirements for adult education, preK-12 endorsements, and secondary grades 6-12 endorsements: 15 semester hours.

1. *Human growth and development (birth through adolescence): 3 semester hours. Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual differences -- economic, social, racial, ethnic, religious, physical, and mental -- should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to attention deficit disorders, substance abuse, child abuse, and family disruptions.*

2. *Curriculum and instructional procedures: 6 semester hours. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; classroom management;*

*selection and use of materials, including media and computers; and evaluation of pupil performance. Teaching methods appropriate for exceptional students, including gifted and talented and those with disabling conditions, and appropriate for the level of endorsement sought shall be included. Curriculum and instructional procedures for secondary grades 6-12 endorsements must include middle and secondary education. Pre-student teaching experiences (field experiences) should be evident within these skills. For preK-12 field experiences must be at the elementary, middle, and secondary levels.*

3. *Foundations of education: 3 semester hours. 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. Attention should be given to the legal status of teachers and students, including federal and state laws and regulations, school as an organization/culture, and contemporary issues in education.*

4. *Reading.*

a. *Adult education, preK-12, and secondary grades 6-12 -- reading in the content area: 3 semester hours. Skills in this area shall be designed to impart an understanding of comprehension skills in all content areas, including a repertoire of questioning strategies, summarizing and retelling skills, and strategies in literal, interpretive, critical, and evaluative comprehension, as well as the ability to foster appreciation of a variety of literature and independent reading.*

b. *Special education -- language acquisition and reading: 6 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 awareness, an understanding of sound/symbol relationships, explicit phonics instruction, syllables, phonemes, morphemes, decoding skills, word attack skills, and a knowledge of how phonics, syntax, and semantics interact. Additional skills shall include proficiency in a wide variety of comprehension strategies, as well as the ability to foster appreciation of a variety of literature and independent reading.*

5. *Supervised classroom experience. The student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 300 clock hours with at least half of that time spent supervised in direct teaching activities (providing direct instruction) in the endorsement area sought. If a preK-12 endorsement is sought, teaching activities must be at the elementary and middle or secondary levels. Individuals seeking the endorsement in library media must complete the supervised experience in a school*

library media setting. Individuals seeking an endorsement in an area of special education must complete the supervised classroom experience requirement in the area of special education for which the endorsement is sought. One year of successful full-time teaching experience in the endorsement area in any accredited public or nonpublic school may be accepted in lieu of the supervised teaching experience. A fully licensed, experienced teacher must be available in the school building to assist a beginning teacher employed through the alternative route.

## **8 VAC 20-21-180. Adult education.**

A. The program in adult education will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the nature or psychology of the adult learner or adult development;
2. Understanding of the knowledge, skills, and processes needed for the selection, evaluation, and instructional applications of the methods and materials for adult basic skills including:
  - a. Curriculum development in adult basic education or GED instruction;
  - b. Beginning reading for adults;
  - c. Beginning mathematics for adults;
  - d. Reading comprehension for adult education;
  - e. Foundations of adult education; and
  - f. Other adult basic skills instruction.
3. One semester of supervised successful full time (or an equivalent number of hours of part-time experience) teaching of adults; and
4. Understand the proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. A baccalaureate degree from an accredited college or university or hold a Collegiate Professional License; and
2. A minimum of 15 semester hours in adult education that must include the competencies specified in subsection A of this section.

Individuals not holding a Collegiate Professional License must meet the professional teacher's assessment requirement prescribed by the Board of Education.

## **8 VAC 20-21-190. Art preK-12.**

A. The program in art preK-12 will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the art discipline as defined in the Standards of Learning; and how they provide a necessary foundation for teaching art;

2. Understanding of the knowledge, skills, and processes for teaching art to the developmental levels of students in preK-12 including the following areas:

- a. Knowledge of an experience in planning, developing, administering, and evaluating a program of art education;
  - b. Two-dimensional media and concepts: basic and complex techniques and concepts in two-dimensional design, drawing, painting, printmaking, computer graphics and other electronic imagery;
  - c. Three-dimensional media and concepts: basic and complex techniques and concepts in three-dimensional design, sculpture, ceramics, fiber arts, and crafts;
  - d. History of art, including aesthetics and criticism;
  - e. The relationship of art and culture and the influence of art on past and present cultures;
  - f. Related areas of art, such as architecture, dance, music, theater, photography, and other communication arts;
  - g. Knowledge and understanding of technological, artistic copyright laws and safety, including toxic art material use aspects of studio and classroom work; and
  - h. Observation and student teaching experiences at both the elementary and secondary levels.
3. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in art; or
2. Completed a major in art or 36 semester hours in art with course distribution in the following areas:
  - a. Two-dimensional media: 12 semester hours;
  - b. Three-dimensional media: 12 semester hours;
  - c. History of art, aesthetics, and criticism: 9 semester hours; and
  - d. Related areas of art: 3 semester hours.

## **8 VAC 20-21-200. Computer science.**

A. The program in computer science will ensure that the candidate has demonstrated the following competencies:

1. Understanding of mathematical principles that are the basis of many computer applications;
2. Knowledge of structured program and algorithm design, and data structures;

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3. Knowledge of programming and evaluating programs in at least two widely-used, high-level, structured programming languages;

4. Knowledge of programming languages including definition, structure, and comparison;

5. Knowledge of the functions, capabilities, and limitations of computers;

6. Knowledge of mainframe, minicomputer, and microcomputer systems and their applications;

7. An ability to use currently available software for word processing, calculation/spreadsheet, data base management, and communications; and

8. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in computer science; or

2. Completed 36 semester hours of course work to include each of the following areas:

- a. Mathematics;
- b. Statistics;
- c. Data structures and algorithm analysis;
- d. Introduction to computer systems;
- e. Application of computer technology; and
- f. Programming.

C. Add-on endorsement requirements in computer science. The candidate must have:

1. A baccalaureate degree and an endorsement in any teaching area; and

2. Completed 18 semester hours of course work to include each of the following areas:

- a. Data structures and algorithm analysis;
- b. Programming;
- c. Introduction to computer systems;
- d. Application of computer technology; and
- e. Computer science.

### 8 VAC 20-21-210. Dance.

A. The program in dance will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the dance discipline and how they provide a foundation needed to teach dance;

2. Understanding of the knowledge, skills, and processes for teaching dance to meet the developmental levels of students in preK-12, including the following:

a. Knowledge of and experience in planning, developing, administering, and evaluating a program of dance education;

b. Ballet, folk, jazz, and modern dance with an area of concentration in one of these areas;

c. Scientific foundations, including human anatomy, kinesiology, and injury prevention and care for dance;

d. The relationship of dance and culture and the influence of dance on past and present cultures, including history of dance; and

e. Related areas of dance, such as art, music, and theater.

3. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in dance; or

2. Completed 24 semester hours with course distribution in the following areas:

a. Development of movement language: 9 semester hours.

(1) A course in each area -- ballet, folk, jazz, and modern dance: 6 semester hours; and

(2) Area of concentration in one area -- ballet, folk, jazz, or modern dance beyond the entry level: 3 semester hours;

b. Composition, improvisation, and dance production (may include stage lighting, stage costuming, or stage makeup): 3 semester hours;

c. Scientific foundations, including human anatomy, kinesiology, and injury prevention and care for dance: 9 semester hours; and

d. Cultural understanding, including history of dance: 3 semester hours.

C. Add-on endorsement requirements in dance. The candidate must have:

1. A baccalaureate degree and an endorsement in any teaching area; and

2. Completed 15 semester hours of course work in the following areas:

a. Development of movement language: 9 semester hours.

(1) A course in each area -- ballet, folk, jazz, and modern: 6 semester hours; and

(2) Area of concentration in one area -- ballet, folk, jazz, or modern beyond the entry level: 3 semester hours;

b. *Composition, improvisation, and dance production (may include stage lighting, stage costuming, or stage makeup): 3 semester hours; and*

c. *Cultural understanding, including history of dance: 3 semester hours.*

## **8 VAC 20-21-220. Driver education (add-on endorsement).**

A. *The program in driver education will ensure that the candidate has demonstrated the following competencies:*

1. *Understanding of the knowledge, skills, and processes of driver education as defined in the Virginia Standards of Learning;*

2. *Basic understanding of the administration of a driver education program including:*

a. *Coordination and scheduling of classroom and in-car instruction;*

b. *Skill and content knowledge assessment;*

c. *Student safety and other legal issues;*

d. *The juvenile and standard licensing processes;*

e. *Compulsory attendance and other licensing related statutes; and*

f. *Vehicle procurement, identification and equipment requirements; and instructional technology.*

3. *Basic content knowledge needed to understand and teach classroom and in-car driver education including:*

a. *Traffic laws;*

b. *Signs, signals, pavement markings, and right-of-way rules;*

c. *Basic driving and vehicle control skills;*

d. *Interaction with other highway users (pedestrians, animals, motorcycles, bicycles, trucks, buses, trains, trailers, motor homes, ATVs, and other recreational users);*

e. *Time/space and risk management;*

f. *Alcohol and other drugs and driving;*

g. *Passive and active restraint systems;*

h. *Vehicle maintenance;*

i. *Legal responsibilities of owning and operating a motor vehicle;*

j. *Behavioral aspects of crash prevention;*

k. *Natural laws and driving;*

l. *Adverse driving conditions and handling emergencies; and*

m. *Planning a safe trip.*

4. *Basic content knowledge needed to understand and teach the driver education laboratory phase including:*

a. *Simulation;*

b. *Multiple-vehicle range;*

c. *Prescribed route planning;*

d. *Basic and evasive maneuvers;*

e. *Manual transmission; and*

f. *Administration of the driver's license road skills examination and procedure for licensing students with disabilities.*

5. *Understanding of and proficiency in grammar usage and mechanics and their integration in writing.*

B. *Endorsement requirements. The candidate must have:*

1. *Completed an approved teacher preparation program in driver education; or*

2. *Completed 6 semester hours of course work distributed in the following areas:*

a. *Foundations of traffic safety: 3 semester hours; and*

b. *Principles and methodologies of classroom and in-car instruction, including a minimum of 20 hours of actual behind-the-wheel supervised teaching experience: 3 semester hours.*

## **8 VAC 20-21-230. English.**

A. *The program in English will ensure that the candidate has demonstrated the following competencies:*

1. *Skills necessary to teach the writing process and the different forms of writing (creative, expository, persuasive, and technical) and to employ available computer/technology;*

2. *Knowledge of grammar usage and mechanics and their integration in writing;*

3. *Understanding of the theory of linguistics and of the nature and development of language and their impact on vocabulary development and spelling;*

4. *Knowledge of reading and comprehensive skills;*

5. *Knowledge of speaking and listening skills;*

6. *Knowledge of major works from British, American, world, and ethnic/minority literature appropriate for English instruction; and*

7. *The ability to provide experiences in communication arts, such as journalism, dramatics, debate, forensics, radio, television, and films.*

B. *Endorsement requirements. The candidate must have:*

1. *Graduated from an approved teacher preparation program in English; or*

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2. Completed a major in English or a minimum of 36 semester hours of course work distributed in the following areas:

a. Literature: 12 semester hours. Courses must include:

- (1) Survey of British literature;
- (2) Survey of American literature;
- (3) World literature; and
- (4) Literary theory/criticism.

b. Language: 6 semester hours. Experiences shall include:

- (1) The development and nature of English, including some attention to comparative English grammar; and
- (2) A grammar course integrating grammar and writing.

c. Composition: 6 semester hours. Experiences shall include:

- (1) The teaching of writing, based on current knowledge and most effective practices, including the use of computers for this purpose; and
- (2) An advanced composition course -- expository and technical writing.

d. Oral language: 3 semester hours. Experiences shall include the teaching of oral language in groups, as well as attention to oral language as used in both formal and informal presentations.

e. Electives from the areas listed above: 9 semester hours.

### 8 VAC 20-21-240. English as a second language preK-12.

A. The program in English as a second language will ensure that the candidate has demonstrated the following competencies:

1. Knowledge of general linguistics and English linguistics;
2. Skills in elementary and secondary teaching methods and student assessment for English as a second language;
3. Skills in the teaching of reading;
4. Knowledge of the effects of socio-cultural variables in the instructional setting;
5. Proficiency in spoken and written English;
6. Knowledge of another language and its structure; and
7. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in English as a second language; or

2. Completed 24 semester hours of course work distributed in the following areas:

a. Teaching of reading: 3 semester hours;

b. English linguistics (including phonology, morphology, syntax of English): 3 semester hours;

c. Cross-cultural education: 3 semester hours;

d. Modern foreign languages (if an applicant's primary language is other than English, all 12 hours must be in English): 6 semester hours;

e. Electives in second language acquisition, general linguistics, applied linguistics, psycholinguistics, sociolinguistics, ESL assessment, or ESL curriculum development: 6 semester hours; and

f. Methods of teaching English as a second language at the elementary and secondary levels: 3 semester hours.

### 8 VAC 20-21-250. Foreign language preK-12.

A. The specific language of the endorsement will be noted on the license.

B. Foreign language preK-12 -- languages other than Latin.

1. The program in the foreign language will ensure that the candidate has:

a. demonstrated the following competencies:

(1) Understanding of authentic speech at a normal tempo;

(2) Ability to speak with a command of vocabulary, pronunciation, and syntax adequate for expressing thoughts to a native speaker not used to dealing with foreigners;

(3) Ability to read and comprehend authentic texts of average difficulty and of mature content;

(4) Ability to write a variety of texts including description and narration with clarity and correctness in vocabulary and syntax;

(5) Knowledge of geography, history, social structure and artistic and literary contributions of the target societies;

(6) Ability to interpret contemporary lifestyles, customs, and cultural patterns of the target societies;

(7) Understanding of the application of basic concepts of phonology, syntax, and morphology to the teaching of the foreign language;

(8) Knowledge of the national standards for foreign language learning, current proficiency-based objectives of the teaching of foreign languages at the elementary and secondary levels, elementary and secondary methods and techniques for attaining these objectives, the assessment of foreign language skills, the use of media in teaching languages, current curricular developments, the relationship of language study to other areas of the curriculum, and the professional literature of foreign language teaching; and

(9) Understanding of and proficiency in grammar usage and mechanics and their integration in writing; and

b. Participated in opportunities for significant foreign language study or living experiences in this country or abroad, or both.

2. Endorsement requirements. The candidate must have:

a. Graduated from an approved teacher preparation program in a foreign language;

b. Completed 30 semester hours above the intermediate level in the foreign language. The program shall include (i) courses in advanced grammar and composition, conversation, culture and civilization, and literature and (ii) a minimum of 3 semester hours of methods of teaching foreign languages at the elementary and secondary levels; or

c. If native speakers or candidates who have learned a foreign language without formal academic credit in a college or university completed the following requirements:

(1) Achieved a minimum score of 600 on the Test of English as a Foreign Language, if English is not the native language. Native speakers of English are exempt from this test;

(2) Achieved a composite score at or above the 50th percentile on the listening, speaking, reading, writing, civilization and culture sections of the Modern Language Association Proficiency Test for Teachers and Advanced Students. No individual section score shall be below the 25th percentile; and

(3) Earned a minimum of 3 semester hours of methods of teaching foreign languages at the elementary and secondary levels from an accredited college or university in the United States.

C. Foreign language preK-12 -- Latin.

1. The program in Latin will ensure that the candidate has demonstrated the following competencies:

a. Ability to read and comprehend Latin in the original;

b. Ability to pronounce Latin with consistent classical (or ecclesiastical) pronunciation;

c. Knowledge of the vocabulary, phonetics, morphology, and syntax of Latin;

d. Ability to discuss the culture and civilization of Greco-Roman society, including history, daily life, art, architecture, and geography;

e. Ability to explain the relationship of Greco-Roman culture and civilization to subsequent cultures and civilizations, including the etymological impact of Latin;

f. Knowledge of major literary masterpieces and their relationship to the historical and social context of the society;

g. Competency in (i) current methodologies for teaching Latin at the elementary and secondary levels; (ii) lesson planning, scope and sequencing of material, instructional strategies and assessment under the guidance of an experienced Latin teacher; and

h. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

2. Endorsement requirements. The candidate must have:

a. Graduated from an approved teacher preparation program in Latin; or

b. Completed 24 semester hours of Latin above the intermediate level. Up to six hours of Roman history, Roman life, mythology, or archaeology may be included in the total hours and 3 semester hours of methods of teaching Latin at the elementary and secondary levels are required.

## 8 VAC 20-21-260. Gifted education (add-on endorsement).

A. The program will ensure that the candidate has demonstrated the following competencies:

1. Understanding of principles of the integration of gifted education and general education, including:

a. Strategies to encourage the interaction of gifted students with students of similar and differing abilities; and

b. Development of activities to encourage parental and community involvement in the education of the gifted, including the establishment and maintenance of an effective advisory committee.

2. Understanding of the characteristics of gifted students, including:

a. Varied expressions of advanced aptitudes, skills, creativity, and conceptual understandings;

b. Methodologies that respond to the affective (social-emotional) needs of gifted students; and

c. Gifted behaviors in special populations students (i.e., those who are culturally diverse, low income, or physically disabled).

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3. Understanding of specific techniques to identify gifted students using diagnostic and prescriptive approaches to assessment, including:

- a. Multiple assessment and identification strategies through a review of portfolios or performance, or both;
- b. The use of rating scales, checklists, and questionnaires by parents, teachers and others;
- c. The evaluation of data collected from student records such as grades, honors, and awards; and
- d. The use of case study reports providing information concerning exceptional conditions.

4. Understanding of educational models, teaching methods, and strategies for selecting materials and resources that ensure:

- a. Academic rigor through the development of high-level proficiency in all core academic areas utilizing the Virginia Standards of Learning as a baseline;
- b. The acquisition of knowledge and development of products reflective of creative and critical thinking as applied to learning both in and out of the classroom; and
- c. The development of learning environments which guide students to become self-directed, independent learners.

5. Understanding of theory and principles of differentiating curriculum designed to match the distinct characteristics of gifted learners, including:

- a. The integration of multiple disciplines into an area of study;
- b. Emphasis on in-depth learning, independent and self-directed study skills;
- c. The development of analytical, organizational, critical, and creative thinking skills;
- d. The development of sophisticated products using varied modes of expression;
- e. The evaluation of student learning through appropriate and specific criteria; and
- f. The development of advanced technological skills to enhance student performance.

6. Understanding of contemporary issues and research in gifted education, including:

- a. The systematic gathering, analyzing, and reporting of formative and summative data; and
- b. Current local, state, and national issues and concerns.

7. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. The program will include a practicum which shall include a minimum of 45 instructional hours of successful teaching experiences with gifted students in a heterogeneously grouped (mixed ability) classroom and a homogeneously grouped (single ability) classroom.

C. Endorsement requirements.

1. The candidate must have completed an approved teacher preparation program in gifted education; or
2. The candidate must have:
  - a. Graduated with a baccalaureate degree with an endorsement in any teaching area;
  - b. Completed 12 hours of graduate-level course work in gifted education; and
  - c. Completed a practicum of at least 45 instructional hours pursuant to subsection B of this section.

### 8 VAC 20-21-270. Health and physical education preK-12.

A. The program in health and physical education preK-12 will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of health and physical education as defined in the Virginia Standards of Learning.
2. Understanding of the basic content knowledge needed to teach the structure and function of the human body systems.
3. Understanding of the basic content knowledge needed to teach the scientific principles of movement as it applies to:
  - a. Personal health-related fitness (flexibility, strength, aerobic endurance, body composition); and
  - b. Personal skill-related fitness (coordination, agility, power, balance, speed).
4. Basic understanding of the administration of a health and physical education program, including:
  - a. Instruction;
  - b. Student safety and other legal issues;
  - c. Assessment; and
  - d. Its role in comprehensive school health.
5. Understanding of the knowledge, skill, and processes for teaching health education, including:
  - a. Personal health and fitness;
  - b. Mental and emotional health;
  - c. Nutrition;
  - d. Tobacco, alcohol, and other drugs;
  - e. Safety and emergency care (first aid, CPR, universal precautions);

- f. Injury prevention and rehabilitation;
- g. Consumer health;
- h. Diseases prevention and treatment; and
- i. Environmental health.

6. Understanding of the knowledge, skills, and processes for teaching physical education, including:

- a. Sequential preK-12 instruction in a variety of movement forms that include:
  - (1) Cooperative activities;
  - (2) Rhythms and dance; and
  - (3) Team and individual activities;
- b. Activities for the physically and mentally challenged; and
- c. Activities designed to help students understand, develop, and value personal fitness.

7. Understanding of and ability to teach:

- a. The relationship between a physically active lifestyle and health;
- b. The cultural significance of dance, leisure, competition, sportsmanship; and
- c. The use of new and emerging instructional technology.

8. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

- 1. Graduated from an approved teacher preparation program in health and physical education; or
- 2. Completed a major in health and physical education or 45 semester hours of course work distributed in the following areas:
  - a. Personal health and safety: 6 semester hours;
  - b. Human anatomy, physiology, and kinesiology: 12 semester hours;
  - c. General health and physical education theory, including planning, administration, and assessment principles: 6 semester hours;
  - d. Physical education methodology courses, including team, individual, adaptive, cooperative activities, rhythms and dance: 9 semester hours;
  - e. Health methods courses: 6 semester hours; and
  - f. Health and physical education electives: 6 semester hours.

**8 VAC 20-21-280. History and social science.**

A. The program in history and social science will ensure that the candidate has demonstrated the following competencies:

- 1. Understanding of the knowledge, skills, and processes of history and the social science disciplines as defined by the Virginia History and Social Science Standards of Learning and how the standards provide the foundation for teaching history and the social science, including in:

- a. United States history.

- (1) The evolution of the American constitutional republic and its ideas, institutions, and practices from the colonial period to the present; the American Revolution, including ideas and principles preserved in significant Virginia and United States historical documents as required by § 22.1-201 of the Code of Virginia (Declaration of American Independence, the general principles of the Constitution of the United States, the Virginia Statute of Religious Freedom, the charters of April 10, 1606, May 23, 1609, and March 12, 1612, of the Virginia Company, and the Virginia Declaration of Rights); and historical challenges to the American political system;

- (2) The influence of religious traditions on American heritage and contemporary American society;

- (3) The influence of immigration on American political, social, and economic life;

- (4) The origins, effects, aftermath and significance of the two world wars and the Korean and Vietnam conflicts;

- (5) The social, political, and economic transformations in American life during the 20th century;

- (6) The tensions between liberty and equality, liberty and order, region and nation, individualism and the common welfare, and between cultural diversity and national unity; and

- (7) The difference between a democracy and a republic.

- b. World history.

- (1) The political, philosophical, and cultural legacies of ancient American, Asian, African, and European civilizations;

- (2) The origins, ideas, and institutions of Judaism, Christianity, Hinduism, Confucianism and Taoism, and Shinto, Buddhist and Islamic religious traditions;

- (3) Medieval society and institutions; relations with Islam; feudalism and the evolution of representative government;

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- (4) *The social, political, and economic contributions of selected civilizations in Africa, Asia, Europe, and the Americas;*
  - (5) *The culture and ideas of the Renaissance and the Reformation, European exploration, and the origins of capitalism and colonization;*
  - (6) *The cultural ideas of the Enlightenment and the intellectual revolution of the 17th and 18th centuries;*
  - (7) *The sources, results, and influence of the American and French revolutions;*
  - (8) *The social consequences of the Industrial Revolution and its impact of politics and culture;*
  - (9) *The global influence of European ideologies of the 19th and 20th centuries (liberalism, republicanism, social democracy, Marxism, nationalism, Communism, Fascism, and Nazism); and*
  - (10) *The origins, effects, aftermath and significance of the two world wars.*
- c. *Civics/government and economics.*
- (1) *The essential characteristics of limited and unlimited governments;*
  - (2) *The importance of the Rule of Law for the protection of individual rights and common good;*
  - (3) *The rights and responsibilities of American citizenship*
  - (4) *The nature and purposes of constitutions and alternative ways of organizing constitutional governments.*
  - (5) *American political culture;*
  - (6) *Values and principles of the American constitutional republic;*
  - (7) *The structures, functions, and powers of local, state, and national governments; and*
  - (8) *The structure and function of the United States market economy as compared with other economies.*
- d. *Geography.*
- (1) *Use of maps and other geographic representations, tools, and technologies to acquire, process, and report information;*
  - (2) *Physical and human characteristics of places;*
  - (3) *Relationship between human activity and the physical environment;*
  - (4) *Physical processes that shape the surface of the Earth;*
  - (5) *Characteristics and distribution of ecosystems on the Earth;*
  - (6) *Characteristics, distribution, and migration of human populations;*
  - (7) *Patterns and networks of economic interdependence;*
  - (8) *Processes, patterns, and functions of human settlement;*
  - (9) *How the forces of conflict and cooperation influence the division and control of the Earth's surface;*
  - (10) *How physical systems affect human systems;*
  - (11) *Changes that occur in the meaning, use, distribution, and importance of resources; and*
  - (12) *Applying geography to interpret the past and the present and to plan for the future.*
2. *Understanding of history and social science to appreciate the significance of:*
- a. *Diverse cultures and shared humanity;*
  - b. *How things happen, how they change, and how human intervention matters;*
  - c. *The interplay of change and continuity;*
  - d. *How people in other times and places have struggled with fundamental questions of truth, justice, and personal responsibility;*
  - e. *The importance of individuals who have made a difference in history and the significance of personal character to the future of society;*
  - f. *The relationship among history, geography, civics, and economics;*
  - g. *The difference between fact and conjecture, evidence and assertion, and the importance of framing useful questions;*
  - h. *How ideas have real consequences; and*
  - i. *The importance of primary documents and the potential problems with second-hand accounts.*
3. *Understanding of the use of the content and processes of history and social science instruction, including:*
- a. *Fluency in historical analysis skills;*
  - b. *Skill in debate, discussion, and persuasive writing;*
  - c. *The ability to organize key social science content into meaningful units of instruction;*
  - d. *The ability to provide instruction using a variety of instructional techniques;*

e. The ability to evaluate primary and secondary instructional resources, instruction, and student achievement; and

f. The ability to incorporate appropriate technologies into social science instruction.

4. Understanding of the content, processes, and skills of one of the social sciences disciplines at a level equivalent to an undergraduate major, along with sufficient understanding of the three supporting disciplines to ensure:

a. The ability to teach the processes and organizing concepts of social science;

b. An understanding of the significance of the social sciences; and

c. Student achievement in the social sciences.

5. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in history and social science; or

2. Completed 51 semester hours of course work distributed in the following areas:

a. History: a major in history or 18 semester hours in history (must include American history, Virginia history, English history, and world history);

b. Political science: a major in political science or 18 semester hours in political science;

c. Geography: 9 semester hours; and

d. Economics: 6 semester hours.

C. Add-on endorsement requirements in history, political science, geography, and economics. The candidate must have:

1. An endorsement in history, political science, geography, or economics; and

2. Completed 21 semester hours of course work in the additional social science area (history, political science, geography, or economics) sought.

**8 VAC 20-21-290. Journalism (add-on endorsement).**

A. The program in journalism (add-on endorsement) will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the history and functions of journalism in American culture including the values of free speech and the complexity of legal and ethical issues;

2. Understanding of the knowledge of and experience in theory and practice of both print and non-print media

including design and layout production and the use of computer/technology; and

3. Possession of skills in journalistic management and the processes of interviewing and writing, including news articles, features, ad copy, obituaries, reviews, editorials, and captions; and the ability to analyze and evaluate journalism products.

B. Endorsement requirements. The candidate must have:

1. A baccalaureate degree and an endorsement in any teaching area; and

2. A minimum of 15 semester hours in journalism.

**8 VAC 20-21-300. Library media preK-12.**

A. The program in library media preK-12 will ensure that the candidate has demonstrated the following competencies:

1. Proficiency in selecting, evaluating, organizing, and processing materials and equipment;

2. Proficiency in the production and use of a variety of media (print and nonprint);

3. Proficiency in organizing, managing, and evaluating media programs;

4. Proficiency in applying the principles of curriculum planning, learning, and teaching as they relate to informational skills and to the role of the library-media specialist as a resource person and as a member of the educational team;

5. Understanding of the knowledge, skills, and processes of the issues surrounding ethical access and use of information, including copyright, intellectual freedom, privacy, and security; and

6. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved preparation program in library media; or

2. Completed 24 semester hours distributed in each of the following areas:

a. Selection and utilization of library-media materials and equipment, including the various technologies of up-to-date libraries (computers, instructional software, and the Internet in the teaching/learning process);

b. Production of media and instructional materials;

c. Organization, administration, and evaluation of a library-media center, including ethical issues;

d. Theory and management of reference and bibliography;

e. Selection of library-media materials for children and adolescents;

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f. Organization and technical processing of materials; and

g. The role of the library-media specialist as a resource person for students and professional staff in curriculum design and the integration of library-media services in instruction; and

3. Participated in a clinical experience to give the applicant an opportunity to apply the skills, understandings, and competencies listed above. One year of successful, full-time experience as a school librarian in an accredited public or nonpublic school may be accepted to meet this requirement.

### 8 VAC 20-21-310. Mathematics.

A. The program in mathematics will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the Virginia Mathematics Standards of Learning and how curriculum may be organized to teach these standards to diverse learners;

2. Understanding of a core knowledge base of concepts and procedures within the discipline of mathematics including the following strands: number systems and number theory; geometry and measurement; analytic geometry; statistics and probability; functions and algebra; calculus; and discrete mathematics;

3. Understanding of the sequential nature of mathematics and the mathematical structures inherent in the content strands;

4. Understanding of the connections among mathematical concepts and procedures and their practical applications;

5. Understanding of and the ability to use the four processes -- becoming mathematical problem solvers, reasoning mathematically, communicating mathematically, and making mathematical connections -- at different levels of complexity;

6. Understanding of the history of mathematics, including the contributions of different individuals and cultures toward the development of mathematics and the role of mathematics in culture and society;

7. Understanding of major current curriculum studies and trends in mathematics;

8. Understanding of the role of technology and the ability to use graphing utilities and computers in the teaching and learning of mathematics;

9. Understanding of and the ability to select, adapt, evaluate and use instructional materials and resources, including professional journals and technology;

10. Understanding of and the ability to use strategies for managing, assessing, and monitoring student learning, including diagnosing student errors;

11. Understanding of and the ability to use strategies to teach mathematics to diverse learners; and

12. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in mathematics; or

2. Completed a major in mathematics or 36 semester hours of course work distributed in each of the following areas:

a. Algebra - Experience shall include linear and abstract algebra;

b. Geometry - Experience shall include Euclidean geometries;

c. Analytic geometry;

d. Probability and statistics;

e. Discrete mathematics -- Experience shall include the study of mathematical properties of finite sets and systems;

f. Computer science -- Experience shall include linear and computer programming; and

g. Calculus -- Experience shall include multi variable calculus.

### 8 VAC 20-21-320. Mathematics--Algebra I (add-on endorsement).

A. The program in Algebra I will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the mathematics relevant to the content identified in the Mathematics Standards of Learning and how the standards provide the foundation for teaching middle level mathematics through Algebra I. The use of technology must be used in enhancing the student's ability to develop concepts, compute, solve problems, and apply mathematics in practical applications with the mathematics content, including:

a. The structure of real numbers and subsets, basic operations, and properties;

b. Elementary number theory, ratio, proportion, and percent;

c. Algebra, trigonometry, and analytic geometry: operations with monomials and polynomials; algebraic fractions; linear, quadratic, and higher degree equations and inequalities; linear systems of equations and inequalities; nonlinear systems of equations; radicals and exponents; complex numbers; arithmetic and geometric sequences and series; algebraic, trigonometric, logarithmic, exponential, absolute value, and step functions; domain and range of functions; composite and inverse functions; one-to-one mapping; transformations between graphical, tabular and

symbolic form of functions; direct and inverse variation; line and curve of best fit; conics; and recognition and application of trigonometric identities;

d. Calculus: applications of limits and standard integration and differentiation;

e. Linear algebra: matrices, vectors, and linear transformations;

f. Measurement systems including U.S. customary and metric;

g. Geometry: geometric figures, their properties, relationships, and application of the Pythagorean Theorem; using deductive axiomatic methods of proof and inductive reasoning; perimeter, area and surface area of two- and three-dimensional figures; coordinate and transformational geometry; and constructions;

h. Probability and statistics: experimental and theoretical probability; prediction; graphical representations, including box and whisker plots; and measures of central tendency, range, standard deviation, and simple distributions;

i. Discrete mathematics: symbolic logic, sets, permutations and combinations, functions that are defined recursively, and linear programming; and

j. Computer science: terminology, simple programming, and software applications.

2. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Completed an approved teacher preparation program in Algebra I; or

2. Completed the following requirements. The candidate must have:

a. A baccalaureate degree from an accredited institution and an endorsement in any teaching area; and

b. Completed 24 semester hours which include course work in each of the following areas:

(1) Elementary functions and introductory college algebra;

(2) Trigonometry;

(3) Linear algebra;

(4) Calculus;

(5) Euclidean geometry;

(6) Probability or statistics or both;

(7) Discrete mathematics; and

(8) Computer science.

**8 VAC 20-21-330. Music education--instrumental preK-12.**

A. The program in music education-instrumental preK-12 will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the common elements of music -- rhythm, melody, harmony, timbre, texture, dynamics, form -- and their relationship with each other and to employ this understanding in aural and visual analysis;

2. Provide for effective musicianship through the development of:

a. Basic skills in conducting, score reading, and teaching musical courses and in rehearsal techniques for choral and instrumental music;

b. Skills in composing, arranging, and adapting music to meet the classroom needs and ability levels of school performing groups;

c. Skills in providing and directing creative experiences and improvising when necessary;

d. Proficiency, sufficient for classroom instruction, on keyboard or other accompanying instrument; and

e. The ability to perform in ensembles;

3. Knowledge of music history and literature with emphasis on the relationship of music to culture and the ability to place compositions in historical and stylistic perspective;

4. Knowledge of a comprehensive program of music education based upon sound philosophy, content, and methodology for teaching in elementary, middle, and secondary schools;

5. Observation and professional laboratory experiences with pupils in elementary, middle, and secondary schools, including instruction of instrumental groups;

6. Specialization on a musical instrument and functional teaching knowledge on each of the string, brass, woodwind, and percussion instruments;

7. Competency in rehearsing and conducting combined instrumental and vocal groups. In addition, the program shall provide instruction in business procedures, organization, and management of large and small instrumental ensembles, with knowledge of vocal techniques in rehearsing and conducting combined instrumental and vocal groups; and

8. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in music-instrumental; or

2. Completed 42 semester hours of course work in the following areas:

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a. *Basic music knowledge (experiences shall be related to music theory, music history, and literature): 18 semester hours.*

b. *Musical performance (experiences shall consist of developing competency in a primary performance medium (band or orchestral instrument), and in a secondary performance medium (band, orchestral, or keyboard instrument), and in teaching, rehearsing, and conducting ensembles): 18 semester hours.*

c. *Electives (with course work selected from either of the two areas above): 6 semester hours.*

### **8 VAC 20-21-340. Music education-vocal/choral preK-12.**

A. *The program in music education-vocal/choral preK-12 will ensure that the candidate has demonstrated the following competencies:*

1. *Understanding of the common elements of music -- rhythm, melody, harmony, timbre, texture, dynamics, form -- and their relationship with each other and to employ this understanding in aural and visual analysis;*

2. *Effective musicianship through the development of:*

a. *Basic skills in conducting in score reading, in teaching musical courses, and in rehearsal techniques for choral and instrumental music;*

b. *Skills in composing, arranging, and adapting music to meet the classroom needs and ability levels of school performing groups;*

c. *Skills in providing and directing creative experiences and improvising when necessary;*

d. *Proficiency, sufficient for classroom instruction, on keyboard or other accompanying instrument; and*

e. *The ability to perform in ensembles.*

3. *Knowledge of music history and literature with emphasis on the relationship of music to culture and the ability to place compositions in historical and stylistic perspective;*

4. *Knowledge of a comprehensive program of music education based upon sound philosophy, content, and methodology for teaching in elementary, middle, and secondary schools;*

5. *Observation and professional laboratory experiences with pupils at elementary, middle, and secondary levels, including instruction of choral groups;*

6. *Specialization in the methods, materials, and media appropriate to the teaching of vocal/choral and general music at elementary, middle, and secondary levels;*

7. *Competency in rehearsing and conducting choral ensembles and combined vocal and instrumental school groups. In addition, the program shall provide instruction in business procedures, organization, and management of large and small choral ensembles, with knowledge of*

*instrumental techniques in rehearsing and conducting combined vocal and instrumental school groups; and*

8. *Understanding of and proficiency in grammar usage and mechanics and their integration in writing.*

B. *Endorsement requirements. The candidate must have:*

1. *Graduated from an approved teacher preparation program in music education-vocal/choral; or*

2. *Completed 42 semester hours of course work distributed in the following areas:*

a. *Basic music knowledge (experiences shall be related to music theory, music history, and literature): 18 semester hours.*

b. *Music performance (experiences shall consist of developing competency in a primary and secondary medium, selected from voice or keyboard; and in teaching, rehearsing, and conducting ensembles): 18 semester hours.*

c. *Electives (with course work selected from either of the two areas above): 6 semester hours.*

### **8 VAC 20-21-350. Science--biology.**

A. *The program in biology will ensure that the candidate demonstrates the following competencies:*

1. *Understanding of the knowledge, skills, and processes of the four core science disciplines as defined in the Virginia Science Standards of Learning and how these provide a sound foundation for teaching biology.*

2. *Understanding of the nature of science and scientific inquiry including the:*

a. *Function of research design and experimentation;*

b. *Role and nature of the theory in explaining and predicting events and phenomena; and*

c. *Role of observation, measurement, data, and evidence in verifying and validating scientific concepts and principles.*

3. *Understanding of the knowledge, skills, and processes for teaching laboratory science, including the ability to:*

a. *Design instruction reflecting the goals of the Science Standards of Learning;*

b. *Conduct research projects and experiments;*

c. *Implement laboratory safety rules/procedures and ensure that students take appropriate safety precautions;*

d. *Organize key biological content into meaningful units of instruction;*

e. *Adapt instruction to diverse learners using a variety of techniques;*

f. Evaluate instructional materials, instruction, and student achievement; and

g. Incorporate instructional technology to enhance student performance.

4. Understanding of the content, processes, and skills of biology, equivalent to an undergraduate degree in biology, with course work in genetics/molecular biology, botany, zoology, anatomy/physiology, and ecology.

5. Understanding of basic physics, chemistry (including organic chemistry), the Earth sciences, and mathematics (including statistics) to ensure:

a. The placement of biology in an appropriate interdisciplinary context;

b. The ability to teach the processes and organizing concepts common to the natural and physical sciences; and

c. Student achievement in biology.

6. Understanding of the contributions and significance of biology, including:

a. Its social and cultural significance;

b. The relationship of biology and other sciences to technology; and

c. The historical development of scientific concepts and scientific reasoning.

7. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in biology; or

2. Completed a major in biology or 32 semester hours in biology, including genetics/molecular biology, botany, zoology, anatomy/physiology, ecology and other preparation consistent with the above competencies; or

3. Earned an endorsement in another science discipline and at least 18 credits in biology, including preparation in each of the following areas: genetics/molecular biology, botany, zoology, anatomy/physiology, ecology.

### 8 VAC 20-21-360. Science--chemistry.

A. The program in chemistry will ensure that the candidate demonstrates the following competencies:

1. Understanding of the knowledge, skills, and processes of the four core science disciplines as defined in the Virginia Science Standards of Learning and how they provide a sound foundation for teaching chemistry.

2. Understanding of the nature of science and scientific inquiry including the:

a. Function of research design and experimentation;

b. Role and nature of the theory in explaining and predicting events and phenomena; and

c. Role of observation, measurements, data, and evidence in verifying and validating scientific concepts and principles.

3. Understanding of the knowledge, skills, and processes for teaching laboratory science, including the ability to:

a. Design instruction reflecting the goals of the Science Standards of Learning;

b. Conduct research projects and experiments;

c. Implement laboratory safety rules/procedures and ensure that students take appropriate safety precautions;

d. Organize key chemistry content into meaningful units of instruction;

e. Adapt instruction to diverse learners using a variety of techniques;

f. Evaluate instructional materials, instruction, and student achievement; and

g. Incorporate instructional technology to enhance student performance.

4. Understanding of content, processes, and skills of chemistry, equivalent to an undergraduate degree in chemistry, with course work in inorganic chemistry, organic chemistry, physical chemistry, and analytical chemistry.

5. Understanding of basic physics, biology, the Earth sciences, and mathematics (including statistics and calculus) to ensure:

a. The placement of chemistry in an appropriate interdisciplinary context;

b. The ability to teach the processes and organizing concepts common to the natural and physical sciences; and

c. Student achievement in chemistry.

6. Understanding of the contributions and significance of chemistry in include:

a. Its social and cultural significance;

b. The relationship of chemistry and other sciences to technology; and

c. The historical development of scientific concepts and scientific reasoning.

7. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

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1. Graduated from an approved teacher preparation program in chemistry; or
2. Completed a major in chemistry or 32 semester hours in chemistry, including inorganic chemistry, organic chemistry, physical chemistry, and analytical chemistry and other preparation consistent with the above competencies; or
3. Earned an endorsement in another science discipline and at least 18 credits in chemistry, including preparation in each of the following areas: inorganic chemistry, organic chemistry, physical chemistry, and analytical chemistry.

### 8 VAC 20-21-370. Science--Earth science.

A. The program in Earth science will ensure that the candidate demonstrates the following competencies:

1. Understanding of the knowledge, skills, and processes of the four core science disciplines as defined in the Virginia Science Standards of Learning and how these provide a sound foundation for teaching Earth science.

2. Understanding of the nature of science and scientific inquiry including the:

- a. Function of research design and experimentation;
- b. Role and nature of the theory in explaining and predicting events and phenomena; and
- c. Role of observation, measurement, data, and evidence in verifying and validating scientific concepts and principles.

3. Understanding of the knowledge, skills, and processes for teaching laboratory science, including the ability to:

- a. Design instruction reflecting the goals of the Science Standards of Learning;
- b. Conduct research projects and experiments;
- c. Implement laboratory safety rules/procedures and ensure that students take appropriate safety precautions;
- d. Organize key Earth science content into meaningful units of instruction;
- e. Adapt instruction to diverse learners using a variety of techniques;
- f. Evaluate instructional materials, instruction, and student achievement; and
- g. Incorporate instructional technology to enhance student performance.

4. Understanding of the content, processes, and skills of Earth science, equivalent to an undergraduate degree in geology (or a related area), with course work in geology, oceanography, meteorology, and astronomy.

5. Understanding of basic physics, chemistry (including organic chemistry), biology, and mathematics to ensure:

- a. The placement of Earth science in an appropriate interdisciplinary context;
- b. the ability to teach the processes and organizing concepts common to the natural and physical sciences; and
- c. Student achievement in Earth science.

6. Understanding of the contributions and significance of Earth science to include:

- a. Its social and cultural significance;
- b. The relationship of Earth science and other sciences to technology; and
- c. The historical development of scientific concepts and scientific reasoning.

7. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in Earth science;

2. Completed a major in geology or 36 semester hours in Earth sciences, including geology (18 semester hours), oceanography, meteorology, and astronomy and other preparation consistent with the above competencies; or

3. Earned an endorsement in another science discipline and at least 18 credits in the Earth sciences, including preparation in each of the following areas: geology, oceanography, meteorology, and astronomy.

### 8 VAC 20-21-380. Science--physics.

A. The program in physics will ensure that the candidate demonstrates the following competencies:

1. Understanding of the knowledge, skills, and processes of the four core science disciplines as defined in the Virginia Science Standards of Learning and how these provide a sound foundation for teaching physics;

2. Understanding of the nature of science and scientific inquiry including the:

- a. Function of research design and experimentation;
- b. Role and nature of the theory in explaining and predicting events and phenomena; and
- c. Role of observation, measurement, data, and evidence in verifying and validating scientific concepts and principles.

3. Understanding of the knowledge, skills, and processes for teaching laboratory science, including the ability to:

- a. Design instruction reflecting the goals of the Science Standards of Learning;
  - b. Conduct research projects and experiments;
  - c. Implement laboratory safety rules/procedures and ensure that students take appropriate safety precautions;
  - d. Organize key physics content into meaningful units of instruction;
  - e. Adapt instruction to diverse learners using a variety of techniques;
  - f. Evaluate instructional materials, instruction, and student achievement; and
  - g. Incorporate instructional technology to enhance student performance.
4. Understanding of content, processes, and skills of physics, equivalent to an undergraduate degree in physics, with course work in mechanics, electricity and magnetism, and optics.
  5. Understanding of basic chemistry, biology, the Earth sciences, and mathematics (including statistics and calculus) to ensure:
    - a. The placement of physics in an appropriate interdisciplinary context;
    - b. The ability to teach the processes and organizing concepts common to the natural and physical sciences; and
    - c. Student achievement in physics.
  6. Understanding of the contributions and significance of physics to include:
    - a. Its social and cultural significance;
    - b. The relationship of physics and other sciences to technology; and
    - c. The historical development of scientific concepts and scientific reasoning.
  7. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.
- B. Endorsement requirements. The candidate must have:
1. Graduated from an approved teacher preparation program in physics;
  2. Completed a major in physics or 32 semester hours in physics, including mechanics, electricity and magnetism, and optics and other preparation consistent with the above competencies; or
  3. Earned an endorsement in another science discipline and at least 18 credits in physics, including preparation in each of the following areas: mechanics, electricity and magnetism, and optics.

## **8 VAC 20-21-390. Speech communication (add-on endorsement).**

A. The program in speech communication will ensure that the candidate has demonstrated the following competencies:

1. Understanding and knowledge of oral communication, including language acquisition involving the processes of expressive and receptive language and voice production involving the aesthetics of speech;
2. Understanding and knowledge of common speech production patterns, including articulation, pronunciation, and dialectical variances as these relate to standard English patterns;
3. Understanding of and proficiency in effective communication, including interpersonal communication, the art of persuasion, oral interpretation, group discussion, mass communication, public speaking, and debate; and the ability to critique such communication interactions;
4. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. A baccalaureate degree and an endorsement in a teaching area; and
2. A minimum of 15 semester hours in speech communication.

## **8 VAC 20-21-400. Special education early childhood (birth-age 5).**

A. The program in special education early childhood (birth through age five) is designed to ensure through course work and field experiences in a variety of settings that the candidate has demonstrated the following competencies:

1. Understanding of the nature and characteristics of major disabling and at-risk conditions, including:
  - a. Trends for service delivery to the birth-through-age-five population;
  - b. An overview of early childhood special education;
  - c. Historical perspective of special education; and
  - d. Social development issues.

2. Understanding of the foundation of the legal aspects associated with students with disabilities to include:

- a. Legislative and judicial mandates related to education and special education;
- b. Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act;
- c. Legal decisions related to persons with disabilities;

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- d. *Current regulations and procedures governing special education to include individualized education program (IEP) development; and*
  - e. *Disciplinary practices, policies and procedures and alternative placements/programs in schools.*
3. *Knowledge of the selection, administration, and interpretation of formal and informal assessment techniques for young children with disabling and at-risk conditions and their families.*
  4. *Understanding of the methods for providing instructional programs for early intervention to include:*
    - a. *Service delivery options;*
    - b. *Development of individualized education programs (IEPs) and individualized family service plans (IFSPs);*
    - c. *Curriculum development and implementation to ensure developmentally appropriate intervention techniques in the areas of self-help, motor, cognitive, social/emotional, and language.*
  5. *Understanding of behavior management and the application of principles of learning and child development to individual and group management using a variety of techniques that are appropriate to the age of that child.*
  6. *Understanding of speech and language development and intervention methods including the effects of disabling and at-risk conditions on young children.*
  7. *Understanding of and experiences with the medical aspects of young children with disabling and at-risk conditions and the management of neurodevelopmental and motor disabilities, including emergency care and the role of health care professionals in the lives of individuals with disabilities.*
  8. *Skills in consultation, case management, and collaboration, including techniques in working with children, families, educators, related service providers, and other human service professionals which include:*
    - a. *Service coordination;*
    - b. *Interagency coordination;*
    - c. *Integration with nondisabled peers;*
    - d. *Transition facilitation; and*
    - e. *Training, managing, and monitoring paraprofessionals.*
  9. *Understanding of normal child growth and development from birth through age five.*
  10. *Understanding of the theories and techniques of family-centered intervention to include:*
    - a. *Multicultural issues and influence; and*
    - b. *Family issues.*

11. *Understanding of the standards of professionalism.*
12. *Completion of supervised classroom experiences at the preschool level in a variety of settings, including but not limited to home-, school-, and community-based.*

**B. Endorsement requirements. The candidate must have:**

1. *Graduated from an approved teacher preparation program in early childhood special education; or*
2. *Completed a major in early childhood special education or 27 semester hours in early childhood special education, including at least one course in each of the following: foundations, assessment, instructional programming, speech/language development and intervention, medical aspects, behavior management, consultation, child growth and development, and family-centered intervention consistent with the above competencies.*

**8 VAC 20-21-410. Special education hearing impairments preK-12.**

**A.** *The program in special education hearing impairments preK-12 is designed to ensure through course work and field experiences in a variety of settings that the candidate has demonstrated the following competencies:*

1. *Understanding of the characteristics of individuals with disabilities, including the following:*
  - a. *Characteristics of children and youth with disabilities: developmental and cognitive;*
  - b. *Characteristics of individuals with hearing impairments, including socio-cultural influences and health-related problems; and*
  - c. *Foundations of the education and culture of persons with hearing impairments.*
2. *Understanding of the foundation of the legal aspects associated with students with disabilities and students with hearing impairments to include:*
  - a. *Legislative and judicial mandates related to education and special education;*
  - b. *Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act;*
  - c. *Legal decisions related to persons with disabilities;*
  - d. *Current regulations and procedures governing special education to include individualized education program (IEP) development; and*
  - e. *Disciplinary practices, policies and procedures, and alternative placements/programs in schools.*
3. *Understanding of the foundation of assessment and evaluation with an emphasis on individuals who are hearing impaired to include:*

- a. Administration, scoring, and interpreting assessments, including norm-referenced, criterion-referenced, and curriculum-based individual and group assessments;
  - b. Interpretation of assessments for eligibility, placement, and program uses;
  - c. Techniques to collect, record, and analyze information from observing students;
  - d. Diagnostic instruction using assessment data;
  - e. Techniques for recognizing capacity and diversity and its influence on student assessment and evaluation; and
  - f. The use of data from student program evaluation.
4. Understanding of service delivery, classroom management, and instruction to include:
- a. The application of current research in practice;
  - b. Classroom organization and curriculum development;
  - c. Curriculum adaptations and accommodations;
  - d. The development of language/literacy skills;
  - e. The use of technology;
  - f. Classroom management, including behavior support systems and individual planning;
  - g. Methods and procedures for teaching persons with hearing impairments;
  - h. Instructional programming and modifications of curriculum to facilitate integration of students with disabilities into the continuum of programs and services with peers without disabilities;
  - i. Individual and group behavior management techniques; and
  - j. Career and vocational aspects of individuals with disabilities, including persons with hearing impairments, in society.
5. Skills of consultation, case management, and collaboration, including:
- a. Coordination of service delivery with other professionals in collaborative work environments;
  - b. Training, managing, and monitoring paraprofessionals;
  - c. Involvement of families in the education of their children with disabilities; and
  - d. Cooperating with community agencies and resources.
6. Understanding of speech, language, and hearing development to include:
- a. Speech and language development and the effects of disabling conditions and cultural diversity on typical language development;
  - b. The effects of hearing impairments and cultural diversity on language development;
  - c. Anatomy of speech structures, auditory and visual mechanisms, production, transmission and psychophysical characteristics of sound; and
  - d. General and specific effects of hearing impairment on production and reception of speech.
7. Understanding of audiology to include:
- a. Diagnosis in hearing evaluation, testing procedures and characteristics of amplification devices and their application to the instructional processes; and
  - b. Individual, group amplification systems, cochlear implant systems and other assistive/augmentative communication devices with emphasis on utilization in educational environments.
8. Understanding of communication modalities to include various modalities of communication including various sign language systems, cued speech, speech reading and verbal communication.
9. Understanding of standards for professionalism.
10. Completion of supervised classroom experiences at the elementary and secondary levels with students who have hearing impairments.
- B. Endorsement requirements. The candidate must have:
1. Graduated from an approved teacher preparation program in special education hearing impairments, or
  2. Completed a major in special education/hearing impairments or 27 semester hours in education of the hearing impaired, including at least one course in foundations/legal aspects of special education, characteristics of individuals with hearing impairments, psychoeducational assessment, instructional programming, speech-language development, behavior management, audiology, speech and hearing science, and communication modalities, consistent with the above competencies.
- 8 VAC 20-21-420. Special education mild-moderate disabilities K-12.**
- A. The program in special education mild-moderate disabilities K-12 is designed to ensure through course work and field experiences in a variety of settings that the candidate has demonstrated the following competencies to prepare children and youth for participation in the general education curriculum:
1. Knowledge of characteristics, learning, and support needs of students with disabilities (K-12), including students with learning disabilities (LD), emotional disturbance (ED), mental retardation (MR) and other

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students with disabilities for whom the general education curriculum is appropriate. This includes the emotional, social, neurobiological, linguistic, medical, and educational aspects of the disabilities based upon current research, best practice, and legal issues, including:

- a. Historical perspective of special education;
  - b. Characteristics of children and youth with disabilities: developmental and cognitive;
  - c. Medical aspects of disabilities;
  - d. Linguistic/multicultural issues and influence;
  - e. Family issues;
  - f. Social development issues; and
  - g. Speech and language development and its relationship to each disability.
2. Understanding of the foundation of the legal aspects associated with students with disabilities to include:
- a. Legislative and judicial mandates related to education and special education;
  - b. Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act;
  - c. Legal decisions related to persons with disabilities;
  - d. Current regulations and procedures governing special education to include individualized education program (IEP) development; and
  - e. Disciplinary practices, policies and procedures and alternative placements/programs in schools.
3. Understanding of the foundation of assessment and evaluation and applying this understanding to:
- a. The administration, scoring, and interpretation of assessments, including norm-referenced, criterion-referenced, and curriculum-based individual and group assessments;
    - (1) The ability to make decisions about student progress, instruction, program, accommodations, placement, and teaching methodology for students with mild-moderate disabilities; and
    - (2) Interpretation of assessment for eligibility, placement, and program uses.
  - b. Techniques to collect, record and analyze information and the construction and use of a variety of nonstandardized data collection techniques, such as task analysis, observation, portfolio assessment, and other curriculum-based measures;
  - c. Techniques for recognizing capacity and diversity and its influence on student assessment and evaluation; and

d. The use of data for student program evaluation.

4. Use of assessment, evaluation, and other information to develop and implement individual educational planning and group instruction with students who have mild to moderate disabilities, including:

- a. The ability to teach skills and remediate deficits in academic areas including reading, receptive and expressive language, and mathematics;
- b. The ability to identify and apply instructional methodologies, including systematic instruction, simultaneous multisensory approaches, learning cognitive strategies, study skills, diverse learning styles, and technology use;
- c. The ability to provide explicit instruction of reading and spelling in a systematic and cumulative manner to students with mild-moderate disabilities based upon understanding the structure of the English language at the sound, syllable, word, and sentence level; understanding the relationship between spoken and written language; and the history and development of the English language. This includes understanding and application of phonology, phonological awareness, sound-symbol association, syllable pattern, morphology, and English orthography;
- d. The ability to prepare students, and work with families, to promote successful student transitions throughout the educational experience to include post-secondary education, employment, and independent living which addresses an understanding of: long-term planning, career development, life skills, community experiences and resources, self-advocacy and self-determination;
- e. Knowledge and understanding of the scope and sequence of the general education curriculum;
- f. The ability to conceptualize the potential and capacity of individual students to meet high academic, behavioral, and social expectations and the impact of academic and social success on personal development;
- g. The ability to design alternative ways to teach content material including modifying the curriculum;
- h. The ability to develop, match, and evaluate accommodations to individual instructional and assessment needs;
- i. The ability to implement and evaluate group/classroom management techniques and individual interventions that teach and maintain emotional, behavioral and social skills consistent with the norms, standards, and rules of the educational environment. Techniques and interventions to include diverse approaches based upon behavior, cognitive, affective and ecological theory and practice; and

- j. The ability to design instruction for simulated life roles and peer and adult interaction;
  - k. The ability to apply current research in practice;
  - l. Skills in classroom organization and curriculum development; and
  - m. Skills in integration with peers without disabilities.
5. Skills in consultation, case management, and collaboration, including:
    - a. Coordinating of service delivery with related service providers, general educators, and other professionals in collaborative work environments;
    - b. Training, managing, and monitoring paraprofessionals;
    - c. Involving families in the education of their children with disabilities; and
    - d. Cooperating with community agencies and resources.
  6. Understanding of the standards of professionalism.
  7. Understanding of the structure and organization of general education classrooms to include field experiences.
  8. Completion of supervised classroom experiences with students with mild to moderate disabilities K-12.

**B. Endorsement requirements. The candidate must have:**

1. Graduated from an approved teacher preparation program in special education mild-moderate disabilities K-12; or
2. Completed a major in special education/mild-moderate disabilities or 36 semester hours in special education, including at least one course in foundations/legal aspects; psychoeducational assessment; characteristics of persons with learning, behavioral, cognitive, sensory and physical disabilities; instructional methods and remediation strategies; reading/language instruction; transition; consultation; and behavioral management consistent with the above competencies.

**8 VAC 20-21-430. Special education moderate-severe disabilities K-12.**

A. The program in special education moderate-severe disabilities K-12 is designed to ensure through course work and field experiences in a variety of settings that the candidate has demonstrated the ability to prepare children and youth to acquire the functional, adaptive, and community living skills necessary to reach an appropriate level of independence in addition to the following competencies:

1. Knowledge of the characteristics, learning and support needs of students with disabilities (K-12) who demonstrate severe cognitive impairments or limited functioning. This includes the emotional, social,

neurological, linguistic, medical, and educational aspects of the disabilities based upon current research, best practice, and legal issues.

- a. Historical perspective of special education;
- b. Characteristics of children and youth with disabilities: developmental and cognitive;
- c. Medical aspects of disabilities;
- d. Linguistic/multi-cultural issues and influence;
- e. Family issues;
- f. Social development issues; and
- g. Speech and language development and its relationship to each disability.

**2. Understanding of the foundation of the legal aspects associated with students with disabilities to include:**

- a. Legislative and judicial mandates related to education and special education;
- b. Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act;
- c. Legal decisions related to persons with disabilities;
- d. Current regulations and procedures governing special education to include individualized education program (IEP) development; and
- e. Disciplinary practices, policies, and procedures and alternative placements/programs in schools.

**3. Understanding of the foundation of assessment and evaluation and applying this understanding to:**

- a. The administration, scoring, and interpretation of assessments, including norm-referenced, criterion-referenced, and curriculum-based individual and group assessments;

(1) The ability to make decisions about student progress, instruction, program accommodations, placement, and teaching methodology for students with moderate to severe disabilities; and

(2) Interpretation of assessment for eligibility, placement and program uses.

- b. Techniques to collect, record and analyze information and the construction and use a variety of nonstandardized data collection techniques such as functional assessment, ecological and environmental evaluation, task analysis, and behavioral observation;
- c. Techniques for recognizing capacity and diversity and their influence on student assessment and evaluation; and
- d. The use of data for student program evaluation.

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4. *The use of assessment, evaluation, and other information to develop and implement individual educational planning and group instruction with students who have moderate-severe disabilities, including:*

a. *The ability to develop, plan, and teach a functional and age-appropriate curriculum, including: skills in self-care, independent living, leisure/recreation, school and community use, functional academics, and vocational programming;*

b. *Proficiency in adapting age-appropriate curriculum to facilitate instruction within the general education setting, to include partial participation of students in tasks and skills in facilitating collaboration and support from peers without disabilities;*

c. *An understanding of speech-language development and its impact on behavioral and social interactions;*

d. *The selection and use of augmentative and alternative communication methods and systems;*

e. *Knowledge and proficiency in implementing direct and systematic instruction programs and methods to address the unique physical needs of students, including positioning and handling, programs and methods that promote generalization and maintenance of skills in community and natural settings, and choice and/or decision-making;*

f. *The ability to develop, match, and evaluate accommodations to individual instructional, individual living, and assessment needs, including specific skills in the selection and use of assistive technology;*

g. *The ability to prepare students and work with families to promote successful student transitions throughout the educational experience to include post-secondary education or training, employment, and independent living which addresses an understanding of: long term planning, career development, life skills, community experiences and resources, self-advocacy and self-determination, guardianship and legal decisions, systems of support, and family issues;*

h. *The ability to implement and evaluate group management techniques and individual interventions that teach and maintain emotional, behavioral, and social skills consistent with the norms, standards, and rules of the educational environment. These techniques and interventions involve:*

- (1) *Identifying the origin and function of the behavior;*
- (2) *Instructioning alternative behaviors;*
- (3) *Developing behavioral support plans;*
- (4) *Developing schedules and routines;*
- (5) *Applying behavioral research;*

(6) *Providing positive behavioral support; and*

(7) *Integrating with peers without disabilities.*

5. *Understanding of the standards of professionalism.*

6. *Understanding of the structure and organization of general education classrooms to include field experiences.*

7. *Completion of supervised classroom experiences with students who have moderate-severe disabilities K-12.*

B. *Endorsement requirements. The candidate must have:*

1. *Graduated from an approved teacher preparation program in special education/moderate-severe disabilities K-12, or*

2. *Completed a major in special education/moderate-severe disabilities or 36 semester hours in education of students with moderate-severe disabilities, including at least one course in foundations/legal aspects of special education, characteristics of persons with severe cognitive impairments and limited functioning, psychoeducational assessment, speech-language development including use of assistive technology, instructional programming and methods, transition, behavior management, medical management, and consultation, consistent with the above competencies.*

### **8 VAC 20-21-440. Special education speech-language disorders preK-12.**

A. *The Virginia Department of Education has received approval from the Office of Special Education Programs for an extension to the year 2005 for full implementation of the master's degree requirement for licensure of speech-language pathologists. Individuals with a baccalaureate degree in speech-language pathology may be licensed provisionally to provide speech-language services until 1999. The following requirements must be met within the three-year period of the provisional license:*

1. *Obtain passing scores on the professional teacher's assessment;*
2. *Complete course work in professional studies;*
3. *Successfully complete 6 graduate hours of course work in the areas of articulation/phonology disorders and language disorders; and*
4. *Be admitted to a graduate program in speech-language pathology.*

B. *The program in special education speech-language disorders preK-12 will ensure that the candidate has demonstrated the following competencies:*

1. *Understanding of the knowledge, skills, and processes of communication, oral and written, as defined in the Virginia Standards of Learning and how these are interrelated in forming a sound foundation for the understanding of speech and language acquisition.*

2. *Understanding of the knowledge, skills and processes of:*
    - a. *Normal development and the use of speech, voice, hearing, and language; and*
    - b. *Basic sciences (biology and physics) and the basic communication sciences (acoustics, physiological processes of speech, hearing and linguistics).*
  3. *Understanding of current principles, procedures, techniques, and instruments in:*
    - a. *The evaluation of speech, language, voice and hearing;*
    - b. *Psycho-educational assessments; and*
    - c. *Research design.*
  4. *Understanding of the knowledge, skills, and processes of:*
    - a. *Various types of disorders of speech, language, voice and hearing classifications, causes, and manifestations; and*
    - b. *Relationships among speech, language, voice and hearing problems, especially multiple disabling conditions.*
  5. *Understanding of the knowledge, skills, and processes of the principles of remedial procedures and instrumentation in the habilitation, prevention and rehabilitation of disorders of articulation, language, fluency, voice, resonance, and hearing.*
  6. *Understanding of the knowledge, skills, and processes of the evaluation and treatment of disorders of the oral and pharyngeal mechanisms as they relate to communication, including but not limited to dysphasia.*
  7. *A level of knowledge and skill in the use of alternative communication devices, modes of communication and appliances that facilitate communication.*
  8. *Understanding of the knowledge, skills, and processes of service delivery and instruction including:*
    - a. *Organization and administration of public school programs to provide services for persons with speech-language disorders; and*
    - b. *Services available from related fields for those with communication disorders.*
  9. *Understanding of the knowledge, skills, and processes for educating special populations including:*
    - a. *Historical perspective;*
    - b. *Characteristics of learners; developmental and cognitive;*
    - c. *Medical aspects;*
    - d. *Linguistic/multicultural aspects;*
    - e. *Family aspects; and*
    - f. *Program evaluation.*
  10. *Understanding of the knowledge, skills, and processes involved in the legal aspects associated with students with disabilities, including:*
    - a. *Legislative and judicial mandates related to special education;*
    - b. *Legal decisions related to persons with disabilities;*
    - c. *Advocacy and self-determination;*
    - d. *Guardianship;*
    - f. *Behavior management; and*
    - g. *Disciplinary practices, policies and procedures, and alternative placements/programs in schools.*
  11. *The ability to understand and manage behavior including:*
    - a. *Behavior support systems;*
    - b. *Individual planning; and*
    - c. *Research in current practice.*
  12. *Understanding of the current knowledge and scope of the profession and sensitivity to issues of diversity.*
  13. *Completion of 375 clock hours of direct client contact, of which 100 must be in a supervised educational setting and a minimum of 200 clock hours must be in speech-language pathology. These clinical clock hours will be distributed in each of the following areas: diagnosis, management of language disorders, management of voice disorders, management of articulation disorders, management of fluency disorders, and audiology.*
- C. *Endorsement requirements. The candidate must have:*
1. *An earned master's degree in speech-language pathology from an accredited institution; or*
  2. *A current license in speech pathology issued by the Virginia Board of Examiners for Audiology and Speech Pathology.*
- 8 VAC 20-21-450. Special education visual impairments preK-12.**
- A. *The program in special education visual impairments preK-12 is designed to ensure through course work and field experiences in a variety of settings that the candidate has demonstrated the following competencies:*
1. *Understanding of the characteristics of individuals with disabilities to include:*
    - a. *Characteristics of children and youth with disabilities: developmental and cognitive;*



course in foundations/legal aspects of special education, characteristics of persons with visual impairments, psychoeducational assessment and assessment for visual impairment, language/literacy skill development, Braille reading and writing, behavior management, transition, consultation, anatomy, physiology, and diseases of the eye, and instructional programming and methods, consistent with the above competencies.

## **8 VAC 20-21-460. Theater arts preK-12.**

A. The program in theater arts preK-12 will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes of the theater discipline as defined in the Virginia Standards of Learning and how these provide a necessary foundation integral to teaching theater.
2. Understanding of the knowledge, skills and processes for teaching theater to the developmental levels of students in preK-12, including the following:
  - a. Experience in planning, developing, administering, and evaluating a program of theater education;
  - b. Directing;
  - c. Technical theater, including lighting, set design, stage craft, costuming, makeup, and safety;
  - d. Performance, including acting and acting styles;
  - e. Dramatic literature;
  - f. The relationship of theater and culture and the influence of theater on past and present cultures, including the history of theater; and
  - g. Related areas of theater, such as art, dance, and music.
3. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in theater arts; or
2. Completed a major in theater or 33 semester hours distributed among the following areas:
  - a. Directing: 6 semester hours;
  - b. Technical theater: 9 semester hours;
  - c. Theater history: 3 semester hours;
  - d. Performance: 6 semester hours; and
  - e. Dramatic literature: 9 semester hours.

C. Add-on endorsement requirements in theater arts preK-12. The candidate must have:

1. A baccalaureate degree and an endorsement in any teaching area; and

2. Completed 15 semester hours distributed in the following areas:

- a. Directing: 3 semester hours;
- b. Technical theater: 3 semester hours;
- c. Theater history: 3 semester hours; and
- d. Performance: 6 semester hours.

## **8 VAC 20-21-470. Vocational education--agricultural education.**

A. The program in agricultural education will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the importance and relationship of agriculture to the economy of the community, the state, and the nation. This understanding includes:
  - a. An awareness and appreciation for agriculture;
  - b. Knowledge of the occupational opportunities in agriculture and related fields;
  - c. Knowledge of the U.S. food and fiber system; and
  - d. Knowledge of the contributions of agriculture to the economy of the state and nation.
2. Understanding of the knowledge, skills, and processes involved in plant and soil sciences, including:
  - a. Production, use, and marketing of row crops, specialty crops, forage crops, fruits, small grains, vegetables, and cereal crops; and
  - b. Soil and water management.
3. Understanding of the knowledge, skills, and processes involved in the production, management, and marketing of animals, including:
  - a. Production of cattle, swine, poultry, dairy cows, sheep, aquaculture species, goats, and horses; and
  - b. Care and management of small companion animals.
4. Understanding of the knowledge, skills, and processes involved in agricultural mechanics, including:
  - a. Safe operation, repair, and maintenance of equipment, tools, and machinery used in agriculture;
  - b. Setting up and adjusting agriculture machinery;
  - c. Basic knowledge of a set of hand tools, measuring devices, and testing equipment used in agriculture;
  - d. Basic knowledge of energy transfer systems used in agriculture; and
  - e. Properties of metals used in tools and equipment.
5. Understanding of agricultural economics, including the various markets, international trade, government policies, and the operation and management of various agricultural businesses.

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6. Understanding of the knowledge, skills, and processes involved in natural resources including:
    - a. Care, management, and conservation of soil, air, water, and wildlife; and
    - b. Production and management of the forest.
  7. Understanding of the importance and processes necessary for community resource development to include:
    - a. Fundamentals of the community development process;
    - b. Knowledge of public and private programs and resources available;
    - c. Knowledge of the promotion of community development; and
    - d. Knowledge of civic organizations and their purposes.
  8. Knowledge of and the ability to teach:
    - a. How the biological, physical, and applied sciences relate to practical solutions of agricultural problems;
    - b. Leadership development skills;
    - c. How to conduct a Future Farmers of America (FFA) Chapter and a Young Farmer Organization; and
    - d. Agricultural competencies needed by secondary students to be successful in continuing their education and entering a related occupation.
  9. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.
- B. Endorsement requirements. The candidate must have:**
1. Graduated from an approved teacher preparation program in agricultural education; or
  2. Completed a major in agricultural education or 40 semester hours of course work in agriculture, including at least 3 semester hours in each of the following:
    - a. Plant science;
    - b. Animal science;
    - c. Agricultural mechanics;
    - d. Agricultural economics and management;
    - e. Forestry/wildlife management;
    - f. Horticulture; and
    - g. Technology/microcomputer applications.
- C. Technical Professional License. An endorsement in horticulture or agricultural machinery may be granted to individuals who have:**
1. Been recommended by an employing Virginia educational agency;
2. Completed two years of occupational experience in the area sought; and
  3. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in vocational education: 3 semester hours; and applications of instructional technology or foundations of education: 3 semester hours). The professional studies requirements may be met under a Provisional License.
- 8 VAC 20-21-480. Vocational education--business education.**
- A. The program in business education will ensure that the candidate has demonstrated the following competencies:**
1. Knowledge, skills, and principles of manual and automated accounting, including:
    - a. Accounting concepts, terminology, and applications;
    - b. Accounting systems; and
    - c. The basic accounting cycle of source documents, verifications, analyzing, recording, posting trial balances, and preparing financial statements.
  2. Knowledge and skills necessary to:
    - a. Communicate basic economic principles as applied to the American economic system; and
    - b. Apply basic economic principles to consumerism.
  3. Knowledge and skills in the foundations of business selected from the following areas:
    - a. Business law.
      - (1) Ability to recognize the legal requirements affecting business organization; and
      - (2) Ability to apply legal principles to business situations;
    - b. Business principles.
      - (1) Ability to identify, explain, and apply contemporary business principles; and
      - (2) Ability to identify and explain the advantages and disadvantages of various business organizational structures;
    - c. Management. Understanding of basic management concepts and leadership styles to explore and solve problems in business functions, economics, international business, and human relations issues;
    - d. Marketing.
      - (1) Understanding of basic marketing concepts in sales techniques, advertising, display, buying, wholesale/retail, distribution, service occupations.

market analysis, warehousing, and inventory control; and

(2) Understanding of the unique characteristics of an entrepreneur and the knowledge and skills necessary for an entrepreneurial venture;

e. Finance.

(1) Knowledgeable about and skilled in the areas of money management, recordkeeping, and banking needed for sound financial decision making; and

(2) Understanding of the basic concepts of economics, insurance, credit, and other related topics; or

f. Insurance. Understanding of the purpose of insurance, types of property losses, types of risk insurance protection, insurance for specific business activities, and noninsurable risks.

4. Knowledge and skills in all of the following communications and information technologies:

a. Communications.

(1) Ability to communicate in a clear, courteous, concise, and correct manner for personal and professional purposes through the foundations of listening, writing, reading, speaking, non-verbal cues, and following written/oral directions; and

(2) Ability to use technology to expedite and enhance the effectiveness of communications and telecommunications.

b. Business systems. Ability to use current and emerging business systems and procedures to diagnose/solve problems in office procedures and management, including:

(1) Workflow topics, assessing references, records management, recordkeeping, managing travel and meetings, handling mail; and

(2) Knowledge of transcription of voice-dictated and voice-recorded dictation.

c. Computer applications.

(1) Ability to identify, select, evaluate, use, install, upgrade, and customize application software;

(2) Ability to diagnose and solve problems in word processing, database, spreadsheet, graphics, desktop/presentation/multimedia and imaging, and emerging computer applications; and

(3) Ability to integrate the applications.

d. Word processing and information systems.

(1) Ability to use word processing applications software to create, modify, and print personal, educational, and business documents; and import other applications to word processing documents;

(2) Ability to identify, select, evaluate, use, install, upgrade, customize, and diagnose and solve problems with various types of operating systems, environments, and utilities; and

(3) Ability to compare, evaluate, and demonstrate skills in the use of programming languages.

e. Keyboarding.

(1) Possession of skills in fingering and keyboard-manipulation techniques to model and provide touch keyboarding instruction;

(2) Ability to provide instruction that allows students to develop touch fingering techniques in a kinesthetic response to the keyboard required for rapid, accurate entry of data and information; and

(3) Ability to provide instruction for current procedures in formatting documents.

f. Experience in a supervised business career through cooperative education, internship, shadowing, mentorship, and work experience.

5. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in business education; or

2. Completed 39 hours of course work in business to include:

a. Accounting: 6 semester hours;

b. Economics: 3 semester hours;

c. Business law, business principles, management, marketing, finance, or insurance: 12 semester hours;

d. Communications: 3 semester hours;

e. Business systems and procedures: 3 semester hours;

f. Computer applications: 3 semester hours;

g. Word processing and information systems: 3 semester hours;

h. Keyboarding: 3 semester hours; and

i. Supervised business experience: 3 semester hours.

C. Technical Professional License. An endorsement in a specialized business area, such as accounting, medical office procedures, legal office procedures, and network administration, may be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;

2. Completed two years of occupational experience in the endorsement area sought;

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3. Completed a business program equivalent to a two-year associate degree in the area sought; and

4. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in vocational education: 3 semester hours; and applications of instructional technology or foundations of education: 3 semester hours). The professional studies requirements may be met under a Provisional License.

### **8 VAC 20-21-490. Vocational education--health occupations education.**

A. The program in health occupations education will ensure that the candidate has demonstrated the following competencies:

1. Knowledge of teaching methods.

a. Instructional planning – ability to determine the needs and interests of students;

b. Organizing instruction – ability to prepare teacher-made instructional materials for clinical laboratory experience;

c. Instructional execution – ability to use techniques for simulating patient care and demonstrating manipulative skills;

d. Application of technology in the classroom; and

e. Instructional evaluation – ability to determine grades for students in classroom and clinical settings.

2. Knowledge of program management.

a. Planning – ability to organize an occupational advisory committee;

b. Curriculum development – ability to keep informed of current curriculum content and patient care practices;

c. Planning and organizing teaching/occupational laboratory for laboratory simulations/demonstrations;

d. Understanding of the process for issuing credentials for health workers;

e. Understanding of the health care industry; and

f. Evaluation – ability to conduct a student follow-up study.

3. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements.

1. The candidate must have:

a. Graduated from an approved program of study for the preparation of health care professionals;

b. A license or are certified as a professional practitioner in the area in which one is to be teaching; and

c. Completed two years of occupational experience in an area related to the area to be taught.

2. Technical Professional License. An endorsement in a specialized health occupations area may be granted to individuals who have:

a. Been recommended by an employing Virginia educational agency;

b. A license or are certified as a professional practitioner in the area in which one is to be teaching;

c. Completed two years of occupational experience in the area sought;

d. Completed a health occupations' certificate or associate degree program; and

e. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in vocational education: 3 semester hours; and applications of instructional technology or foundations of education: 3 semester hours). The professional studies requirements may be met under a Provisional License.

### **8 VAC 20-21-500. Vocational education--industrial cooperative training (add-on endorsement).**

A. The program in industrial cooperative training (ICT) will ensure that the candidate has demonstrated the following competencies:

1. Understanding of industrial education and its role in the development of technically competent, socially responsible, and culturally sensitive individuals with potential for leadership in skilled technical work and professional studies;

2. Understanding of and the ability to relate experiences designed to develop skills in the interpretation and implementation of industrial education philosophy in accordance with changing demand;

3. Understanding of the knowledge and experience of systematically planning, executing, and evaluating individual and group instruction;

4. Understanding of the competencies necessary for effective organization and management of laboratory instruction;

5. Understanding of the competencies necessary for making physical, social, and emotional adjustments in multicultural student-teacher relationships;

6. Understanding of the competencies necessary for developing and utilizing systematic methods and instruments for appraising and recording student progress in the vocational classroom;

7. Understanding of the ability to provide technical work experience through cooperative education or provide a method of evaluating previous occupational experience commensurate with the minimum required standard;

8. Understanding of the competencies necessary to assist students in job placement and in bridging the gap between education and work;

9. Understanding of the awareness of the human relations factor in industry with emphasis on the area of cooperation among labor, management, and the schools;

10. Understanding of the teacher's role in the school and community;

11. Understanding of the content, skills, and techniques necessary to teach a particular trade area;

12. Understanding of the competencies necessary to organize and manage an effective student organization; and

13. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

**B. Endorsement requirements.**

1. The candidate must have graduated from an approved teacher preparation program in industrial cooperative training (ICT); or

2. The candidate must have:

a. A Virginia Collegiate Professional or Postgraduate Professional License;

b. Completed two years or more of successful, full-time teaching experience;

c. Completed 15 semester hours in trade and industrial education course work distributed in the following areas:

(1) Administration and coordination of ICT or equivalent cooperative education course;

(2) Methods and development of competency-based related instructional materials for ICT;

(3) Vocational student organizations;

(4) Implementation of a competency-based (CBE) curriculum; and

(5) Development and utilization of directly related occupational materials; and

d. In the area of occupational experience, evidence of a minimum of two years or 4,000 hours of acceptable employment in a trade, technical, or industrial education subject area.

**8 VAC 20-21-510. Vocational education--marketing education.**

A. The program in marketing education will ensure that the candidate has demonstrated the following competencies:

1. Knowledge of marketing, merchandising, marketing mathematics, communication theory and techniques, advertising and sales promotion, personal selling, and management through a variety of educational and work experiences;

2. Knowledge of planning, developing, and administering a comprehensive program of marketing education for high school students and adults;

3. Knowledge of organizing and using a variety of instructional methods and techniques for teaching youths and adults;

4. Knowledge of conducting learning programs that include a variety of career objectives and recognize and respond to individual differences in students;

5. Knowledge of assisting the learners of different abilities in developing skills needed to qualify for further education and employment;

6. Knowledge of acquiring knowledge of career requirements and opportunities in marketing, merchandising, and management;

7. Knowledge of developing leadership skills, including methods of working with the youth organization;

8. Understanding of and proficiency in grammar usage and mechanics and their integration in writing; and

9. Knowledge of utilizing current technological applications as these relate to marketing functions.

**B. Endorsement requirements. The candidate must have:**

1. Graduated from an approved teacher preparation program in marketing education; or

2. Completed the following educational and occupational requirements:

(a) 30 semester hours of course work distributed in the following areas: marketing process and management, economics, merchandising and operations, advertising/sales promotion, personal selling, marketing math, communication theory and techniques, business ethics, human resources/training and development, international business/marketing, or marketing technology; and

(b) A minimum of 1,000 clock hours in a marketing occupation within the last five years, 500 hours of which must have been university-supervised or the applicant whose baccalaureate degree is in an area other than marketing education must have completed a minimum of 4,000 clock-hours of occupational experience within the last five years in one or more marketing occupations.

C. Technical Professional License. An endorsement in a specialized marketing area, such as apparel and accessories, financial services, hotel/motel operations;

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international marketing; real estate, restaurant, may be granted to individuals who have:

1. Been recommended by an employing Virginia educational agency;
2. A license or are certified as a professional practitioner in the area in which one is to be teaching;
3. Completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade;
4. Completed four years of work experience at the management or supervisory level or equivalent or have a combination of four years of training and work experience at the management or supervisory level or equivalent; and
5. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in vocational education: 3 semester hours; and applications of instructional technology or foundations of education: 3 semester hours). The professional studies requirements may be met under a Provisional License.

## **8 VAC 20-21-520. Vocational education--technology education.**

A. The program in technology education will ensure that the candidate has demonstrated the following competencies:

1. Understanding and utilization of technology, including the human activities of:
  - a. Designing and developing technological systems;
  - b. Determining and controlling the behavior of technological systems;
  - c. Utilizing technological systems; and
  - d. Assessing the impacts and consequences of technological systems.
2. Understanding of technological knowledge, including:
  - a. The nature and evolution of technology;
  - b. The technological concepts and principles; and
  - c. The technological resources, impacts, consequences, and linkages with other fields.
3. Understanding and utilization of the major systems of technology, including the:
  - a. Synthesis of the processes for creating, encoding, transmitting, receiving, decoding, storage, and retrieval of information using communication systems in a global information society;
  - b. Application of the principles and processes characteristic of contemporary and future production systems, including the research, engineering design

and testing, planning, organization, resources, and distribution; and

c. Integration and organization of transportation systems, including land, sea, air, space as a means of transporting people, goods, and services in a global economy.

4. Understanding and utilization of the knowledge, skills, and processes for teaching in a laboratory environment, including:

a. Laboratory safety rules, regulations, processes and procedures;

b. Ability to organize technological content into effective instructional units;

c. Ability to deliver instruction to diverse learners;

d. Ability to evaluate student achievement, curriculum materials and instructional processes;

e. Ability to implement student organizational activities as an integral part of instructional;

f. Ability to incorporate new and emerging instructional technologies to enhance student performance; and

g. Understanding the concepts and procedures for developing a learner's technological literacy.

5. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

B. Endorsement requirements. The candidate must have:

1. Graduated from an approved teacher preparation program in technology education; or

2. Completed a major in technology education or 39 semester hours in technology education distributed in the following areas:

a. Technology and culture (experiences shall include the historical development of technology and its present and future impact on the individual, society and environment): 6 semester hours;

b. Technological foundations (experiences shall include technical design and illustration, energy and power, electronics, and materials science processing): 12 semester hours;

c. Technological processes (experiences shall include technical design, material processing, manufacturing, construction, and communication): 12 semester hours; and

d. Technological systems (experiences shall include communication, production, and transportation systems): 9 semester hours; or

3. Earned a baccalaureate degree from an accredited college or university with a major in one of the following fields of study: architecture, design, engineering, or

physics; and completed 18 semester hours of technology education content course work, including at least 3 semester hours in each of the following areas: technology and culture, technological foundations, technological processes, and technological systems.

## **8 VAC 20-21-530. Vocational education--trade and industrial education.**

A. The program in trade and industrial education will ensure that the candidate has demonstrated the following competencies:

1. Understanding of industrial education and its role in the development of technically competent, socially responsible, and culturally sensitive individuals with potential for leadership in skilled technical work and/or professional studies;
2. Understanding of the ability to relate experiences designed to develop skills in the interpretation and implementation of industrial education philosophy in accordance with changing demand;
3. The knowledge and experience of systematically planning, executing, and evaluating individual and group instruction;
4. Knowledge of the competencies necessary for effective organization and management of laboratory instruction;
5. Knowledge of the competencies necessary for making physical, social, and emotional adjustments in multicultural student-teacher relationships;
6. Knowledge of the competencies necessary for developing and utilizing systematic methods and instruments for appraising and recording student progress in the vocational classroom;
7. Knowledge of the ability to provide technical work experience through cooperative education or provide a method of evaluating previous occupational experience commensurate with the minimum required standard;
8. Knowledge of the competencies necessary to assist students in job placement and in otherwise bridging the gap between education and work;
9. Understanding of the awareness of the human relations factor in industry, with emphasis on the area of cooperation among labor, management, and the schools;
10. Knowledge of the teacher's role in the school and community;
11. Understanding of the content, skills, and techniques necessary to teach a particular trade area;
12. Knowledge of the competencies necessary to organize and manage an effective student organization; and
13. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

## **B. Endorsement requirements.**

1. The candidate must have graduated from an approved teacher preparation program in the trade and industrial education program subject area for which the candidate is seeking endorsement; or
2. A candidate who has graduated from an approved teacher preparation program that is not in the trade and industrial education program subject area for which the candidate is seeking endorsement must have:
  - a. A current state licensure or industry certification based upon the prescribed examination, if applicable; and
  - b. Evidence of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which they are seeking endorsement. A candidate whose occupational experience has not been within the last five years must participate in a supervised technical update related to the teaching specialty or area of endorsement or complete a supervised internship of work experience of not less than six weeks related to the area of endorsement or teaching specialty.
3. Technical Professional License. An endorsement in a specialized trade and industrial education area will be granted to individuals who have:
  - a. Been recommended by an employing Virginia educational agency;
  - b. A license or are certified as a professional practitioner in the area in which one is to be teaching, if applicable, or can demonstrate competency in the area of trade and industrial education one is to be teaching; and
  - c. Evidence of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which they are seeking endorsement. Candidates whose occupational experience has not been within the last five years must participate in a supervised technical update related to the teaching specialty or area of endorsement or complete a supervised internship of work experience of not less than six weeks related to the area of endorsement or teaching specialty.
  - d. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in vocational education: 3 semester hours; and applications of instructional technology or foundations of education: 3 semester hours). The professional studies requirements may be met under a provisional license.

## **C. Add-on endorsement requirements. A candidate must:**

1. Hold a collegiate professional or postgraduate professional license with a teaching endorsement;

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2. Demonstrate competency in the trade or technology to be taught;

3. Hold licensure for trade or industrial area for which endorsement is sought based upon the prescribed examination;

4. Have completed two years or 4,000 clock hours of satisfactory, full-time employment experience at the journeyman level or an equivalent level in the occupation within the last five years. Candidates whose occupational experience has not been within the last five years must participate in a supervised technical update related to the teaching specialty or area of endorsement or complete a supervised internship of work experience of not less than six weeks related to the area of endorsement or teaching specialty; and

5. Have completed 3 semester hours in curriculum and instructional procedures specific to vocational industrial education.

### **8 VAC 20-21-540. Vocational education--vocational special needs (add-on endorsement).**

A. The program in vocational special needs will ensure that the candidate has demonstrated the following competencies:

1. Understanding of vocational special needs programs and services; development; characteristics of students who are disadvantaged, disabled, and gifted; and program development, implementation, and evaluation.

2. Understanding of instructional methods and resources in career-vocational, community-based, and transition programs for targeted populations in vocational education, including:

a. Use of learning and teaching styles to plan and deliver instruction;

b. Use of vocational assessment results to plan individual instruction strategies;

c. Ability to plan and manage a competency-based education system;

d. Ability to adapt curriculum materials to meet special student needs;

e. Use of a variety of classroom management techniques to develop an enhanced learning environment;

f. Use of different processes to improve collaboration with colleagues, parents, and the community; and

g. Ability to plan learning experiences that prepare individuals for transition to more advanced education and career development options.

3. Understanding of the planning, delivery, and management of work-based education programs such as community surveying, cooperative education, simulation,

directed observation, shadowing, mentoring, and internship.

4. Understanding of strategies for enabling students to learn all aspects of particular industries -- planning, management, finances, technical and production skills, labor and community issues, health and safety, environmental issues, and the technology associated with the specific industry.

5. Understanding of career/life planning procedures, transition processes and procedures, and career-search techniques.

6. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

### **B. Endorsement requirements.**

1. The candidate must have graduated from an approved teacher preparation program in vocational special needs; or

2. The candidate must have:

a. A baccalaureate degree with an endorsement in one area of vocational education or special education preK-12; and

b. 12 semester hours distributed in the following areas:

(1) Overview of vocational special needs programs and services: 3 semester hours;

(2) Instructional methods and curriculum and resources: 3 semester hours;

(3) Career/life planning, transition, occupational information, and delivery of cooperative education programs: 3 semester hours; and

(4) Purposes and practices, characteristics of special populations: 3 semester hours; and

c. Evidence of at least two years or 4,000 clock hours of satisfactory occupational experience in business or industry, or both, or complete a work experience internship under the supervision of an institution of higher education.

### **9 VAC 20-11-550. Work and family studies.**

A. The program in work and family studies will ensure that the candidate has demonstrated the following competencies:

1. Knowledge of the developmental processes of childhood, preadolescence, adolescence, and adulthood/aging and in creating and maintaining an environment in which family members develop and interact as individuals and as members of a group;

2. Knowledge of the decision-making processes related to housing, furnishings, and equipment for individuals and families with attention given to special needs and diversity of individuals;

3. The ability to plan, purchase, and prepare food choices that promote nutrition and wellness;
4. Knowledge of the management of resources to achieve individual and family goals at different stages of the life span;
5. Knowledge of the sociological, psychological, and physiological aspects of clothing and textiles for individuals and families;
6. Knowledge of occupational skill development and career planning;
7. The ability to collaborate and work cooperatively with other education disciplines, appropriate community agencies, and advisory councils;
8. The ability to plan, develop, teach, supervise, and evaluate programs in occupational programs at the secondary, postsecondary, and adult levels;
9. The ability to organize and implement Future Homemakers of America/Home Economics Related Occupations (FHA/HERO) programs as an integral part of classroom instruction; and
10. Understanding of and proficiency in grammar usage and mechanics and their integration in writing.

#### B. Endorsement requirements.

1. The candidate must have graduated from an approved teacher preparation program in work and family studies; or
2. The candidate must have:
  - a. 33 semester hours of course work distributed in the following areas:
    - (1) Development of individual and family: 9 semester hours;
    - (2) Management, family finance, and consumer economics: 6 semester hours;
    - (3) Food and nutrition: 6 semester hours;
    - (4) Housing, home furnishing, and equipment: 6 semester hours;
    - (5) Clothing and textiles: 3 semester hours; and
    - (6) Health: 3 semester hours.
  - b. Occupation program management: 3 semester hours; and
  - c. In the area of occupational experience, evidence of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which they are seeking endorsement.
3. Technical Professional License. An endorsement in a specialized work and family studies area, such as child care occupations, clothing occupations, food

occupations, home furnishings occupations, and home and institutional services, may be granted to individuals who have:

- a. Been recommended by an employing Virginia educational agency;
- b. A license or are certified as a professional practitioner in the area in which one is to be teaching, if applicable, or demonstrate competency in the specialized area of work and family studies;
- c. In the area of occupational experience, evidence of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which they are seeking endorsement.
- d. Completed professional studies requirements (human growth and development: 3 semester hours; curriculum and instructional procedures in vocational education: 3 semester hours; and applications of instructional technology or foundations of education: 3 semester hours). The professional studies requirements may be met under a Provisional License.

#### PART VI.

#### LICENSURE REGULATIONS GOVERNING SUPPORT PERSONNEL.

#### 8 VAC 20-21-560. Administration and supervision preK-12.

A. An individual may become eligible for an endorsement in administration and supervision preK-12 by completing the requirements in one of the options described in this section.

B. Virginia's approved program. The candidate must have:

1. A master's degree from an accredited college or university.
2. Completed three years of successful, full-time experience as a classroom teacher in an accredited nonpublic or public school.
3. Completed an approved administration and supervision program in Virginia which shall ensure that the candidate has demonstrated the following competencies:
  - a. Knowledge and understanding of student growth and development to include:
    - (1) Applied learning and motivational theories;
    - (2) Curriculum design, implementation, evaluation and refinement;
    - (3) Principles of effective instruction, measurement, evaluation and assessment strategies;
    - (4) Diversity and its meaning for educational programs; and

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- (5) *The role of technology in promoting student learning.*
- b. *Knowledge and understanding of systems and organizations, including:*
- (1) *Systems theory and the change process of systems, organizations and individuals;*
  - (2) *The principles of developing and implementing strategic plans;*
  - (3) *Information sources and processing, including data collection and data analysis strategies;*
  - (4) *Learning goals in a pluralistic society; and*
  - (5) *Effective communication, including consensus building and negotiation skills.*
- c. *Knowledge and understanding of theories, models, and principles of organizational development to include:*
- (1) *Operational procedures at the school and division/district level;*
  - (2) *Principles and issues of school safety and security;*
  - (3) *Human resources management and development, including adult learning and professional development models;*
  - (4) *Principles and issues related to fiscal operations of school management;*
  - (5) *Principles and issues related to school facilities and use of space;*
  - (6) *Legal issues impacting school operations and management; and*
  - (7) *Technologies that support management functions.*
- d. *Knowledge and understanding of the conditions and dynamics of the diverse school community including:*
- (1) *Emerging issues and trends that impact the school community;*
  - (2) *Community resources and partnerships of school, family, business, government and higher education institutions; and*
  - (3) *Community relations and marketing strategies and processes.*
- e. *Knowledge and understanding of the purpose of education and its role in a modern society, including:*
- (1) *The philosophy and history of education;*
  - (2) *Various ethical frameworks and professional ethics;*
  - (3) *The value of the diverse school community; and*

- (4) *The role of leadership in modern society.*
- f. *Knowledge and understanding of principles of representative governance that undergird the system of American schools, including:*
- (1) *The role of public education in developing and renewing a democratic society and an economically productive nation;*
  - (2) *The law as related to education and schooling;*
  - (3) *The political, social, cultural and economic systems and processes that impact schools;*
  - (4) *Models and strategies of change and conflict resolution as applied to the larger political, social, cultural and economic contexts of schooling;*
  - (5) *Global issues and forces affecting teaching and learning; and*
  - (6) *The importance of diversity and equity in a democratic society.*

4. *Completed a beginning administration and supervision assessment when prescribed by the Board of Education reflecting the knowledge and understanding of the stated competencies or completion of a full-time internship as a school principal. One year of successful, full-time experience as an assistant principal or principal in an accredited public or nonpublic school may be accepted instead of the internship.*

C. *Out-of-state approved program in administration and supervision. The candidate must have:*

1. *A master's degree from an accredited college or university;*
2. *Completed three years of successful, full-time experience as a classroom teacher in an accredited nonpublic or public school;*

3. *Completed an out-of-state approved program in administration and supervision; and*

4. *Completed a beginning administration and supervision assessment when prescribed by the Board of Education reflecting the knowledge and understanding of the stated competencies or completion of a full-time internship as a school principal. One year of successful, full-time experience as an assistant principal or principal in an accredited public or nonpublic school may be accepted instead of the internship.*

D. *Out-of-state administration and supervision license. The candidate must:*

1. *Hold a master's degree from an accredited college or university;*
2. *Hold a current, valid out-of-state license (full credential with endorsements in administration and supervision); and*

3. Have completed a beginning administration and supervision assessment when prescribed by the Board of Education reflecting the knowledge and understanding of the stated competencies or completion of a full-time internship as a school principal. One year of successful, full-time experience as an assistant principal or principal in an accredited public or nonpublic school may be accepted instead of the internship.

## **8 VAC 20-21-570. Division Superintendent License.**

An individual may be a candidate for the list of eligible division superintendents and the renewable division superintendent license through the completion of the requirements in one of the following three options:

1. Option one. The individual must:

- a. Hold an earned doctorate degree in an education-related field from an accredited institution; and
- b. Have completed five years of educational experience which includes three years as a classroom teacher in an accredited public or nonpublic school.

2. Option two. The individual must:

- a. Hold an earned master's degree from an accredited institution plus 30 completed hours beyond the master's degree;
- b. Have completed requirements for administration and supervision preK-12 endorsement; and
- c. Have completed five years of educational experience which will include at least three years as a classroom teacher in a public or accredited nonpublic school.

3. Option three. The individual must:

- a. Hold an earned master's degree from an accredited institution;
- b. Hold a current, valid out-of-state license with an endorsement as a division/district superintendent; and
- c. Have completed five years of educational experience in a public and/or accredited nonpublic school.

## **8 VAC 20-21-580. Reading Specialist.**

A. The reading specialist program will ensure that the candidate has demonstrated the following competencies:

1. Assessment and Diagnostic Teaching. The candidate must:

- a. Be proficient in the use of assessment and screening measures (formal and informal) for language proficiency, concepts of print, phoneme awareness, letter recognition, sound-symbol knowledge, single word recognition, decoding, word attack skills, word recognition in context, reading fluency, and oral and silent reading comprehension; and

b. Be proficient in the ability to use diagnostic data to tailor instruction; and accelerate, and remediate, using flexible skill-level groupings as necessary.

2. Oral communication. The candidate must:

a. Be proficient in the knowledge, skills, and processes necessary for teaching oral language (including speaking and listening);

b. Be proficient in developing students' phonemic awareness/phonological association skills;

c. Demonstrate effective strategies for facilitating the learning of standard English by speakers of other languages and dialects;

d. Demonstrate an understanding of the unique needs of students with language differences and delays; and

e. Demonstrate the ability to promote creative thinking and expression, as through storytelling, drama, choral/oral reading, etc.

3. Reading/literature. The candidate must:

a. Demonstrate an understanding of the role of the family in developing literacy;

b. Demonstrate the ability to create appreciation of the written word and the awareness of the printed language and writing system;

c. Develop an understanding of the linguistic, sociological, cultural, cognitive, and psychological basis of the reading process;

d. Be proficient in explicit phonics instruction, including an understanding of sound/symbol relationships, syllables, phonemes, morphemes, decoding skills, and word attack skills;

e. Be proficient in the use of cuing systems of language, including knowledge of how phonics, syntax, and semantics interact as the reader constructs meaning;

f. Be proficient in strategies to increase vocabulary;

g. Be proficient in the structure of the English language, including an understanding of syntax and vocabulary development;

h. Be proficient in reading comprehension strategies, including a repertoire of questioning strategies, understanding the dimensions of word meanings, teaching summarizing and retelling skills, and guiding students to make connections beyond the text.

i. Be proficient in the ability to teach strategies in literal, interpretive, critical, and evaluative comprehension.

j. Demonstrate the ability to develop comprehension skills in all content areas;

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- k. Demonstrate the ability to foster appreciation of a variety of literature; and
- l. Understand the importance of promoting independent reading and reading reflectively by selecting quality literature, including fiction and non-fiction, at appropriate reading levels.
4. Writing. The candidate must:
- Be proficient in the knowledge, skills, and processes necessary for teaching writing, including grammar, punctuation, spelling, syntax, etc.;
  - Be proficient in systematic spelling instruction, including awareness of the purpose and limitations of "invented spelling," the connection between stages of language acquisition and spelling, orthographic patterns, and strategies for promoting generalization of spelling study to writing; and
  - Demonstrate the ability to promote creative thinking and expression through imaginative writing, etc.
5. Research. The candidate must demonstrate the ability to guide students in their use of technology for both process and product as they work with reading, writing, and research.
6. Leadership and specialization. The candidate must:
- Demonstrate an understanding of language acquisition;
  - Demonstrate an understanding of varying degrees of learning disabilities;
  - Demonstrate an understanding of the needs of high achieving students and of strategies to challenge them at appropriate levels;
  - Demonstrate an understanding of child psychology, including personality and learning behaviors;
  - Demonstrate an understanding of the significance of cultural contexts upon language;
  - Demonstrate proficiency with educational measurement and evaluation;
  - Demonstrate an ability to utilize linguistic skills in diagnoses;
  - Demonstrate the ability to instruct and advise teachers in the skills necessary to differentiate reading instruction for both low and high achieving readers;
  - Demonstrate the ability to organize and supervise the reading program within the classroom, school, or division;
  - Demonstrate effective communication skills in working with a variety of groups, including parents, teachers, administrators, community leaders, etc.; and
  - Demonstrate knowledge of current research and exemplary practices in English/reading.
- B. Endorsement requirements. The candidate must have completed an approved graduate-level reading specialist approved preparation program (master's degree required) that includes course experiences of at least 30 semester hours of graduate course work in the competencies listed, as well as a practicum experience in the diagnosis and remediation of reading difficulties.
- 8 VAC 20-21-590. School counselor preK-12.**
- A. The school counselor preK-12 program will ensure that the candidate has demonstrated the following competencies:
- The ability to support students by cooperatively working with parents/guardians and teachers.
  - Understanding of the principles and theories of human growth and development throughout the lifespan and their implications for school guidance and counseling.
  - Understanding of the social and cultural foundations of education and their implications for school guidance and counseling programs.
  - Understanding of lifespan career development.
  - Understanding of the skills and processes for counseling students to include:
    - Individual and group counseling for academic development;
    - Individual and group counseling for career development; and
    - Individual and group counseling for personal/social development.
  - Understanding of the knowledge, skills, and processes for providing developmental group guidance to include:
    - Academic development;
    - Career development; and
    - Personal/social development.
  - Understanding of the skills and processes related to the school counseling program at the elementary, middle, and secondary levels to include:
    - Characteristics of learners at the elementary, middle, and secondary levels;
    - Program planning;
    - Coordination;
    - Consultation; and
    - Staffing patterns.
  - Understanding of the knowledge, skills, and processes of student appraisal and assessment relative to school guidance and counseling programs to include:
    - Individual assessment; and

b. Group assessment.

9. Understanding of the counseling professional to include:

- a. Legal considerations;
- b. Ethical considerations; and
- c. Professional issues and standards.

10. Understanding of the skills and processes of research and evaluation aimed at improving school guidance and counseling programs.

**B. Endorsement requirements.**

1. Option I. The candidate must have:

- a. An earned master's degree from an approved counselor education program which shall include at least 100 clock hours of clinical experiences in the preK-6 setting and 100 clock hours of clinical experiences in the grades 7-12 setting; and
- b. Two years of successful, full-time teaching experience or two years of successful experience in guidance and counseling. Two years of successful, full-time experience in guidance and counseling under a provisional license may be accepted to meet this requirement.

2. Option II. The candidate must have:

- a. An earned master's degree from an accredited college or university and certification from an approved counselor education program that the candidate has completed sufficient course work and clinical experience to acquire the competencies described herein; and
- b. Two years of successful, full-time teaching experience or two years of successful, full-time experience in guidance and counseling. Two years of successful, full-time experience in guidance and counseling under a provisional license may be accepted to meet this requirement.

**8 VAC 20-21-600. School psychology.**

A. The school psychology program will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes for assessing students' cognitive abilities, academic performance, emotional functioning, interpersonal competence, and sensory-motor functioning.
2. Understanding of the knowledge, skills, and processes for direct and indirect intervention to include:
  - a. Counseling on an individual, group, or family basis;
  - b. Consulting with administrators, teachers, parents, and other professionals about student problems and appropriate change strategies; and

c. Designing and implementing behavior change programs.

3. Understanding of the psychological foundations of human functioning (biological bases of behavior, cultural diversity, infant, child, and adolescent development, personality theory, human learning, and social bases of behavior) to ensure student academic achievement and student growth and development.

4. Understanding of the educational foundations of schooling (education of exceptional learners, instructional and remedial techniques, and organization and operations of schools) to ensure effective collaboration with other school professionals.

5. Understanding of statistics and research design.

6. Understanding of the school psychology profession to include:

- a. History and foundations of school psychology;
- b. Legal and ethical issues;
- c. Professional issues and standards; and
- d. Role and function of the school psychologist.

**B. Endorsement requirements.**

1. Option I. The candidate must have:

- a. Completed 60 graduate hours which culminate in at least a master's degree from an approved program in school psychology; and
- b. Completed an internship which is documented by the degree granting institution. No more than 12 hours of internship can be counted toward the 60 graduate semester hours required for licensure. The internship experience shall occur on a full-time basis over a period of one year or on a half-time basis over a period of two consecutive years. The internship shall occur under conditions of appropriate supervision, i.e., school-based supervisor shall hold a valid credential as a school psychologist and non-school based supervisor shall be an appropriately credentialed psychologist. The internship shall include experiences at multiple age levels, at least one half of which shall be in an accredited schooling setting.

2. Option II. The candidate must hold a certificate issued by the National School Psychology Certification Board.

**8 VAC 20-21-610. School social worker.**

A. The school social worker program will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes for organizing and delivering school social work services.
2. Understanding of the knowledge, skills, and processes for effective casework practice.

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3. Understanding of the organization and operations of school systems.

4. Understanding of the knowledge, skills, and processes involved with assessing and programming for exceptional students.

**B. Endorsement requirements.**

1. Option 1. The candidate must have:

a. An earned master's of social work from an accredited school of social work with a minimum of 60 graduate semester hours;

b. A minimum of six graduate semester hours in education; and

c. Completed a supervised practicum or field experience of a minimum of 400 clock hours in an accredited school discharging the duties of a school social worker.

2. Option II. The candidate must have:

a. An earned master's of social work from an accredited school of social work with a minimum of 60 graduate semester hours;

b. A minimum of six graduate semester hours in education; and

c. One year of successful full-time supervised experience as a school social worker in an accredited school.

**8 VAC 20-21-620. Visiting teacher.**

A. The visiting teacher program will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the knowledge, skills, and processes for organizing and delivering visiting teacher services in the schools.

2. Understanding of the knowledge, skills, and processes for effective casework practice.

3. Understanding of the foundations for delivery of visiting teacher services (community organization, group processes, family dynamics, abnormal psychology, human growth and development, assessment/evaluation, education of exceptionalities, and school law) to ensure student academic achievement and student growth and development.

B. Endorsement requirements. The candidate must have:

1. An earned master's degree from an accredited college or university;

2. Completed a minimum of 30 graduate hours which shall include a course in each of the following:

a. School social work practice;

b. Community organization;

c. Casework practice;

d. Group process;

e. Family dynamics;

f. Abnormal psychology;

g. Human growth and development (birth through adulthood);

h. Assessment/evaluation;

i. Education of exceptionalities; and

j. School law;

3. Completed one year of successful, full-time experience in an accredited educational setting either as a teacher or as a pupil personnel professional; and

4. Completed one year of full-time supervised experience as a visiting teacher in an accredited school.

**8 VAC 20-21-630. Vocational evaluator.**

A. The vocational evaluator program will ensure that the candidate has demonstrated the following competencies:

1. Understanding of the foundations of vocational evaluation and career assessment, including: philosophy and process of vocational evaluation/assessment; use of occupational and labor market information; and functional aspects of disability.

2. Understanding of the basic concepts and skills of planning for and delivering vocational evaluation and career assessment services, including the use of vocational interviewing; individualized service planning; report development and communication; and use of modifications and accommodations.

3. Understanding of the content, processes, and skills necessary to administer and report findings of standardized testing, including knowledge of tests and measurements and selection and use of appropriate instruments.

4. Understanding and knowledge of specific assessment techniques and skills, and the processes for conducting vocational evaluation and career assessment, including:

a. Job and training analysis;

b. Work samples and systems;

c. Situational and community-based assessment;

d. Behavioral observation; and

e. Learning and functional skills assessment.

B. Endorsement requirements.

1. Option 1. The candidate must be certified as a Vocational Evaluation Specialist (CVE), meeting all standards and criteria of the Commission on Certification of Work Adjustment and Vocational Evaluation Specialist (CCWAVES).

2. Option 2. The candidate must have a master's degree in vocational evaluation, vocational education, special education, or rehabilitation counseling and completed 15 graduate semester hours distributed in the following areas:

- a. Tests and measurements: 3 semester hours;
- b. Medical and educational aspects of disability: 3 semester hours;
- c. Occupational information and job analysis: 3 semester hours;
- d. Purposes/practices of vocational evaluation: 3 semester hours; and
- e. Career/life planning/transition services: 3 semester hours.

PART VII.

REVOCATION, CANCELLATION, SUSPENSION, DENIAL AND REINSTATEMENT OF TEACHING LICENSES.

8 VAC 20-21-640. 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, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of the Commonwealth of Virginia;
- 6. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted;
- 7. Other good and just cause of a similar nature.

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 registered 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 social security number of and the type of license held by the person against whom the petition is being filed;
- 3. The offenses alleged and the specific actions which comprise the alleged offenses;
- 4. The name and address of the party filing the original complaint against the license holder;
- 5. A copy of the regulations containing a statement of the rights of the person charged under this chapter; 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 responding to the petition states that he does not wish to contest the charges, he may voluntarily return the license to the division superintendent with a written, signed statement requesting cancellation. The Superintendent of Public Instruction is authorized, upon receipt of the license holder's written, signed request from the division superintendent, to cancel the license.
- 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

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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 make such recommendations as it deems appropriate relative to revocation of a license. 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 destroyed or maintained as a separate sealed file under provision of the Code of Virginia. Any record or material relating to the charges in any other file shall be removed or destroyed. Should the local school board recommend the revocation or suspension of a license, this recommendation, along with the investigative file, shall promptly be forwarded by the division superintendent to the Superintendent of Public Instruction.

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 in revoking a license. No such revocation will be ordered without the involved license holder being given the opportunity for the hearing specified in 8 VAC 20-21-690 B.

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.

### **8 VAC 20-21-650. Cancellation.**

A. A license may be canceled by voluntary return by the individual, or for reasons listed under 8 VAC 20-21-640 A or for the following reason:

The teacher in his answer to the petition, as described in 8 VAC 20-21-640 F 1, states that he does not wish to contest the charges. Reasons for cancellation are the same as those listed under 8 VAC 20-21-640 A.

B. Procedures. The individual may voluntarily return the license to the division superintendent with a written, signed statement requesting cancellation. The Superintendent of Public Instruction is authorized upon receipt of the license holder's written and signed request from the division superintendent to cancel the license.

However, no such cancellation will be made without the involved license holder being given the opportunity for a hearing, as specified in 8 VAC 20-21-690 B.

C. Reinstatement of license. A license that has been returned for cancellation 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.

### **8 VAC 20-21-660. 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; or
4. Other good and just cause of a similar nature.

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 subdivision 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 registered 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 social security number and the type of license 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; 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 responding to the petition states that he does not wish to contest the charges, he may voluntarily return his license to the division superintendent with a written and signed statement requesting suspension. The Superintendent of Public Instruction is authorized, upon receipt of the license holder's written, signed request from the division superintendent, to cancel the license.
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 8 VAC 20-21-690 B.

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.

## **8 VAC 20-21-670. 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, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of the Commonwealth of Virginia;
6. Revocation of the license by another state; and
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 8 VAC 20-21-640 A. No such denial will be ordered unless the license holder is given the opportunity for the hearing specified in 8 VAC 20-21-690 B.

## **8 VAC 20-21-680. Right to counsel and transcript.**

A license holder shall have the right, at his own expense, to be represented by counsel of choice at the local school board hearing provided for in 8 VAC 20-21-640 F or in the proceedings before the Board of Education, as specified in 8 VAC 20-21-690 A and B. Counsel may, but need not, be an attorney. Any such hearing before a local school board and any hearing before the Board of Education shall be recorded; and, upon written request the party charged shall be provided a hearing transcript without charge.

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## **8 VAC 20-21-690. Action by the State Superintendent of Public Instruction and the Board of Education.**

A. Upon receipt of the complaint from the local school division, the Superintendent of Public Instruction will ensure that an investigative panel at the state level reviews the petition. The panel shall consist of three to five members selected by the Division Chief, Compliance Coordination, of the Virginia Department of Education. The license holder should be notified within 14 days of the receipt of the complaint to the Department of Education as to the date, time, and location of the hearing. Both parties, the local school division and the license holder, are entitled to be present with counsel if so desired. The recommendation of the state-level panel is made to the State Superintendent of Public Instruction for presentation to the State Board of Education. The superintendent shall then present his report to the Board of Education or its duly designated committee at one of its duly scheduled meetings. The license holder shall be given at least 14 days notice (in the manner specified in 8 VAC 20-21-640 F) of the date on which the Superintendent of Public Instruction's report will be continued, where necessary, from one meeting of the Board of Education or committee to another.

B. Hearing. The Board of Education, or its duly designated committee, shall receive and consider the report of the Superintendent of Public Instruction and such relevant and material evidence as the license holder may desire to present at the hearing. At the conclusion of the hearing, the Superintendent of Public Instruction may recommend the action -- revocation or suspension -- that should be taken by the Board of Education. The Board of Education will then enter its order within 14 days after the hearing has concluded. This order will contain findings of fact either sustaining or dismissing the complaint.

C. Decision not to revoke or suspend. If the decision of the Board of Education is not to revoke or suspend the license, the license holder and the principal complainants will be so notified and the Board of Education's file and any other record or material will be removed or destroyed.

D. Decision to revoke or suspend. If the decision of the Board of Education is to revoke or suspend the license, a written order will be entered in the minutes of the meeting at which the matter was decided. A copy of this order will be sent to the license holder and the principal complainants.

## **8 VAC 20-21-700. Right of license holder to appear at hearing.**

A license holder shall have the right to appear in person at the hearings held by the local school board, Board of Education, or board committee described herein unless he is confined to jail or a penal institution. The local school board or Board of Education, at its discretion, may continue such hearings for a reasonable time if the license holder is prevented from appearing in person for reasons such as documented medical or mental impairment.

## **8 VAC 20-21-710. Notification.**

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

### DOCUMENTS INCORPORATED BY REFERENCE

The Renewal Manual (The Virginia Recertification Manual), July 1990, Department of Education, Commonwealth of Virginia

Standards of Learning for Virginia Public Schools, June 1995, Board of Education, Commonwealth of Virginia

VA.R. Doc. No. R97-729; Filed August 13, 1997, 11:51 a.m.

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Title of Regulation: **8 VAC 20-25-10 et seq. Technology Standards for Instructional Personnel.**

Statutory Authority: § 22.1-16 of the Code of Virginia.

Public Hearing Date: September 17, 1997 - 7 p.m. (Alexandria, Williamsburg, Lynchburg)

Public comments may be submitted until October 31, 1997.

(See Calendar of Events section for additional information)

Basis: Section 22.1-16 of the Code of Virginia states: "The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title."

Purpose: The purpose of the proposed regulation is to ensure that instructional personnel in Virginia have mastered and demonstrated competency in technology.

Instructional personnel are ultimately responsible for the use of technology in the classroom. As a result of the availability of technology and the requirement that students in Virginia must master technology standards, instructional personnel need to participate in ongoing training. These technology standards will set forth those competencies required of instructional personnel in Virginia.

The proposed technology regulation would have a positive impact on the public's health, safety, and welfare because students would acquire the ability to master the technological objectives of the Standards of Learning. Therefore, students would graduate with the necessary basic technological skills needed to enter a technological workforce. These graduates would constitute a high quality workforce that would likely be instrumental in attracting new economic enterprise to Virginia.

In addition, teachers will be better prepared to provide classroom instruction, thus increasing student learning and academic achievement. Students will become capable, responsible, and self-reliant citizens.

Substance: The key provisions of the proposed regulation address the following:

1. Virginia's revised Standards of Learning which include technology standards that are incorporated in each core discipline to be mastered by students by the end of grades 5 and 8.
2. Newly-hired instructional personnel from out of state must demonstrate proficiency in the technology standards.
3. School divisions must incorporate technology standards into their local technology plans and develop strategies to implement the standards.
4. Institutions of higher education must incorporate technology standards in their approved program requirements and assess students' demonstrated proficiency of the standards.

Issues: Issues of concern about the proposed regulation are minimal since no institutions of higher education and local school divisions are particularly affected by the proposed regulation. Many colleges and universities have already incorporated technology requirements in their teacher education preparation programs. Issues of the proposed regulation are as follows:

1. Local school divisions would have one year to incorporate the proposed technology standards in their technology plans;
2. Institutions of higher education would have one year to incorporate the proposed technology standards in their approved teacher preparation programs; and
3. Course work in technology would satisfy the content requirement for license renewal for instructional personnel who do not have a master's degree.

The primary advantage of implementing technology standards for instructional personnel is likely to be the effect that such standards have on the ability of students to meet the technological objectives of the revised Standards of Learning. A generation of high school graduates who have been reliably certified to have obtained proficiency in certain basic technological skills will constitute a high quality workforce.

The disadvantage of implementing technology standards for instructional personnel is that some additional cost to some school divisions may be incurred. However, any additional cost would be very minimal. There would be no additional cost to most school divisions.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the

regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic effects.

Summary of the proposed regulation. The proposed regulation would establish eight standards to be used in assessing the proficiency of instructional personnel with computer technology. These standards are intended to ensure that instructional personnel are adequately prepared to assist students in mastering technology objectives incorporated in the revised Standards of Learning. The most salient features of the proposed regulation are as follows:

1. Local school divisions would have one year to incorporate the proposed technology standards in their technology plans;
2. Institutions of higher education would have one year to incorporate the proposed technology standards in their approved teacher preparation programs; and
3. Course work in technology would satisfy the content requirement for license renewal for instructional personnel who do not have a master's degree.

Estimated economic impact. The economic consequences of the proposed regulation can be grouped into two general categories: compliance costs and academic skills.

1. Compliance Costs. The proposed regulation is likely to impose some additional compliance costs on school divisions and instructional personnel. From a practical perspective, there are three reasons to assume that these additional compliance costs will be minimal or even non-existent however. First, because course work in technology can be used by instructional personnel to satisfy content requirements for licensure, such course work may simply be substituted for classes that would have been taken anyway, imposing no new additional costs.

Second, information provided by DOE indicates that many colleges and universities have already incorporated technology requirements in their teacher education preparation programs. As a result, implementing the proposed standards may impose no additional costs.

Third, the 1997 General Assembly appropriated funds for a two-year initiative for the statewide technology plan. Each school division has the opportunity to request funds from DOE to support their local technology plan, where 20% of the division's local match is required to be used for staff development.

2. Academic Skills. The primary advantage of implementing technology standards for instructional personnel is likely to be the effect that these standards

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have on the ability of students to meet the technological objectives of the revised Standards of Learning. A generation of high school graduates who have been reliably certified to have obtained proficiency in certain basic technological skills will constitute a high quality workforce that is likely to be instrumental in attracting new economic enterprise to Virginia.

Businesses and entities particularly affected. The proposed regulation particularly affects local school divisions, institutions of higher learning offering approved teacher preparation programs, instructional personnel, their students, and the general public.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on current levels of employment.

Effects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of analysis. DPB anticipates that the proposed technology standards for instructional personnel will have two primary economic consequences: (i) a likely minimal increase in regulatory compliance costs and (ii) a positive impact on the ability of students to master the technological objectives of the revised Standards of Learning.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis: The agency is in accord with the Department of Planning and Budget's economic impact analysis. The proposed regulation is expected to result in minimal economic impact.

## Summary:

*The Board of Education requested the Advisory Board on Teacher Education and Licensure (ABTEL) to examine the issue of technology proficiencies as a requirement for licensure of instructional personnel. The proposed regulation identifies eight technology standards and sample enablers to be incorporated in local school divisions' technology plans and approved teacher preparation programs in institutions of higher education. The standards are based on Virginia's revised Standards of Learning, which include technology standards that are incorporated in each core discipline to be mastered by students by the end of grades 5 and 8.*

*School divisions will be required to incorporate these standards in their division-wide technology plans and develop strategies to implement and assess the standards. The standards are intended to be entry level; therefore, school divisions and teacher education institutions will need to establish provisions for pre-service and in-service instructional personnel who have already acquired higher levels of knowledge and skills to test out of the entry-level requirements.*

## CHAPTER 25. TECHNOLOGY STANDARDS FOR INSTRUCTIONAL PERSONNEL.

### **8 VAC 20-25-10. Definitions.**

*The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:*

*"Demonstrated proficiency" means a demonstrated level of competence of the technology standards as determined by school administrators.*

*"Electronic technologies" means electronic devices and systems to access and exchange information.*

*"Instructional personnel" means all school personnel required to hold a license issued by the Virginia Board of Education for instructional purposes.*

*"Productivity tools" means computer software tools to enhance student learning and job performance.*

### **8 VAC 20-25-20. Administration of technology standards.**

*A. School divisions and institutions of higher education shall incorporate the technology standards for instructional personnel into their division-wide technology plans and approved teacher education programs, respectively, by December 1998.*

*B. School divisions and institutions of higher education shall develop implementation plans for pre-service and in-service training for instructional personnel. The implementation plan shall provide the requirements for demonstrated proficiency of the technology standards.*

*C. Waivers shall be considered on a case-by-case basis of the 18-hour professional studies cap placed on teacher preparation programs for institutions requesting additional instruction in educational technology.*

*D. School divisions shall ensure that newly-hired instructional personnel from out of state demonstrate proficiency in the technology standards during the three-year probation period of employment.*

*E. Course work in technology shall satisfy the content requirement for licensure renewal for license holders who do not have a master's degree.*

*F. School divisions shall incorporate the technology standards into their local technology plans and develop strategies to implement the standards by December 1998.*

*G. Institutions of higher education shall incorporate technology standards in their approved program requirements and assess students' demonstrated proficiency of the standards by December 1998.*

### **8 VAC 20-25-30. Technology standards.**

*A. Instructional personnel shall be able to demonstrate effective use of a computer system and utilize computer software.*

B. *Instructional personnel shall be able to apply knowledge of terms associated with educational computing and technology.*

C. *Instructional personnel shall be able to apply computer productivity tools for professional use.*

D. *Instructional personnel shall be able to use electronic technologies to access and exchange information.*

E. *Instructional personnel shall be able to identify, locate, evaluate, and use appropriate instructional hardware and software to support Virginia's Standards of Learning and other instructional objectives.*

F. *Instructional personnel shall be able to use educational technologies for data collection, information management, problem solving, decision making, communication, and presentation within the curriculum.*

G. *Instructional personnel shall be able to plan and implement lessons and strategies that integrate technology to meet the diverse needs of learners in a variety of educational settings.*

H. *Instructional personnel shall demonstrate knowledge of ethical and legal issues relating to the use of technology.*

VA.R. Doc. No. R97-719; Filed August 13, 1997, 10:54 a.m.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**Title of Regulation:** Client Medical Management Program: 12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services (amending 12 VAC 30-130-800, 12 VAC 30-130-810 and 12 VAC 30-130-820).

**Statutory Authority:** § 32.1-325 of the Code of Virginia.

**Public Hearing Date:** N/A -- Public comments may be submitted until October 31, 1997.

(See Calendar of Events section for additional information)

**Basis and Authority:** Section 32.1-324 of the Code of Virginia grants to the Director of the Department of Medical Assistance Services (DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of board action pursuant to the board's requirements. Sections 9-6.14:7.1 and 9-6.14:1 of the Administrative Process Act provide for this agency's promulgation of proposed regulations subject to the Governor's review.

The Department of Medical Assistance Services is required by 42 CFR 456.3 to implement a statewide surveillance and utilization control program that safeguards against unnecessary or inappropriate use of Medicaid services and also against excess payments. Federal regulations at 42 CFR 431.54(e-f) set forth the rules for restricting recipients who utilize Medicaid services excessively as well as providers who abuse the Medicaid Program. Moreover, 42 CFR 455.1 through 455.16, among other things, set forth rules for implementing sanctions against recipients who

abuse the Medicaid Program. DMAS meets these requirements by applying its Client Medical Management Program to specific recipients and providers as outlined in 12 VAC 30-130-800 through 12 VAC 30-130-820.

**Purpose:** The purpose of this proposal is to improve program operations through modification of the current regulation entitled Client Medical Management Program.

Because the regulation prevents recipients and providers who are high utilizers of Medicaid services from using Medicaid services inappropriately, recipients' health is protected and providers are prevented from engaging in health practices which could be dangerous to their patients' lives.

**Summary and Analysis:** Under the Client Medical Management Program (CMM), DMAS assigns clients who abuse or overuse services to primary care physicians and designated pharmacies for case management. In addition, the program also prohibits providers who abuse or provide unnecessary services from being designated as primary care providers, covering providers, or referral providers for recipients in the CMM Program.

The program has demonstrated that controls on recipients and providers can change utilization practices which result in cost savings. These controls benefit recipients by reducing use of excessive or duplicative medical and prescription services which might be harmful to their health. At the same time, DMAS pays for medically necessary services coordinated through primary care providers. CMM is the only DMAS managed care program which can enroll any non-long-term-care recipient based upon the individual's misutilization of Medicaid services. CMM is a mechanism to control those recipients who would otherwise remain Medicaid eligible without any case management oversight.

CMM also helps to control costs by identifying those providers who render services that are considered to be medically unnecessary or of poor quality. By restricting these providers from serving as Primary Care Providers (PCP), DMAS prevents abusive recipients from being assigned to PCPs who potentially would not maintain control over these recipients' utilization. CMM also identifies providers who demonstrate inconsistent sound medical practices and may not be in compliance with the Commonwealth's licensing requirements. These providers are referred to the Commonwealth's licensing authority for further action.

Based upon experience with the CMM Program, the following changes are recommended. For purposes of discussion, proposed changes to the CMM Program for recipients (12 VAC 30-130-810) are listed separately from the recommended changes to the provider CMM Program (12 VAC 30-130-820).

Proposed changes include extension of the recipient and provider restriction enrollment periods. In 12 VAC 30-130-810, recipient enrollment would be extended from 18 to 36 months to give recipients a longer period of time to learn and practice appropriate access to health care services. DMAS

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procedures include a utilization review on each recipient's activity prior to the end of the CMM enrollment period to determine if the recipient should be extended for an additional 18 months. Statistics on reviews completed by DMAS staff over a 12-month period showed that only 10% of CMM clients were being released from the program after the first 18 months thereby demonstrating that longer restriction periods were needed to modify utilization practices. This change would also reduce administrative procedures.

The second proposed change is the addition of transportation providers as designated providers to enhance control of transportation abuse. In 12 VAC 30-130-810, criteria for restricting recipients for abuse of transportation services and descriptions of providers who may qualify as designated transportation providers have been added. Recipients who use multiple transportation providers to visit numerous physicians and pharmacies can usually be controlled by restrictions to medical care providers. But there are recipients whose transportation abuse revolves around use of the same providers at a frequency that is not medically necessary and that results in excessive costs to Medicaid. An example would be the recipient requiring multiple medications who consistently makes frequent pharmacy visits to pick up one prescription at a time. Implementation of a transportation assignment would allow DMAS staff to counsel both recipient and provider to ensure appropriate utilization of these services.

The third proposed change is to implement a monthly case management fee to the CMM primary care physician (PCP) to be consistent with payment methodologies for other DMAS managed care programs. CMM primary care providers have been managing some of the most difficult and time-consuming recipients without a CMM management fee beyond the standard fee-for-service reimbursement. By implementing a case management fee, DMAS expects to encourage participation of new providers to expand the resources available to these managed recipients.

A new section is being added in 12 VAC 30-130-810 G to identify Medicaid services which are excluded from the CMM requirements for written referral from the PCP. These have not been listed in the earlier versions of the regulations but are added here to clarify CMM policies and procedures. These exclusions include services such as those covered under the waiver programs, family planning services, well-child care services, and renal dialysis.

There are several additional new criteria for recipient restriction not related to transportation abuse. In 12 VAC 30-130-810 J, a new criterion is added for determining the need for continued assignment to primary care providers when a restricted recipient demonstrates a pattern of attempts to receive services without a referral from the PCP or in the absence of an emergency. DMAS has expanded the documentation of attempts to receive early refills on prescription drugs through the PRO DUR program. In addition, many primary physicians document their records with denial of requests for unnecessary services, including medication. These behaviors can demonstrate that

recipients would seek and receive unnecessary services, at higher costs to Medicaid, if they were unrestricted because CMM claims processing edits would not be applied.

There is a new criterion in 12 VAC 30-130-810 D for moving a recipient from a MEDALLION managed care setting to CMM when the recipient has requested frequent changes in DMAS managed care assignments. CMM enrollment would enable DMAS to apply tighter controls related to provider changes, ensuring greater continuity of care. In some cases, recipients are rotating between HMO assignments and PCP fee-for-service assignments. Frequent provider changes without cause can result in duplicative, excessive, or unnecessary services to recipients due to the interruptions in coordination of care.

In 12 VAC 30-130-820, restriction would be extended from 18 to 24 months to allow sufficient review time and collection of sufficient data needed to determine if continued sanctions should be applied. DMAS' audit procedures establish thresholds for numbers of recipients to be audited. If the provider's Medicaid practice is large, the audit sample requires significant time to review medical practices, including prescribing practices, for each recipient. DMAS requires sufficient time to complete the review of a full 12 to 18 months of data by the end of the provider's CMM restriction period. Therefore, DMAS seeks approval to change the restriction period to two years.

12 VAC 30-130-820 D includes a new criterion for restriction of transportation providers to allow for review and lock-out of any transportation provider rendering services inappropriately. 12 VAC 30-130-820 E 3 has been added to comply with the federal notification requirements found in 42 CFR 431.54(f)3.

There are various technical corrections such as a name addition for the Surveillance and Utilization Review Subsystem (SURS) of Automated Exception Analysis (AEA) and definition changes (such as redefining the recipient eligibility card) to reflect modifications to be implemented agency wide in the new Medicaid Management and Information System (MMIS) and the existence of the new Virginia Administrative Code. New definitions have been added to 12 VAC 30-130-800 to clarify terms in 12 VAC 30-130-810 and 12 VAC 30-130-820. These include definitions for transportation abuse, HMO, managed care program, BabyCare, and EPSDT. Modifications have been made to other definitions where needed to coordinate with the changes described above.

Issues: The agency projects no negative issues involved in implementing this proposed change. Without the imposition of CMM provider and recipient restrictions, continuation of the abuses against the Medicaid Program would be likely. CMM for providers allows for a partial provider sanction to give providers the opportunity to modify their practices and perhaps avoid additional sanctions. Most Medicaid recipients are enrolled in a managed care program which requires adherence to some additional administrative procedures such as PCP referrals, but CMM allows restriction to multiple

provider types (physician and pharmacy) with tighter utilization controls. Recipients have the option of selecting primary care providers in all Medicaid managed care programs, including CMM. Provider changes are also approved for good cause. A small number of children are enrolled in CMM, but parents have the opportunity to select one primary physician and one pharmacy for the entire family when more than one family member is enrolled. In addition, these modified regulations expand the definition of the CMM-designated provider to include transportation providers which allows imposition of new controls for transportation abuse.

Fiscal/Budget Impact: There is minimum budget impact for implementing these changes. Both recipient and provider restriction programs have been operational statewide since 1983. Therefore, there are no localities which are uniquely affected by these regulations. Case management through recipient and provider restriction has been successful as a utilization control method. Experience with the program has demonstrated that recipient utilization patterns can be modified through case management by designated providers. Based upon the department's February, 1995, Client Medical Management Cost Savings study, the program operates with an average annual savings per restricted recipient estimated at \$1,388.

Establishment of a case management fee to CMM Primary Care Physicians (PCPs) provides a consistent approach to all managed care providers and recognizes that CMM PCPs oversee some of the most difficult and time-consuming cases. A monthly case management fee of \$3.00 is paid to Medallion PCPs. Currently, there are 772 CMM clients with about 600 restricted physicians. MEDALLION now pays a \$3.00 managed care fee for about 500 eligible CMM clients who are locked-in to eligible MEDALLION participating providers. If a CMM fee is set at \$5.00 per recipient for 600 CMM recipients, fee payments would total \$3,000 monthly. This represents an increase of \$1,500 per month, of \$18,000 annually (\$9,000 GF). If the CMM population were to increase to 750 CMM physician assignments, the monthly total would be \$3,750 or \$45,000 per year (\$22,000 GF). DMAS receives no additional funding for these fees but will absorb this increase within its current allocation.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. Under the Client Medical Management (CMM) Program, DMAS assigns clients who abuse or overuse services to primary care physicians and designated pharmacies for case management. The program also prohibits providers who abuse or provide unnecessary services from being designated as primary care providers, covering providers, or referral providers for recipients in the CMM Program. The proposed regulation will add transportation providers as designated providers to enhance control of transportation abuse, extend the recipient and provider restriction enrollment periods, and implement a monthly case management fee to the CMM primary care physician.

Estimated economic impact. DMAS reports that control on recipients has had the effect of changing utilization habits that help reduce costs. There has also been a reduction in excessive or duplicative medical and prescription services. Adding transportation services should have a similar effect on the utilization of transportation services. With tighter controls, DMAS will avoid paying for unnecessary and duplicative trips or trips used for other purposes under the guise of a medical emergency. With this regulation, DMAS will also be able to apply the same rules used for physicians and pharmacists to transportation providers, thereby controlling costs in the provision of transportation services to Medicaid clients.

The new regulation will extend the restriction enrollment period for recipients from 18 to 36 months. Currently, DMAS reviews all CMM cases at the end of the initial 18-month period. However, statistics collected over a 12-month period by DMAS indicate that only 10% of CMM clients are being released after the initial 18 months. Those not released stay in the program another 18 months at the end of which they are evaluated again. Under this system, DMAS conducts five reviews at 3, 9, 18, 30 and 36 months. With the extension however, there will be only four reviews done at 3, 12, 24 and 36 months. At the end of the 36-month period only those clients that are determined to have demonstrated the ability to be on their own are released. The 10% that would have been released at the end of the initial 18-month period will have to stay for an additional 18 months under the new regulation. However, given that CMM clients are usually some of the more difficult Medicaid clients, the benefit of staying for an additional 18 months should outweigh the cost. An additional benefit is that DMAS saves on the administrative cost of providing another review. The new regulations will also extend the restriction period for providers from 18 to 24 months. This will give DMAS time to collect and review data. Proper review of such data would enable DMAS to appropriately determine which providers to sanction.

The third proposed change is to implement a monthly case management fee to the CMM primary care physician to be consistent with payment methodologies for other DMAS managed care programs. CMM primary care providers have been managing some of the most difficult and time-consuming recipients without a management fee beyond the standard fee-for-service reimbursement. By implementing

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this fee, DMAS argues, it will encourage participation of new providers to expand the resources available to these managed recipients. At \$5.00 a month per recipient, DMAS agrees that this fee is below the marginal cost of managing a CMM client. The fee will, however, serve to keep providers who are already in the program who might otherwise leave, rather than attract new providers.

Businesses and entities affected. Medicaid service providers (physicians, pharmacists and transportation providers) and Medicaid clients will be affected by this regulation.

Localities particularly affected. No particular location will be particularly affected by this regulation.

Projected impact on employment. Paying CMM providers a management fee should at least keep providers from leaving the program and at best improve the supply of providers albeit marginally.

Effects on the use and value of private property. Any effect on the use and value of private property will be too small to measure.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning the Client Medical Management Program.

## Summary:

*Proposed changes include extension of the recipient restriction enrollment period from 18 to 36 months to give recipients a longer period of time to learn and practice appropriate access to health care service and extension of the provider restriction enrollment period from 18 to 24 months to give DMAS additional time to evaluate providers. Criteria for transportation service providers are added to the regulations as well.*

*The department also proposes implementation of a monthly case management fee to the CMM primary care physician (PCP) to be consistent with payment methodologies for other DMAS managed care programs.*

*A new section is being added to identify Medicaid services which are excluded from the CMM requirements for written referral from the PCP.*

*There are also various technical corrections being made.*

## PART XIII.

### CLIENT MEDICAL MANAGEMENT PROGRAM.

#### 12 VAC 30-130-800. Definitions.

The following words and terms, when used in this part, shall have the following meanings unless the context clearly indicates otherwise:

"APA" means the Administrative Process Act established by Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Abuse by recipients" means practices by recipients which are inconsistent with sound fiscal or medical practices and result in unnecessary costs to the Virginia Medicaid Program.

"Abuse by providers" means practices which are inconsistent with sound fiscal, business, or medical practices and result in unnecessary costs to the Virginia Medicaid Program or in reimbursement for a level of utilization or pattern of services that is not medically necessary.

"Baby care" means prenatal group education, nutrition services, and homemaker services for pregnant women and care coordination for high-risk pregnant women and infants up to age two.

"Card-sharing" means the intentional sharing of a recipient eligibility card for use by someone other than the recipient for whom it was issued, or a pattern of repeated unauthorized use of a recipient eligibility card by one or more persons other than the recipient for whom it was issued due to the failure of the recipient to safeguard the card.

"Client Medical Management Program for recipients" means the recipients' utilization control program designed to prevent abuse and promote improved and cost efficient medical management of essential health care for noninstitutionalized recipients through restriction to one primary care provider and, one pharmacy, and one transportation provider, or any combination of these three designated providers. Referrals may not be made to providers restricted through the Client Medical Management Program, nor may restricted providers serve as covering providers.

"Client Medical Management Program for providers" means the providers' utilization control program designed to complement the recipient abuse and utilization control program in promoting improved and cost efficient medical management of essential health care. Restricted providers may not serve as designated providers for restricted recipients. Restricted providers may not serve as referral or covering providers for restricted recipients.

"Contraindicated medical care" means treatment which is medically improper or undesirable and which results in duplicative or excessive utilization of services.

"Contraindicated use of drugs" means the concomitant use of two or more drugs whose combined pharmacologic action produces an undesirable therapeutic effect or induces an adverse effect by the extended use of a drug with a known potential to produce this effect.

"Covering provider" means a provider designated by the primary provider to render health care services in the temporary absence of the primary provider.

"DMAS" means the Department of Medical Assistance Services.

"Designated provider" means the provider who agrees to be the designated primary health care provider or physician, designated pharmacy, or designated transportation provider

from whom the restricted recipient must first attempt to seek health care services. *Other providers may be established as designated providers with the approval of DMAS.*

*"Diagnostic category"* means the broad classification of diseases and injuries found in the International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) which is commonly used by providers in billing for medical services.

*"Drug"* means a substance or medication intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease as defined by the Virginia Drug Control Act (§ 54.1-524.2 et seq. of the Code of Virginia).

*"Duplicative medical care"* means two or more practitioners concurrently treat the same or similar medical problems or conditions falling into the same diagnostic category, excluding confirmation for diagnosis, evaluation, or assessment.

*"Duplicative medications"* means more than one prescription of the same drug or more than one drug in the same therapeutic class.

*"Emergency hospital services"* means services that are necessary to prevent the death or serious impairment of the health of the recipient. The threat to the life or health of the recipient necessitates the use of the most accessible hospital available that is equipped to furnish the services.

*"EPSDT" means the Early and Periodic Screening, Diagnosis, and Treatment Program which is federally mandated for eligible individuals under the age of 21.*

*"Excessive medical care"* means obtaining greater than necessary services such that health risks to the recipient or unnecessary costs to the Virginia Medicaid Program may ensue from the accumulation of services or obtaining duplicative services.

*"Excessive medications"* means obtaining medication in excess of generally acceptable maximum therapeutic dosage regimens or obtaining duplicative medication from more than one practitioner.

*"Excessive transportation services" means obtaining or rendering greater than necessary transportation services such that unnecessary costs to the Virginia Medicaid Program may ensue from the accumulation of services.*

*"Fraud"* means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable federal or state laws.

*"Health care"* means any covered services, including equipment or supplies, or transportation services, provided by any individual, organization, or entity that participates in the Virginia Medical Assistance Program.

*"Health maintenance organization" or "HMO" means an entity which is organized for the purpose of providing health*

*care services through a provider network on a prepaid basis in a designated geographic area and is licensed to operate by the Bureau of Insurance of the State Corporation Commission in Virginia.*

*"Managed care program" means a cost-efficient health care delivery system such as a DMAS fee-for-service plan in which a recipient is assigned to a primary care provider for coordination of medical care or an HMO under contract with DMAS.*

*"Medical emergency"* means a situation in which a delay in obtaining treatment may cause death or serious impairment of the health of the recipient.

*"Medical management of essential health care"* means a case management approach to health care in which the designated primary physician has responsibility for assessing the needs of the patient and making referrals to other physicians and clinics as needed. The designated pharmacy has responsibility for monitoring the drug regimen of the patient.

*"Noncompliance"* means failing to follow Client Medical Management Program procedures, or a pattern of utilization which is inconsistent with sound fiscal or medical practices. Noncompliance includes, but is not limited to, failure to follow a recommended treatment plan or drug regimen; failure to disclose to a provider any treatment or services provided by another provider; or requests for medical services or medications which are not medically necessary; or excessive use of transportation services.

*"Not medically necessary"* means an item or service which is not consistent with the diagnosis or treatment of the patient's condition or an item or service which is duplicative, contraindicated, or excessive.

*"Pattern" means duplication or occurring more than once frequent occurrence.*

*"Practitioner"* means a health care provider licensed, registered, or otherwise permitted by law to distribute, dispense, prescribe, and administer drugs or otherwise treat medical conditions.

*"Primary care provider" or "PCP" means the designated primary physician responsible for medical management of essential health care for the restricted recipient.*

*"Provider" means the individual or facility, HMO or other entity registered, licensed, or certified, as appropriate, and enrolled by DMAS to render services to Medicaid recipients eligible for services.*

*"Psychotropic drugs" means drugs which alter the mental state. Such drugs include, but are not limited to, morphine, barbiturates, hypnotics, antianxiety agents, antidepressants, and antipsychotics.*

*"Recipient" means the individual who is eligible, under Title XIX of the Social Security Act, to receive Medicaid covered services.*

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"*Recipient eligibility card*" means the document issued to each Medicaid family unit, listing names and Medicaid numbers of all eligible individuals within the family unit, or an individual document issued to each Medicaid recipient listing the name and Medicaid number (either the identification or billing number) of the eligible individual. This document may be in the form of a plastic card magnetically encoded, allowing electronic access to inquiries for eligibility status.

"*Restriction*" means an administrative action imposed on a recipient which limits access to specific types of health care services through a designated primary provider or an administrative action imposed on a provider to prohibit participation as a designated primary provider, referral, or covering provider for restricted recipients.

"*Social Security Act*" means the Act, enacted by the 74th Congress on August 14, 1935, which provides for the general welfare by establishing a system of federal old age benefits, and by enabling the several states to make more adequate provisions for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws.

"*State Plan for Medical Assistance*" or "*the Plan*" means the document listing the covered groups, covered services and their limitations, and provider reimbursement methodologies as provided for under Title XIX of the Social Security Act.

"*Surveillance and Utilization Review Subsystem (SURS)*" or "*Automated Exception Analysis (AEA)*" means a computer subsystem of the Medicaid Management Information System (MMIS) which collects claims data and computes statistical profiles of recipient and provider activity and compares them with that of their particular peer group.

"*Therapeutic class*" means a group of drugs with similar pharmacologic actions and uses.

"*Utilization control*" means the control of covered health care services to assure the use of cost efficient, medically necessary or appropriate services.

## **12 VAC 30-130-810. Client Medical Management Program for recipients.**

A. Purpose. The Client Medical Management Program is a utilization control program designed to prevent abuse and promote improved and cost efficient medical management of essential health care.

### B. Authority.

1. Federal regulations at 42 CFR § 456.3 require the Medicaid agency to implement a statewide surveillance and utilization control program and 42 CFR § 455.1 through 455.16 require the Medicaid agency to conduct investigations of abuse by recipients.

2. Federal regulations at 42 CFR § 431.54 (e) allow states to restrict recipients to designated providers when the recipients have utilized services at a frequency or

amount that is not medically necessary in accordance with utilization guidelines established by the state. 42 CFR § 455.16(c)(4) provides for imposition of sanctions for instances of abuse identified by the agency.

C. Identification of Client Medical Management Program participants. DMAS shall identify recipients for review from computerized reports such as but not limited to Recipient SURS or AEA or by referrals from agencies, health care professionals, or other individuals.

### D. Recipient evaluation for restriction.

1. DMAS shall review recipients to determine if services are being utilized at a frequency or amount that results in a level of utilization or a pattern of services which is not medically necessary or which exceeds the thresholds established in these regulations. Evaluation of utilization patterns can include but is not limited to review by the department staff of medical records or computerized reports generated by the department reflecting claims submitted for physician visits, drugs/prescriptions, outpatient and emergency room visits, lab and diagnostic procedures, hospital admissions, and referrals.

2. Abusive activities shall be investigated and, if appropriate, the recipient shall be reviewed for restriction. Recipients demonstrating questionable patterns of utilization or exceeding reasonable levels of utilization shall be reviewed for restriction.

3. DMAS may restrict recipients if any of the following activities or patterns or levels of utilization are identified. These activities or patterns or levels of utilization include but shall not be limited to:

a. Exceeding 200% of the maximum therapeutic dosage of the same drug or multiple drugs in the same therapeutic class for a period exceeding four weeks.

b. Two occurrences of having prescriptions for the same drugs filled two or more times on the same or the subsequent day.

c. Utilizing services from three or more prescribers and three or more dispensing pharmacies in a three-month period.

d. Receiving more than 24 prescriptions in a three-month period.

e. Receiving more than 12 psychotropic prescriptions or more than 12 analgesic prescriptions or more than 12 prescriptions for controlled drugs with potential for abuse in a three-month period.

f. Exceeding the maximum therapeutic dosage of the same drug or multiple drugs in the same therapeutic class for a period exceeding four weeks. In addition, such drugs must be prescribed by two or more practitioners.

g. Receiving two or more drugs, duplicative in nature or potentially addictive (even within acceptable

therapeutic levels), dispensed by more than one pharmacy or prescribed by more than one practitioner for a period exceeding four weeks.

h. Utilizing three or more different physicians of the same type or specialty in a three-month period for treatment of the same or similar conditions.

i. Two or more occurrences of seeing two or more physicians of the same type or specialty on the same or subsequent day for the same or similar diagnosis.

j. Duplicative, excessive, or contraindicated utilization of medications, medical supplies, or appliances dispensed by ~~more than one pharmacy~~ or prescribed by more than one ~~practitioner~~ provider for the time period specified by DMAS.

k. Duplicative, excessive, or contraindicated utilization of medical visits, procedures, or diagnostic tests from more than one ~~practitioner~~ provider for the time period specified by DMAS.

l. Use of emergency hospital services for three or more emergency room visits for nonemergency care during a three-month period.

m. One or more providers recommends restriction for medical management because the recipient has demonstrated inappropriate utilization practices.

n. A pattern of noncompliance which is inconsistent with ~~the~~ sound fiscal or medical practices. Noncompliance is characterized by, but not limited to:

(1) Failure to disclose to a provider any treatment or services provided by another provider; ~~or~~

(2) Failure to follow a drug regimen or other recommended treatment; ~~or~~

(3) Requests for medical services or medications which are not medically necessary;

(4) *Excessive use of transportation services;* ~~or~~

~~or~~ (5) Use of transportation services with no corresponding medical services.

~~or~~ o. One or more documented occurrences of a recipient's use of the eligibility card to obtain drugs under false pretenses, which includes, but is not limited to the purchase or attempt to purchase drugs via a forged or altered prescription.

~~or~~ p. One or more documented occurrences of card-sharing.

~~or~~ q. One or more documented occurrences of alteration of the recipient eligibility card.

## E. Recipient restriction procedures.

1. DMAS shall advise affected recipients by written notice of the proposed restriction under the Client Medical Management Program. Written notice shall

include an explanation of restriction procedures and the recipient's right to appeal the proposed action.

2. The recipient shall have the opportunity to select designated providers. If a recipient fails to respond by the date specified in the restriction notice, DMAS shall select designated providers.

3. DMAS shall not implement restriction if a valid appeal is noted. (See subsection K of this section.)

4. DMAS shall restrict recipients to their designated providers for ~~48~~ 36 months.

~~5. A recipient who has completed a period of enrollment in the Client Medical Management Program and who is subsequently found, through the procedures specified in subsection D of this section, to have resumed abusive practices during the unrestricted period, shall again be restricted for 24 months.~~

## F. Eligible Designated providers.

1. A designated ~~health care provider~~ primary physician must be a physician *who is* enrolled as an individual practitioner *and who is* unrestricted by DMAS.

2. A designated pharmacy provider must be a pharmacy *that is* enrolled as a community pharmacy *and that is* unrestricted by DMAS.

3. A designated transportation provider must be enrolled as a taxi, registered driver, or wheelchair van and be unrestricted by DMAS. Recipients shall be assigned to the type of provider who meets the appropriate level of transportation that is medically necessary.

~~3.~~ 4. Providers restricted through the Client Medical Management Program may not serve as designated providers, may not provide services through referral, and may not serve as covering providers for restricted recipients.

4. 5. Physicians with practices limited to the delivery of emergency room services may not serve as designated primary providers.

5. 6. Restricted recipients shall have reasonable access to all essential medical services. ~~Other provider types such as clinics or ambulatory care centers may be established as designated providers as needed but only with the approval of DMAS. These restrictions shall not apply to emergency services.~~

7. *Other provider types may be established as designated providers as needed but only with the approval of DMAS.*

## G. Provider reimbursement for covered services.

1. DMAS shall reimburse for covered outpatient medical, pharmaceutical, and physician services only when they are provided by the designated providers, or by physicians seen on referral from the ~~primary health care provider~~ PCP, or in a medical emergency *consistent with*

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*the methodologies established for such services in the State Plan for Medical Assistance. Prescriptions may be filled by a nondesignated pharmacy only in emergency situations when the designated pharmacy is closed, or when the designated pharmacy does not stock, or is unable to obtain the drug in a timely manner.*

2. DMAS shall require a ~~written~~ referral, *in accordance with published procedures, from the primary health care provider PCP for payment of covered outpatient services by nondesignated practitioners unless there is a medical emergency requiring immediate treatment. Services exempt from these referral requirements include:*

- a. Family planning services;*
- b. Annual or routine vision examinations (under age 21);*
- c. Dental services (under age 21);*
- d. Emergency services;*
- e. EPSDT well-child exams/screenings (under age 21);*
- f. Immunizations (under age 21);*
- g. Waivered services such as hospice, AIDS, and technology-assisted services;*
- h. Renal dialysis services; and*
- i. Baby care services.*

3. *When a transportation restriction is implemented, DMAS shall reimburse for covered transportation services only when they are provided by the designated transportation provider, or on referral from the designated transportation provider, or in a medical emergency.*

4. *Designated primary care providers (PCPs) shall receive a monthly case management fee for each assigned recipient.*

H. ~~Recipient eligibility cards~~ *Client medical management identification material. DMAS shall provide an individual recipient eligibility card listing the recipient's designated primary care providers or a plastic card for each restricted recipient. DMAS shall provide correspondence to the recipient listing the name, address, and telephone number of each designated provider and the effective date of restriction to each provider.*

### I. Changes in designated providers.

1. DMAS must give prior authorization to all changes of designated providers.
2. The recipient or the designated provider may initiate requests for change for the following reasons:
  - a. Relocation of the recipient or provider.
  - b. Inability of the provider to meet the routine health needs of the recipient.

### c. Breakdown of the recipient/provider relationship.

3. If the designated provider initiates the request and the recipient does not select a new provider by established deadlines, DMAS shall select a provider, subject to concurrence from the provider.

4. If DMAS denies the recipient's request, the recipient shall be notified in writing and given the right to appeal the decision. (See subsection K of this section.)

### J. Review of recipient restriction status.

1. *During the restriction period, DMAS shall monitor the recipient's utilization no less frequently than every 12 months and follow up with the recipient to promote appropriate utilization patterns.*

2. DMAS shall review a recipient's utilization prior to the end of the restriction period to determine restriction termination or continuation. (See subsection D of this section.)

a. DMAS shall extend utilization control restrictions for ~~48~~ 36 months if any of the following conditions is identified:

a- (1) The recipient's utilization patterns include one or more conditions listed in subdivision D 3 of this section.

b- (2) The recipient has not complied with Client Medical Management Program procedures resulting in services or medications received from one or more nondesignated providers without a written referral or in the absence of a medical emergency.

(3) *The recipient has not complied with Client Medical Management Program procedures as demonstrated by a pattern of documented attempts to receive services or medications from one or more nondesignated providers without a written referral or in the absence of a medical emergency.*

e- (4) One or more of the designated providers recommends continued restriction status because the recipient has demonstrated noncompliant behavior which is being controlled by Client Medical Management Program restrictions.

d- (5) Any changes of designated provider have been made due to the breakdown of the recipient/provider relationship as a result of the recipient's noncompliance.

~~2-~~ b. DMAS shall notify the recipient and designated provider in writing of the review decision. If restrictions are continued, written notice shall include the recipient's right to appeal the proposed action. (See subsection K of this section.)

~~3-~~ c. DMAS shall not implement the continued recipient restriction if a valid appeal is noted.

### K. Recipient appeals.

1. Recipients shall have the right to appeal any adverse action taken by DMAS under these regulations.

2. Recipient appeals shall be held pursuant to the provisions of *Part 1* (12 VAC 30-110-10 et seq.) of 12 VAC 30 Chapter 110, Client Appeals.

## 12 VAC 30-130-820. Client Medical Management Program for providers.

A. Purpose. The Client Medical Management Program is a utilization control program designed to promote improved and cost efficient medical management of essential health care.

### B. Authority.

1. Federal regulations at 42 CFR § 456.3 require the Medicaid agency to implement a statewide surveillance and utilization control program and 42 CFR 455.1 through 455.16 require the Medicaid agency to conduct investigations of abuse by providers.

2. Federal regulations at 42 CFR § 431.54 (f) allow states to restrict providers' participation in the Medicaid program if the agency finds that ~~the provider~~ providers of items or services under the State Plan ~~has~~ have provided items or services at a frequency or amount not medically necessary in accordance with utilization guidelines established by the state, or ~~has~~ have provided items or services of a quality that do not meet professionally recognized standards of health care.

C. Identification of Client Medical Management Program participants. DMAS shall identify providers for review through computerized reports such as but not limited to Provider SURS or AEA or by referrals from agencies, health care professionals, or other individuals.

### D. Provider evaluation for restriction.

1. DMAS shall review providers to determine if health care services are being provided at a frequency or amount that is not medically necessary or that are not of a quality to meet professionally recognized standards of health care. Evaluation of utilization patterns can include but is not limited to review by the department staff of medical records or computerized reports generated by the department reflecting claims submitted for physician visits, drugs/prescriptions, outpatient and emergency room visits, lab or diagnostic procedures, hospital admissions, and referrals.

2. DMAS may restrict providers if any one or more of the following conditions is identified *in a significant number or proportion of cases*. These conditions include but shall not be limited to the following:

- a. Visits billed at a frequency or level exceeding that which is medically necessary;
- b. Diagnostic tests billed in excess of what is medically necessary;
- c. Diagnostic tests billed which are unrelated to the diagnosis;

d. Medications prescribed or prescriptions dispensed in excess of recommended dosages;

e. Medications prescribed or prescriptions dispensed unrelated to the diagnosis.

f. ~~¶~~ The provider's license to practice in any state has been revoked or suspended.

g. *Excessive transportation services rendered such that unnecessary costs to the Virginia Medicaid Program ensue from the accumulation of services.*

### E. Provider restriction procedures.

1. DMAS shall advise affected providers by written notice of the proposed restriction under the Client Medical Management Program. Written notice shall include an explanation of the basis for the decision, request for additional documentation, if any, and notification of the provider's right to appeal the proposed action.

2. DMAS shall restrict providers from being the designated provider, a referral provider, or a covering provider, for recipients in the Client Medical Management Program for ~~48~~ 24 months.

3. *DMAS shall notify the Health Care Financing Administration (HCFA) and the general public of the restriction and its duration.*

4. DMAS shall not implement provider restriction if a valid appeal is noted.

### F. Review of provider restriction status.

1. DMAS shall review a restricted provider's claims history record prior to the end of the restriction period to determine restriction termination or continuation (See subsection D of this section). DMAS shall extend provider restriction for ~~48~~ 24 months in one or more of the following situations:

- a. Where abuse by the provider is identified.
- b. Where the practices which led to restriction continue.

2. In cases where the provider has submitted an insufficient number of claims during the restriction period to enable DMAS to conduct a claims history review, DMAS shall continue restriction until a reviewable ~~six months~~ six-month claims history is available for evaluation.

3. If DMAS renews restriction following the review, the provider shall be notified of the agency's proposed action, the basis for the action, and appeal rights. (See subsection E of this section).

4. If the provider continues a pattern of inappropriate health care services, DMAS may make a referral to the appropriate peer review group or regulatory agency for recommendation and action as appropriate.

### G. Provider appeals.

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1. Providers shall have the right to appeal any adverse action taken by the department under these regulations.
2. Provider appeals shall be held pursuant to the provisions of *Article 3* (§ 9-6.14:11 et seq.) of the Code of Virginia (Administrative Process Act).

VA.R. Doc. No. R97-718; Filed August 13, 1997, 11:14 a.m.

# FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulation.

## DEPARTMENT OF HEALTH (STATE BOARD OF)

**NOTICE:** The State Board of Health repealed regulations entitled, Rules and Regulations for the Licensure of Nursing Homes, and adopted regulations replacing them entitled, Rules and Regulations for the Licensure of Nursing Facilities, on April 18, 1997.

After receiving 25 requests for an opportunity to submit comments on certain changes made since the board proposed the latter set of regulations, the board, acting pursuant to § 9-6.14:7.1 K of the Code of Virginia, suspended for an additional 30 days: (i) the regulatory process as it related to the repeal of 12 VAC 5-370-400 of the former set of regulations and (ii) the process as it related to the adoption of 12 VAC 5-371-280 of the latter set of regulations. Both sections set forth requirements for resident activities at nursing facilities. The regulatory actions repealing the remainder of the Rules and Regulations for the Licensure of Nursing Homes and adopting the remainder of the Rules and Regulations for the Licensure of Nursing Facilities remained in force and these actions became effective on July 1, 1997, following the 30-day final adoption period imposed by § 9-6.14:9.1 D of the Code of Virginia.

The board published a notice of the suspensions in the *Virginia Register*, Volume 13, Issue 20, June 23, 1997, and invited written comments until July 25, 1997. The board received written comments from 82 persons. Sixty-three of these persons favored 12 VAC 5-371-280 as adopted, while 19 recommended an amendment that would impose a more burdensome requirement.

On August 6, 1997, the State Health Commissioner, acting with the authority of the board and pursuant to § 32.1-20 of the Code of Virginia, reaffirmed the repeal of 12 VAC 5-370-400 and reaffirmed the adoption of 12 VAC 5-371-280, unchanged. These actions became effective September 1, 1997, and 12 VAC 5-371-280 is now in force along with the remainder of the Rules and Regulations for the Licensure of Nursing Facilities.

**Title of Regulation:** 12 VAC 5-370-10 et seq. Rules and Regulations for the Licensure of Nursing Homes (repealing 12 VAC 5-370-400).

**Statutory Authority:** §§ 32.1-12 and 32.1-127 of the Code of Virginia.

**Effective Date:** September 1, 1997.

### 12 VAC 5-370-400. ~~Patient activities.~~ (Repealed.)

A. ~~Each nursing home shall provide purposeful activities suited to the needs and interest of each patient to encourage~~

~~self care and resumption of normal activities, within limitations set by the patient's physician.~~

B. ~~There shall be a designated staff member responsible for patient activities. This individual shall have experience and/or training in directing group activity. Fullest possible use should be made of community, social and recreational opportunities.~~

C. ~~Patients shall be encouraged, but not forced, to participate in activities. Suitable activities shall be provided for patients unable to leave their rooms.~~

D. ~~The nursing home shall provide adequate space and a variety of materials and supplies to satisfy the individual interest of patients.~~

**12 VAC 5-371-10 et seq. Rules and Regulations for the Licensure of Nursing Facilities (adding 12 VAC 50-371-280).**

### 12 VAC 5-371-280. Resident activities.

A. *The nursing [ home facility ] shall provide activities, on a regularly scheduled basis, specifically suited to the needs and interests of each resident based on [ his the resident's ] comprehensive plan of care.*

B. *There shall be at least one staff member responsible for coordinating resident activities. The individual shall [ meet at least one of the following qualifications ]:*

- 1. Be a qualified therapeutic recreation specialist or an activities professional;*
- 2. Be eligible for certification as a therapeutic recreation specialist or activities professional by a recognized accrediting body;*
- 3. Have [ two years one year full-time ] experience [ in a social or recreational program , ] within the last five years, [ one of which was full-time ] in a patient activities program in a health care setting;*
- 4. Be a qualified occupational therapist or occupational therapy assistant; or*
- 5. Have completed [ 90 40 ] hours training in group activities and recognizing and assessing the activity needs of residents.*

C. *The activities coordinator shall assess each resident and participate in the development and implementation of the comprehensive plan of care.*

D. *The activities program shall make the fullest possible use of community social and recreational opportunities, including the involvement of volunteers and community groups.*

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E. Documentation of activities shall be included in the resident's clinical record.

VA.R. Doc. No. R97-702 and R97-703; Filed August 8, 1997, 8:15 a.m.

## BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 B 12 of the Code of Virginia, which excludes regulations regarding instructions for application or renewal of a license, certificate, or registration required by law. The Department of Health Professions will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 115-20-10 et seq. Regulations Governing the Practice of Professional Counseling (amending 18 VAC 115-20-20, 18 VAC 115-20-40, 18 VAC 115-20-50, 18 VAC 115-20-70, 18 VAC 115-20-90, 18 VAC 115-20-110, and 18 VAC 115-20-150).

Statutory Authority: §§ 54.1-113, 54.1-2400 and 54.1-3503 of the Code of Virginia.

Effective Date: August 7, 1997.

Summary:

The amendments to this regulation: (i) modify instructions to direct applicants to submit all application and registration of supervision forms, associated documentation and fees to the board's contracting agents instead of to the board; (ii) delete an obsolete reference to the examination fee, which is no longer in the regulations; and (iii) modify the regulation to direct the contracting agent to notify approved candidates of the time and place of the examination, rather than the board.

Agency Contact: Copies of the regulation may be obtained from Janet Delorme, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9575.

**18 VAC 115-20-20. Fees required by the board.**

A. The board has established the following fees applicable to licensure as a professional counselor:

	After December 31, 1996	After June 30, 1997
Registration of supervision	\$20	\$20
Application processing	\$25	\$50
Biennial license renewal	\$75	\$75
Duplicate license	\$45	\$15

Endorsement to another jurisdiction	\$40	\$10
Late renewal	\$40	\$10
Replacement of or additional wall certificate	\$45	\$15
Returned check	\$45	\$15

B. Application, registration of supervision and examination fees shall be paid directly to the examination service board's contracting agents according to its requirements.

C. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

**18 VAC 115-20-40. General requirements.**

A. No person shall practice as a professional counselor in the Commonwealth except as provided in this chapter and when licensed by this board.

~~A. B.~~ Licensure by the board shall be by written examination.

~~B. C.~~ Every applicant for licensure examination by the board shall:

1. Meet the education and experience requirements prescribed in 18 VAC 115-20-50 of this chapter; and

~~2. Have the institution(s) where the applicant completed the required graduate work send directly to the executive director of the board, at least 90 days prior to the date of the written examination, official transcripts documenting the applicant's completion of the education requirements prescribed in 18 VAC 115-20-50 A; and~~

~~3. 2. Submit to the executive director of the board, not less than 90 days prior to the date of the written examination contracting agent within the time frame established by that agent:~~

~~a. A completed application, on forms provided by the board;~~

~~b. Official transcripts documenting the applicant's completion of the education requirements prescribed in 18 VAC 115-20-50 A;~~

~~b. c. Documented evidence of having fulfilled the experience requirements of 18 VAC 115-20-50 B on forms provided by the board;~~

~~c. d. Reference letters from three health or mental health care practitioners attesting to the applicant's character and professional integrity; and~~

~~d. e. The licensure application fee prescribed in 18 VAC 115-20-20 of this chapter.~~

~~G. D.~~ The board may license by endorsement an individual who is currently licensed in another state as a professional counselor and who has been licensed in another state

through a similar process with equivalent requirements as described in subsections A B and B C of this section.

## 18 VAC 115-20-50. Education and experience requirements for licensure examinations.

~~Every applicant for examination for licensure shall meet the requirements of subsections A and B of this section.~~

A. Education. The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study in counseling, to include a graduate degree in counseling or a related discipline, from a college or university accredited by a regional accrediting agency.

1. The graduate course work shall have included study in the nine core areas of:

- a. Professional identity, function and ethics;
- b. Theories of counseling and psychotherapy;
- c. Counseling and psychotherapy techniques;
- d. Group dynamics, theories, and techniques;
- e. Theories of human behavior, learning, and personality;
- f. Career development;
- g. Appraisal, evaluation and diagnostic procedures;
- h. Abnormal behavior; and
- i. Supervised practicum or internship.

2. One course may satisfy study in more than one of the nine study areas required in subdivision 1 of this subsection.

### B. Supervised experience.

1. The applicant for licensure shall have completed 4,000 hours of post-graduate degree experience in counseling practice under supervision satisfactory to the board. The post-graduate experience shall consist of supervised practice in the following areas:

- Counseling and psychotherapy techniques;
- Appraisal, evaluation and diagnostic procedures;
- Treatment planning and implementation;
- Case management and recordkeeping;
- Professional identity and function; and
- Professional ethics and standards of practice.

a. The experience shall include 200 hours of individual supervision during the 4,000 hours, with a minimum of one hour per week of face-to-face supervision between supervisor and applicant. The experience shall be continuous and integrated, that is, no credit will be given for satisfying the 4,000 hours of required experience in the absence of approved individual face-to-face supervision and conversely, no credit will be

given for individual face-to-face supervision that does not occur as a part of the 4,000 hours of post-graduate experience. The experience shall include supervised practice with various populations, clinical problems and theoretical approaches.

b. Group supervision will be acceptable for not more than 100 hours of the required 200 hours of individual supervision on the basis of two hours of group supervision being equivalent to one hour of individual supervision, but in no instance shall group supervision substitute for the required on site individual face-to-face supervision.

c. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability which limits the supervisee's access to qualified supervision.

d. A post-graduate degree practicum or internship may count for the required 4,000 hours of experience and shall meet the requirements of 18 VAC 115-20-50.

e. For applicants enrolled in an integrated course of study in an accredited institution leading to a graduate degree beyond the master's level, supervised experience may begin after the completion of 30 graduate semester hours or 45 graduate quarter hours, and shall include graduate course work in the nine core areas as prescribed in 18 VAC 115-20-50 A 1.

f. Applicants may not call themselves professional counselors, solicit clients, bill for services rendered, or in any way represent themselves as professional counselors. During the post-graduate supervisory experience, applicants shall use their names, and the initials of their degree. Clients shall be informed of the applicant's supervisee status, the supervisor's name, professional address, and phone number.

g. Applicants shall not engage in practice under supervision in any areas for which they have not had appropriate education.

2. A person who provides supervision for a prospective applicant for licensure as a professional counselor shall have received professional training in supervision and shall be licensed as a professional counselor, psychologist, school psychologist, clinical psychologist, clinical social worker, or psychiatrist. At least one-half of the individual face-to-face supervision shall be rendered by a licensed professional counselor.

a. Supervision by any individual whose relationship to the supervisee compromises the objectivity of the supervisor is prohibited.

b. The supervisor of a prospective applicant shall assume full responsibility for the clinical activities of that prospective applicant specified within the supervisory contract for the duration of the supervised experience. In every instance there shall be an

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# Final Regulations

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identifiable individual who is appropriately credentialed to provide supervision in the jurisdiction where the applicant provides counseling services.

c. Supervisors shall only be approved to provide supervision in areas for which they possess documented skills, training, and experience.

d. Supervisors shall provide the ~~board contracting agent~~ with documentation regarding their areas of expertise ~~on a form specified by the board~~.

e. At least one-half of the required individual face-to-face supervision shall occur on site where the counseling services are provided and be provided by the board-approved supervisor of record.

### 3. Registration of supervision.

a. Applicants who render counseling services in a nonexempt agency shall:

(1) With their supervisor, register ~~with the board~~ their supervisory contract on the appropriate forms ~~for board approval~~ before starting to practice under supervision;

(2) Have submitted directly to the ~~board contracting agent~~ an official transcript of their relevant coursework in counseling documenting a graduate degree in counseling or a counseling related area and as specified in 18 VAC 115-20-50 A; and

(3) Pay the registration fee ~~prescribed by the board in 18 VAC 115-20-20 of this chapter~~.

b. Applicants who render counseling services in an exempt agency, as defined in § 54.1-3500 of the Code of Virginia, may register their supervision ~~with the board~~, as outlined above. Board approval and successful completion of a planned supervision arrangement in an exempt setting will assure its acceptability at the time of application.

c. The board may accept as equivalent post-graduate supervised experience that occurs in another jurisdiction provided that the board's requirements are met.

### 4. Documentation of supervision.

a. Applicants shall document successful completion of their supervised experience on appropriate forms at the time of application. Supervised experience obtained prior to May 8, 1991, may be accepted toward licensure if this supervised experience met the board's requirements which were in effect at the time the supervision was rendered.

b. The supervisor shall conduct an annual evaluation of the applicant and report ~~to the board~~ the number of hours of individual face-to-face hours of supervision and an evaluation of the supervisee's progress on appropriate forms ~~provided by the board~~.

At the completion of required supervision hours, applicants shall document completion of their supervised experience on appropriate forms at the time of application. In addition, the supervisor will report the total hours of experience and supervision and will evaluate the applicant's competency in the six areas stated in 18 VAC 115-20-50 B 1 ~~using the form provided by the board~~. Applicants must receive a competency evaluation on each item on the evaluation sheet by at least one of their supervisors to meet requirements for satisfactory completion of their supervised experience.

### 18 VAC 115-20-70. General examination requirements; schedules; time limits.

A. Every applicant for initial licensure by the board as a professional counselor shall pass a written examination as prescribed by the board.

B. The board may waive examination requirements if the applicant for licensure has been certified or licensed in another jurisdiction by standards and procedures equivalent to the board's.

C. ~~Examination schedules~~. A written examination will be given at least twice each year. The board may schedule such additional examinations as it deems necessary.

~~4. D. The executive director of the board contracting agent shall notify all approved candidates in writing of the time and place of the examination.~~

~~2. The candidate shall submit the applicable examination fee as prescribed in 18 VAC 115-20-20 A.~~

~~3. If the candidate fails to appear for the examination without providing written notice at least one week before the examinations, the examination fee shall be forfeited.~~

~~4. The executive director will notify all candidates in writing of their success or failure on the examination.~~

~~D. Deferrals by candidate; time limit. E. A candidate approved by the board to sit for the examination shall take the examination within two years from the date of such initial board approval. If the candidate has not taken the examination by the end of the two-year period here prescribed:~~

1. The initial ~~board~~ approval to sit for the examination shall then become invalid; and

2. In order to be considered for the examination later, the applicant shall file a ~~complete~~ new application with the ~~board board's contracting agent~~.

### 18 VAC 115-20-90. Reexamination.

A. After paying the written reexamination fee, a candidate may be reexamined for the written exam within an 18-month period without filing a new application.

B. A candidate who fails the examination two times shall reapply and pay the required application fee as prescribed in ~~18 VAC 115-20-20 A by the board's contracting agent~~.

**18 VAC 115-20-110. Late renewal; reinstatement.**

A. A person whose license has expired may renew it within four years after its expiration date by paying the ~~penalty late~~ fee prescribed in 18 VAC 115-20-20 as well as the license *renewal* fee prescribed for each biennium the license was not renewed.

B. A person who fails to renew a license for four years or more and wishes to resume practice shall reapply and pay the application fee prescribed in ~~18 VAC 115-20-20~~ by the board's contracting agent and take the written examination.

C. Upon approval for reinstatement, the applicant shall pay the ~~penalty late~~ fee prescribed in 18 VAC 115-20-20 and the license *renewal* fee prescribed for each biennium the license was not renewed.

**18 VAC 115-20-150. Reinstatement following disciplinary action.**

A. Any person whose license has been revoked or denied renewal by the board under the provisions of 18 VAC 115-20-140 may, two years subsequent to such board action, submit a new application to the board for licensure.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

C. The applicant for such reinstatement, if approved, shall be licensed upon payment of the appropriate fees applicable at the time of reinstatement.

**NOTICE:** The forms used in administering the Regulations Governing the Practice of Professional Counseling (18 VAC 115-20-10 et seq.) are listed below. Any amended forms are reflected in the listing and are published following the list. The forms are available for public inspection at the Department of Health Professions, 6606 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

Registration of Supervision Post Degree Supervised Experience (11/96)

Professional Counselor Licensure Application (11/96)

Licensure Verification of Applicant

Verification of Supervision

Licensure Verification of Out-of-State Supervisor

Renewal Notice and Application [ rev. 8/97 ]

COMMONWEALTH OF VIRGINIA

**RENEWAL NOTICE AND APPLICATION**

Telephone:  
License, certificate or registration number:

TYPE OF RENEWAL	CURRENT EXPIRATION DATE	CURRENT AMOUNT DUE	RENEWAL PERIOD FROM	TO	AMOUNT DUE IN REINSTatement
		\$			\$

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"  
RETURN PAYMENT AND THE COMPLETED BOTTOM PORTION ONLY IN THE ENCLOSED ENVELOPE  
KEEP TOP PORTION FOR YOUR RECORDS

**DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER**  
In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded.  
This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.  
If the boxes below are empty, write in your Social Security or Virginia DMV Control Number. If the boxes do contain numbers, please verify that they are correct and make any necessary changes.

**NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.**

\*In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

**INSTRUCTIONS**

1. Verify Social Security or Virginia DMV Control Number at left.
2. Complete item "A" below if you do not wish to renew.
3. Make any address changes on this application when renewing.
4. Make any name changes on this application and enclose a copy of your marriage license or court order.
5. Note name and license, certificate or registration number on all envelopes.
6. Return the bottom portion of this application in the enclosed envelope.

A.  Check here if you do not wish to renew, and sign below.

Signature

**THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW**

Department of Health Professions

Type of renewal:

License, certificate or registration number:

# Final Regulations

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**Title of Regulation:** 18 VAC 115-30-10 et seq. **Regulations Governing the Certification of Substance Abuse Counselors (amending 18 VAC 115-30-30, 18 VAC 115-30-40, 18 VAC 115-30-60, 18 VAC 115-30-90, and 18 VAC 115-30-160).**

**Statutory Authority:** §§ 54.1-113, 54.1-2400, and 54.1-3503 of the Code of Virginia.

**Effective Date:** August 7, 1997.

**Summary:**

*The amendments to these regulations modify instructions to direct applicants to submit all application and registration of supervision forms, associated documentation and fees to the board's contracting agents instead of to the board and modify the regulation to direct the contracting agent to notify approved candidates of the time and place of the examination, rather than the board.*

**Agency Contact:** Copies of the regulation may be obtained from Janet Delorme, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9575.

**18 VAC 115-30-30. Fees required by the board.**

A. The board has established the following fees applicable to the certification of substance abuse counselors:

	After December 31, 1996	After June 30, 1997
Registration of supervision	\$10	\$15
Application processing	\$20	\$25
Biennial certification renewal	\$40	\$40
Duplicate certificate	\$15	\$15
Late renewal	\$10	\$10
Replacement of or additional wall certificate	\$15	\$15
Name change	\$40	\$10
Returned check	\$15	\$15

~~B. Fees shall be paid by check or money order. Application, registration of supervision and examination fees shall be made payable to the examination service and mailed directly to the examination service. All other fees shall be made payable to the Treasurer of Virginia and forwarded to the Board of Professional Counselors and Marriage and Family Therapists paid directly to the board's contracting agents according to their requirements.~~

C. All fees are nonrefundable.

**18 VAC 115-30-40. Certification, general.**

A. No person shall use the title of "certified substance abuse counselor" in the Commonwealth of Virginia except as provided in this chapter.

B. A certified substance abuse counselor is employed to deliver substance abuse counseling in a state-approved public or private facility.

C. In every instance there shall be an identifiable appropriately credentialed individual or authority to provide supervision.

D. A candidate for certification as a substance abuse counselor shall meet all the requirements of this chapter, including passing the examination prescribed in 18 VAC 115-30-90.

E. Every prospective applicant for examination for certification by the board shall:

1. Meet the educational requirements prescribed in 18 VAC 115-30-50 of this chapter;
2. Register supervision ~~with the board~~ at least one year before applying, ~~using the appropriate form and paying the fees prescribed by the board.~~ The board, in its discretion, may waive this one-year period for an applicant who has met the work experience requirements prescribed in 18 VAC 115-30-60;
3. Meet the experience requirements prescribed in 18 VAC 115-30-60;
4. Meet the requirements of character and professional integrity prescribed in 18 VAC 115-30-80; and
5. Submit to the ~~executive director of the board, at least 90 days prior to the date of the written examination contracting agent within the time frame established by that agent:~~
  - a. A completed application form;
  - b. Documented evidence of having fulfilled the education, supervision, experience, and references required in subdivisions 1, 2, 3, and 4 of this subsection;
  - c. Reference letters from three health or mental health care professionals attesting to the applicant's character and professional integrity; and
  - d. ~~The examination fee prescribed in 18 VAC 115-30-30 of this chapter.~~ Any applicable fees.

~~F. Every applicant for examination shall take the examination at the time prescribed by the board.~~

G. F. The board may certify by endorsement an individual who is currently certified in another state as a substance abuse counselor and who has been certified in another state through a similar process with equivalent requirements as described in this section.

## 18 VAC 115-30-60. Experience requirements.

A. An applicant for certification as a substance abuse counselor shall have had 2,000 hours of supervised experience in the delivery of clinical substance abuse counseling services.

B. The work experience shall be supervised by a board approved licensed professional or certified substance abuse counselor. In every instance there shall be an identifiable appropriately credentialed individual or authority to provide supervision.

C. The supervised experience shall include at least two hours per week of face-to-face consultation between the supervisor and the applicant.

D. Supervision shall be provided under this section according to the following requirements:

1. The supervision contract ~~provided by the board~~ shall be completed and signed by the applicant and the supervisor;
2. The supervisor shall assume responsibility for the professional activities of the applicant;
3. The supervisor shall not provide supervision for activities for which the prospective applicant has not had appropriate education;
4. The supervisor shall provide supervision only for those substance abuse counseling services which he is qualified to render;
5. Group supervision involving up to six members in a group will be acceptable for one hour of the two hours per week of supervision required in subsection C of this section, substituting on the basis of two hours of group supervision equaling one hour of individual supervision. In no case shall a person receiving supervision receive less than one hour of face-to-face individual supervision per week;
6. Supervision must be provided by a professional who has had specialized training or experience in substance abuse counseling or a certified substance abuse counselor approved by the board;
7. A board approved supervisor shall:
  - a. Be a licensed professional counselor, licensed clinical psychologist, licensed psychologist, licensed clinical social worker, medical doctor, or registered nurse with a minimum of one year experience in substance abuse counseling and at least 100 hours of didactic training covering the areas outlined in 18 VAC 115-30-50 1 a through f; or
  - b. Be a substance abuse counselor certified by the board who has:
    - (1) Board recognized national certification in substance abuse counseling; and

(2) Has Two years experience as a board certified substance abuse counselor.

8. At the time of formal application for certification, the board approved supervisor shall document ~~for the board~~ the applicant's total hours of supervision, length of work experience, competence in substance abuse counseling and any needs for additional supervision or training;

9. Supervision by any individual whose relationship to the supervisee compromises the objectivity of the supervisor is prohibited; and

10. The applicant shall keep the ~~board~~ board's contracting agent informed of his current supervisor's license or certificate number, business address, and phone number. The ~~board~~ board's contracting agent shall be informed within 30 days of any changes in the applicant's supervision.

## 18 VAC 115-30-90. General examination requirements.

A. Every applicant for certification as a substance abuse counselor shall take a written examination approved by the board and achieve a passing score as defined by the board.

B. A written examination will be given at least once each year. The board may schedule such additional examinations as it deems necessary.

1. The ~~executive director of the board~~ contracting agent shall notify all applicants in writing of the time and place of the examination for which they have been approved to sit.

2. The ~~executive director~~ contracting agent will notify all applicants in writing of their success or failure on any examination.

~~3. The applicant shall submit the applicable fees as prescribed in 18 VAC 115-30-30.~~

## 18 VAC 115-30-160. Reinstatement following disciplinary action.

A. Any person whose certificate has been revoked or denied renewal by the board under the provisions of 18 VAC 115-30-150 of this chapter must submit a new application for certification ~~to the board~~.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

C. The applicant for such reinstatement, if approved, shall be certified upon payment of the appropriate fees applicable at the time of reinstatement.

# Final Regulations

**NOTICE:** The forms used in administering the Regulations Governing the Certification of Substance Abuse Counselors (18 VAC 115-30-10 et seq.) are listed below. Any amended forms are reflected in the listing and are published following the list. The forms are available for public inspection at the Department of Health Professions, 6606 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

~~Registration of Supervision for Substance Abuse Counselor Certification (11/96).~~

~~Application for Certification as a Substance Abuse Counselor.~~

~~Substance Abuse Certification Licensure/Certification Verification of Applicant.~~

~~Verification of Examination.~~

~~Substance Abuse Counselor Verification of Supervision.~~

~~Licensure or Certification Verification of Out of State Supervisor.~~

Renewal Notice and Application [ rev. 8/97 ].

COMMONWEALTH OF VIRGINIA  
**RENEWAL NOTICE AND APPLICATION**

Telephone:  
 License, certificate or registration number:

TYPE OF RENEWAL	CURRENT EXPIRATION DATE	CURRENT AMOUNT DUE	TERMINAL PERIOD FROM	TO	APPEAR FOR RENEWAL
		\$			\$

**MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"**  
**RETURN PAYMENT AND THE COMPLETED BOTTOM PORTION ONLY IN THE ENCLOSED ENVELOPE.**  
**KEEP TOP PORTION FOR YOUR RECORDS**

**DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER**

In accordance with § 54-1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number, issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded.

This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.

If the boxes below are empty, write in your Social Security or Virginia DMV Control Number. If the boxes do contain numbers, please verify that they are correct and make any necessary changes.

**NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.**

\*In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

**INSTRUCTIONS**

1. Verify Social Security or Virginia DMV Control Number at left.
2. Complete item "A" below if you do not wish to renew.
3. Make any address changes on this application when renewing.
4. Make any name changes on this application and enclose a copy of your marriage license or court order.
5. Note name and license, certificate or registration number on all enclosures.
6. Return the bottom portion of this application in the enclosed envelope.

A.  Check here if you do not wish to renew, and sign below.

Signature

**THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW**

Department of Health Professions  
 Type of renewal:  
 License, certificate or registration number:

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

**Title of Regulation:** 22 VAC 40-705-10 et seq. **Child Protective Services.**

**Statutory Authority:** § 63.1-25 of the Code of Virginia.

**Effective Date:** January 1, 1998.

**Summary:**

The final regulation establishes a regulatory framework for protecting children in the Commonwealth of Virginia from abuse and neglect. It provides direction for how best to protect children balanced with the rights of parents and family integrity.

The final regulation is based on findings and recommendations of a State Board of Social Services study begun in 1995, of the findings of a legislative study in 1995, and legislation passed by the 1996 Session of the General Assembly. The board amended 22 VAC 40-705-80 B to clarify circumstances in which an interview with the alleged victim child would not be audio taped. Because the board believes that this change may be considered substantial by other parties, the board will accept additional comment until October 31, 1997.

**NOTICE:** The State Board of Social Services has amended 22 VAC 40-705-80 B to clarify circumstances in which an interview with the alleged victim child would not be audio taped. Because the board believes other parties may consider this change substantial, the board will accept additional comment. Accordingly, persons may submit additional written comment concerning 22 VAC 40-705-10 et seq. until October 31, 1997. The State Board of Social Services will convene a public hearing to allow further comment. See General Notices section of this Register.

**Summary of Public Comment and Agency Response:** A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

**Agency Contact:** Copies of the regulation may be obtained from Jesslyn Cobb, Department of Social Services, Division of Family Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1255.

### CHAPTER 705. CHILD PROTECTIVE SERVICES.

#### 22 VAC 40-705-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise.

"Abuser or neglector" means any person who is found to have committed the abuse and/or neglect of a child pursuant to [ Chapter 12.1 (§ 63.1-248.1 et seq.) of Title 63.1 ] of the Code of Virginia.

"Administrative appeal rights" means the child protective services appeals procedures for a local level informal conference and a state level hearing pursuant to § 63.1-248.6:1 of the Code of Virginia, under which an individual who is found to have committed abuse and/or neglect may request that the local department's records be amended.

"Appellant" means anyone who has been found to be an abuser and/or neglector and appeals the founded disposition to the director of the local department of social services, an administrative hearing officer, or to circuit court.

"Assessment" means the process by which child protective services workers determine a child's and family's needs.

"Caretaker" means any individual having the responsibility of providing care for a child [ ; ] and includes the following: (i) parent or other person legally responsible for the child's care; (ii) any other person who has assumed caretaking responsibility by virtue of an agreement with the legally responsible person; (iii) persons responsible by virtue of their positions of conferred authority; and (iv) adult persons residing in the home with the child.

"Case record" means a collection of information maintained by a local department, including written material, letters, documents, tapes, photographs, film or other materials regardless of physical form about a specific child protective services investigation, family or individual.

"Central Registry" means a subset of the information system of CANIS, and is the name index with identifying information of individuals named as an abuser and/or neglector in founded child abuse and/or neglect complaints or reports not currently under administrative appeal, maintained by the department.

"Child Abuse and Neglect Information System (CANIS)" means the computer system which collects and maintains information regarding incidents of child abuse and neglect involving parents or other caretakers. CANIS is composed of three parts: the statistical information system with nonidentifying information, the Central Registry, and a data base that can be accessed only by the department and local departments consisting of all nonpurged investigation information.

"Child protective services" means the identification, receipt and immediate investigation of complaints and reports of alleged child abuse and/or neglect for children under 18 years of age. It also includes assessment, arranging for and providing [ ~~services for the alleged victim child, his family and the alleged abuser and/or neglector, and disposition necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected~~ ].

"Child protective services worker" means one who is qualified by virtue of education, training and supervision [ ; ] and is employed by the local department to respond to child protective services complaints and reports of alleged child abuse and/or neglect.

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## Final Regulations

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[ "Chronically and irreversibly comatose" means a condition caused by injury, disease or illness in which a patient has suffered a loss of consciousness with no behavioral evidence of self-awareness or awareness of surroundings in a learned manner other than reflexive activity of muscles and nerves for low-level conditioned response and from which to a reasonable degree of medical probability there can be no recovery. ]

"Collateral" means a person whose personal or professional knowledge may help confirm or rebut the allegations of child abuse and/or neglect or whose involvement may help ensure the safety of the child.

"Complaint" means any information or allegation of child abuse and/or neglect made orally or in writing pursuant to § 63.1-248.2:5 of the Code of Virginia.

"Consultation" means the process by which the alleged abuser and/or neglector may request an informal meeting to discuss the investigative findings with the local department prior to the local department rendering a founded disposition of abuse and/or neglect against that person pursuant to § 63.1-248.6:1 A of the Code of Virginia.

"Department" means the Virginia Department of Social Services.

"Disposition" means the determination of whether or not child abuse and/or neglect has occurred.

"Documentation" means information and materials, written or otherwise, concerning allegations, facts and evidence.

"Family Advocacy Program representative" means the professional employed by the United States Armed Forces who has responsibility for the program designed to address prevention, identification, evaluation, treatment, rehabilitation, follow-up and reporting of family violence, pursuant to 22 VAC 40-720-20.

"First source" means any direct evidence establishing or helping to establish the existence or nonexistence of a fact. [ Indirect evidence and anonymous complaints do no constitute first source evidence. ]

"Founded" means that a review of the facts shows by a preponderance of the evidence that child abuse and/or neglect has occurred. [ A determination that a case is founded shall be based primarily on first source evidence; in no instance shall a determination that a case is founded be based solely on indirect evidence or an anonymous complaint. ]

"He" means he or she.

"His" means his or her.

"Identifying information" means name, social security number, address, race, sex, and date of birth.

[ "Indirect evidence" means any statement made outside the presence of the child protective services worker and relayed to the child protective services worker as proof of the contents of the statement. ]

"Investigation" means the formal information gathering process utilized by the local department in determining whether or not child abuse or neglect has occurred.

"Investigative narrative" means the written account of the investigation contained in the child protective services case record.

"Legitimate interest" means a lawful, demonstrated privilege to access the information [ as defined in § 63.1-209 of the Code of Virginia ].

"Local department" means the city or county local agency of social services or department of public welfare in the Commonwealth of Virginia responsible for conducting investigations of child abuse and/or neglect complaints or reports pursuant to § 63.1-248.6 of the Code of Virginia.

"Local department of jurisdiction" means the local department in the city or county in Virginia where the alleged victim child resides or in which the alleged abuse and/or neglect is believed to have occurred. If neither of these are known, then the local department of jurisdiction shall be the local department in the county or city where the abuse and/or neglect was discovered.

"Mandated reporters" means those persons who are required to report suspicions of child abuse and/or neglect pursuant to § 63.1-248.3 of the Code of Virginia.

"Monitoring" means contacts with the child, family and collaterals which provide information about the child's safety and the family's compliance with the service plan.

"Multidisciplinary teams" means any organized group of individuals representing, but not limited to, medical, mental health, social work, education, legal and law enforcement, which will assist local departments in the protection and prevention of child abuse and neglect pursuant [ to ] § 63.1-248.6 F of the Code of Virginia. Citizen representatives may also be included.

"Notification" means informing designated and appropriate individuals of the local department's actions and the [ ~~individuals'~~ individual's ] rights.

"Preponderance of evidence" means the evidence as a whole shows that the facts are more probable and credible than not. It is evidence which is of greater weight or more convincing than the evidence offered in opposition.

"Purge" means to delete or destroy any reference data and materials specific to subject identification contained in records maintained by the department and the local department pursuant to §§ 63.1-248.5:1 and 63.1-248.5:1.01 of the Code of Virginia.

"Reasonable diligence" means the exercise of justifiable and appropriate persistent effort.

"Report" means [ either a complaint as defined in this section or ] an official document on which information is given concerning abuse and neglect and which is required to be made by persons designated herein and by local

departments in those situations in which investigation of a complaint from the general public reveals suspected child abuse and/or neglect pursuant to [ ~~§ 63.1-248.2:5~~ subdivision 5 of the definition of abused or neglected child in § 63.1-248.2 ] of the Code of Virginia.

"Safety plan" means [ ~~a proposed~~ an immediate ] course of action designed to protect a child from abuse or neglect.

[ "Service Plan" means a plan of action to address the service needs of a child and/or his family in order to protect a child and his siblings; to prevent future abuse and neglect; and to preserve the family life of the parents and children whenever possible.

"Terminal condition" means a condition caused by injury, disease or illness from which to a reasonable degree of medical probability a patient cannot recover and (i) the patient's death is imminent or (ii) the patient is chronically and irreversibly comatose. ]

"Unfounded" means that a review of the facts does not show by a preponderance of the evidence that child abuse or neglect occurred.

[ "Withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening condition by providing treatment (including appropriate nutrition, hydration, and medication) which in the treating physician's or physicians' reasonable medical judgment will be most likely to be effective in ameliorating or correcting all such conditions. ]

## 22 VAC 40-705-20. General policy regarding complaints or reports of child abuse and neglect.

It is the policy of the Commonwealth of Virginia to require complaints and/or reports of child abuse and neglect for the following purposes:

1. Identifying abused and neglected children;
2. Assuring protective services to such identified children;
3. Preventing further abuse and neglect [ - ; ].
- [ 4. Preserving the family life of the parents and children, where possible, by enhancing parental capacity for adequate care. ]

## 22 VAC 40-705-30. Types of abuse and neglect.

A. Physical abuse occurs when [ ~~there is a physical injury, threat of injury or creation of a real and significant danger of substantial risk of death, disfigurement or impairment of bodily functions. Such injury or threat of injury, regardless of intent, is inflicted or allowed to be inflicted by nonaccidental means pursuant to § 63.1-248.2 of the Code of Virginia~~ a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a physical injury by other than accidental means or creates a substantial risk of death, disfigurement, or impairment of bodily functions ].

B. Physical neglect occurs when there is the failure to provide food, clothing, shelter, or supervision for a child to the extent that the child's health or safety is endangered. This also includes abandonment and situations where the parent's or caretaker's own incapacitating behavior or absence prevents or severely limits the performing of child caring tasks pursuant to § 63.1-248.2 of the Code of Virginia. [ In situations where the neglect is the result of family poverty and there are no outside resources available to the family, the parent or caretaker shall not be determined to have neglected the child; however, the local department may provide appropriate services to the family. ]

1. Physical neglect may include multiple occurrences or a one-time critical or severe event that results in a threat to health or safety.
2. Physical neglect may include failure to thrive.
  - a. Failure to thrive occurs as a syndrome of infancy and early childhood which is characterized by growth failure, signs of severe malnutrition, and variable degrees of developmental retardation.
  - b. Failure to thrive can only be diagnosed by a physician and is caused by nonorganic factors.

C. Medical neglect occurs when there is the failure by the caretaker to obtain or follow through with a complete regimen of medical, mental or dental care for a condition which, if untreated, could result in illness or developmental delays pursuant to § 63.1-248.2 of the Code of Virginia. [ Medical neglect also includes withholding of medically indicated treatment. ]

1. [ ~~Medical neglect does not apply to~~ ] A child who, in good faith, is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination pursuant to § 63.1-248.2 of the Code of Virginia [ shall not for that reason alone be considered a neglected child ].

2. [ ~~Pursuant to the Child Abuse Prevention and Treatment Act, as amended (42 USC § 5101 et seq.), the term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term~~ For the purposes of this regulation, "withholding of medically indicated treatment" ] does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment:

- a. The infant is chronically and irreversibly comatose;
- b. The [ the infant has a terminal condition and the ] provision of such treatment would:

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(1) Merely prolong dying;

(2) Not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(3) Otherwise be futile in terms of the survival of the infant; or

c. The [ infant has a terminal condition and the ] provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

D. Mental abuse or neglect occurs when [ ~~there is a mental injury, threat of mental injury, or impairment of mental functions~~ a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a mental injury by other than accidental means or creates a substantial risk of impairment of mental functions ].

[ ~~1. Such injury or threat of injury, regardless of intent, is inflicted or allowed to be inflicted by nonaccidental means pursuant to § 63.1-248.2 of the Code of Virginia.~~

~~2.]~~ Mental abuse or neglect may include failure to thrive.

[ ~~a. 1.]~~ Failure to thrive occurs as a syndrome of infancy and early childhood which is characterized by growth failure, signs of severe malnutrition, and variable degrees of developmental retardation.

[ ~~b. 2.]~~ Failure to thrive can only be diagnosed by a physician and is caused by nonorganic factors.

E. Sexual abuse occurs when there is any act of sexual exploitation or any sexual act upon a child in violation of the law which is committed or allowed to be committed by the child's parents or other persons responsible for the care of the child pursuant to § 63.1-248.2 of the Code of Virginia.

## 22 VAC 40-705-40. Complaints and reports of suspected child abuse and/or neglect.

A. Persons who are mandated to report are those individuals defined in § 63.1-248.3 of the Code of Virginia.

1. Mandated reporters shall report immediately any suspected abuse or neglect that they learn of in their professional capacity.

2. Mandated reporters shall disclose all information which is the basis for the suspicion of child abuse or neglect and shall make available, upon request, to the local department any records and reports which document the basis for the complaint and/or report.

3. A mandated reporter's failure to report within 72 hours of the first suspicion of child abuse or neglect [ ~~may shall~~ ] result in a fine.

B. Persons who may report child abuse and/or neglect include any individual who [ ~~has reason to suspect~~ suspects ] that a child is being abused and/or neglected [ ~~by the child's parent or other caretaker~~ ] pursuant to § 63.1-248.4 of the Code of Virginia.

C. Complaints and reports of child abuse and/or neglect may be made anonymously. [ An anonymous complaint, standing alone, shall not meet the preponderance of evidence standard necessary to support a founded determination. ]

D. Any person making a complaint and/or report of child abuse and/or neglect shall be immune from any civil or criminal liability in connection therewith, unless the court decides that such person acted in bad faith or with malicious intent pursuant to § 63.1-248.5 of the Code of Virginia.

E. When the identity of the reporter is known to the department or local department, these agencies shall make every effort to protect the reporter's identity.

F. If a person suspects that he is the subject of a report [ or complaint ] of child abuse and/or neglect made in bad faith or with malicious intent, that person may petition the court for access to the record including the identity of the reporter [ or complainant ] pursuant to § 63.1-248.5:1 of the Code of Virginia.

G. Any person age 14 years or older who makes or causes to be made a knowingly false complaint or report of child abuse and/or neglect, and is convicted, shall be guilty of a Class 4 misdemeanor for a first offense pursuant to § 63.1-248.5:1.01 of the Code of Virginia.

1. A subsequent conviction results in a Class 2 misdemeanor.

2. Upon receipt of notification of such conviction, the department will retain a list of convicted reporters.

3. The subject of the records may have the records purged upon presentation of proof of such conviction.

H. To make a complaint or report of child abuse and/or neglect, a person may telephone the department's toll-free child abuse and neglect hotline or contact a local department of jurisdiction pursuant to § 63.1-248.4 of the Code of Virginia.

1. The local department of jurisdiction that first receives a complaint or report of child abuse and/or neglect shall assume responsibility to ensure that the complaint or report is investigated.

2. A local department may ask another local department which is a local department of jurisdiction to assist in conducting the investigation. If assistance is requested, the local department shall comply.

3. A local department may ask another local department through a cooperative agreement to assist in conducting the investigation.

4. If a local department employee is suspected of abusing and/or neglecting a child, the complaint or report of child abuse and/or neglect shall be made to the juvenile and domestic relations district court of the county or city where the alleged abuse and/or neglect was discovered. The judge may assign the report for

investigation to the court services unit or to a local department that is not the employer of the subject of the report [ pursuant to §§ 63.1-248.3 and 63.1-248.4 of the Code of Virginia ].

**22 VAC 40-705-50. Actions to be taken upon receipt of a complaint or report.**

A. All complaints and reports of suspected child abuse and/or neglect shall be recorded in writing on the intake document. A record of all reports and complaints made to a local department or to the department, regardless of whether the report or complaint was found to be a valid complaint of abuse and/or neglect, shall be retained for one year from the date of the complaint.

B. All valid complaints or reports of child abuse and/or neglect shall be investigated. A valid complaint or report is one in which:

1. The alleged victim child or children are under the age of 18 at the time of the complaint and/or report;
2. The alleged abuser is the alleged victim child's parent or other caretaker;
3. The local department receiving the complaint or report is a local department of jurisdiction; and
4. The circumstances described allege suspected child abuse and/or neglect [ ~~as defined by this chapter or defined by the policy manual of the Virginia Department of Social Services~~ ].

C. The local department shall not investigate complaints or reports of child abuse and/or neglect that fail to meet all of the [ ~~above~~ ] criteria [ in subsection B of this section ].

D. The local department shall report certain cases of suspected child abuse or neglect to the local attorney for the Commonwealth and the local law-enforcement agency pursuant to § 63.1-248.6 E 5 of the Code of Virginia.

E. The local department shall report to the following when the death of a child is involved:

1. When abuse and/or neglect is suspected in any case involving the death of a child, the local department shall report the case immediately to the regional medical examiner pursuant to § 63.1-248.6 E [ 5 9 ] of the Code of Virginia.
2. When abuse and/or neglect is suspected in any case involving the death of a child, the local department shall report the case immediately to the attorney for the Commonwealth [ and the local law-enforcement agency ] pursuant to § 63.1-248.6 E 5 of the Code of Virginia.
3. The local department shall contact the department immediately upon receiving a complaint involving the death of a child [ , ] and at the conclusion of the investigation.

F. Complaints or reports which meet the criteria for investigation shall be screened for high priority based on the following:

1. The immediate danger to the child;
2. The severity of the type of abuse or neglect alleged;
3. The age of the child;
4. The circumstances surrounding the alleged abuse or neglect;
5. The physical and mental condition of the child; and
6. Reports made by mandated reporters.

G. The local department shall initiate an immediate investigation.

1. The purpose of an investigation is to collect the information necessary to determine or assess the following:
  - a. Immediate safety needs of the child;
  - b. Whether or not abuse or neglect has occurred;
  - c. Who abused or neglected the child;
  - d. To what extent the child is at risk of future harm, either immediate or longer term;
  - e. What types of services can meet the needs of this child or family; and
  - f. If services are indicated and the family appears to be unable or unwilling to participate in services, what alternate plans will provide for the child's safety.

2. The local department shall use reasonable diligence to locate any child for whom a report or complaint of suspected child abuse and/or neglect has been received and is under investigation or persons who are the subject of a report that is under investigation if the whereabouts of such persons are unknown to the local department pursuant to § 63.1-248.6 E [ 42 10 ] of the Code of Virginia.

3. The local department shall document its attempts to locate the child and family.

4. In the event the alleged victim child or children cannot be found, the 45-60-day time frame to complete the investigation, pursuant to § 63.1-248.6 E 7 of the Code of Virginia, is stayed.

**22 VAC 40-705-60. Authorities of local departments.**

When conducting investigations local departments have the following authorities:

1. To talk to any child suspected of being abused and/or neglected, or child's siblings, without the consent of and outside the presence of the parent or other caretaker, as set forth by § 63.1-248.10 of the Code of Virginia.

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2. To take or arrange for photographs and x-rays of a child [ 7 ] who is the subject of a complaint [ 7 ] without the consent of and outside the presence of the parent or other caretaker, as set forth [ ~~by~~ in ] § 63.1-248.13 of the Code of Virginia.

3. To take a child into custody on an emergency removal for up to 72-96 hours under such circumstances as set forth [ ~~by~~ in ] § 63.1-248.9 of the Code of Virginia.

a. A child protective services (CPS) worker planning to take a child into 72-96 hours emergency custody shall first consult with a supervisor. However, this requirement shall not delay action on the CPS worker's part if a supervisor cannot be contacted and the situation requires immediate action.

b. Any person who takes a child into custody pursuant to § 63.1-248.9 of the Code of Virginia shall be immune from any civil or criminal liability in connection therewith, unless it is proven that such person acted in bad faith or with malicious intent.

c. The local department shall have the authority to have a complete medical examination made of the child including a written medical report and, when appropriate, photographs and x-rays pursuant to § 63.1-248.13 of the Code of Virginia.

d. When a child in 72-96-hour custody is in need of immediate medical or surgical treatment, the local director of social services or his designee(s) may consent to such treatment when the parent does not provide consent and a court order is not immediately obtainable.

e. When a child is not in the local department's custody the local department cannot consent to medical or surgical treatment of the child.

## 22 VAC 40-705-70. Collection of evidence.

When conducting an investigation the local department shall seek first-source information about the allegation of child abuse/and or neglect. When applicable, the local department shall include in the case record: police reports; depositions; photographs; physical, medical and psychological reports; and any tape recordings of interviews.

## 22 VAC 40-705-80. Investigation contacts.

[ ~~A~~ ] During the course of the investigation, the child protective services (CPS) worker shall make and record in writing in the investigative narrative the following contacts and observations. When any of these contacts or observations is not made, the CPS worker shall record in writing in the investigative narrative why the specific contact or observation was not made.

[ ~~B~~ 1. ] The child protective services worker shall conduct a face-to-face interview with and observation of the alleged victim child. All interviews with alleged victim children must be audio tape recorded [ - except when the child protective services worker determines that:

[ ~~4~~ a. ] The child's safety may be endangered by audio taping;

[ ~~2~~ b. ] The age and/or developmental capacity of the child makes audio taping impractical;

[ ~~3~~ c. ] A child refuses to participate in the interview if audio taping occurs; or

[ ~~4~~ d. ] In the context of a team investigation with law-enforcement personnel, the team or team leader determines that audio taping is not appropriate.

In the case of an interview conducted with a nonverbal child where none of the above exceptions apply, it is appropriate to audio tape record the questions being asked by the child protective services worker and to describe, either verbally or in writing, the child's responses. A child protective services worker shall document in detail in the record and discuss with supervisory personnel the basis for a decision not to audio tape record an interview with the alleged victim child.

A child protective services finding may be based on the written narrative of the child protective services worker in cases where an audio recording is unavailable due to equipment failure or other cause. ]

[ ~~C~~ 2. ] The child protective services (CPS) worker shall conduct a face-to-face interview with the alleged abuser and/or neglector.

[ ~~4~~ a. ] The CPS worker shall inform the alleged abuser and/or neglector of his right to tape record any communication pursuant to § 63.1-248.6:2 of the Code of Virginia.

[ ~~2~~ b. ] The local department shall provide the necessary equipment in order to tape record the interview and retain a copy of the tape for the record.

[ ~~D~~ 3. ] The child protective services worker shall conduct a face-to-face interview with the alleged victim child's parents or guardians.

[ ~~E~~ 4. ] The child protective services worker shall observe the environment where the alleged victim child lives.

[ ~~F~~ 5. ] The child protective services worker shall observe the site where the alleged incident took place.

[ ~~G~~ 6. ] The child protective services worker shall conduct interviews with collaterals who have pertinent information relevant to the investigation and the safety of the child.

## 22 VAC 40-705-90. Investigative protocol.

A. The child protective services (CPS) worker may enter the home if permitted to enter by a person who resides in the home [ after advising the person who resides in the home that he may refuse to permit entry ]. [ ~~When it is believed~~ Only in those instances where the CPS worker has probable

cause to believe that ] the life or health of the child would be seriously endangered within the time it would take to obtain a court order or the assistance of a law-enforcement officer, [ may ] a CPS worker [ may ] enter the home without permission.

B. The child protective services worker may transport a child with parental consent, [ or ] when the local department has assumed custody of that child by virtue of 72-96-hour removal authority pursuant to § 63.1-248.9 of the Code of Virginia, [ or ] by an emergency removal court order pursuant to § 16.1-251 of the Code of Virginia [ , or by a preliminary removal order pursuant to § 16.1-252 of the Code of Virginia ].

C. When a child protective services worker has reason to believe that the alleged abuser and/or neglector is abusing substances [ , ] and such behavior may be related to the matter being investigated, the worker may request that person to consent to substance abuse screening [ , ] or may petition the court to order such screening.

1. Local departments must develop guidelines for such screening.
2. Guidelines may include child protective services worker administration of urine screening.

## 22 VAC 40-705-100. Judicial proceedings.

A. A child protective services worker may petition for removal pursuant to §§ 16.1-251 and 16.1-252 of the Code of Virginia.

B. A child protective services worker may petition for a preliminary protective order pursuant to § 16.1-253 of the Code of Virginia.

C. [ Whenever the local department assumes custody of a child under subsection A or B of this section, ] a child protective services worker shall petition the court for parental child support [ pursuant to ~~§ 63.1-204.2 of the Code of Virginia~~ ].

D. Any person who participates in a judicial proceeding resulting from making a child protective services report or complaint [ , ] or from taking a child into custody pursuant to §§ 63.1-248.3, 63.1-248.4, and 63.1-248.9 of the Code of Virginia [ , ] shall be immune from any civil or criminal liability in connection therewith unless it is proven that such person acted in bad faith or with malicious intent pursuant to § 63.1-248.5 of the Code of Virginia.

## 22 VAC 40-705-110. Assessment.

A. The child protective services worker shall conduct an initial assessment of the child's circumstances and threat of danger or harm, and [ where appropriate ] shall make a safety plan to provide for the protection of the child.

B. The child protective services worker shall make a dispositional assessment after collecting and synthesizing information about the alleged abuse or neglect.

C. [ In all founded cases, ] the child protective services worker shall make a risk assessment to determine whether or not the child is in jeopardy of future abuse and/or neglect [ , ] and whether or not intervention is necessary to protect the child.

## 22 VAC 40-705-120. Complete the investigation.

A. The local department shall promptly notify the alleged abuser and/or neglector and the alleged victim's parents or guardians of any extension of the deadline for the completion of the investigation pursuant to § 63.1-248.6 E 7 of the Code of Virginia. The child protective services worker shall document the notifications and the reason for the need for additional time in the case record.

B. Prior to rendering a founded disposition concerning a complaint of child abuse and/or neglect, the local department shall provide the alleged abuser and/or neglector with written notice of the options available to him pursuant to subdivisions C 1 and C 2 of this section. Whenever a criminal charge is also filed against the alleged abuser for the same conduct involving the same victim child as investigated by the local department, a predispositional conference is not an option.

C. Otherwise, an alleged abuser and/or neglector may elect to proceed under either subdivision 1 or 2 of this subsection. If the alleged abuser and/or neglector does not advise the local department of his decision within 10 days of receipt of the written notice, he will be deemed to have elected to proceed under subdivision 2 of this subsection.

1. Predispositional consultation. The purpose of the predispositional consultation shall be to allow a person suspected of committing child abuse and/or neglect the opportunity to meet with the local department conducting the investigation and discuss the local department's investigation findings prior to the disposition.

a. In order to participate in a predispositional consultation, the alleged abuser and/or neglector must agree to waive the 45-60-day time frame to conduct the investigation, not to exceed an additional 30 working days. Further, the alleged abuser and/or neglector must agree to waive his right to a local conference pursuant to § 63.1-248.6:1 of the Code of Virginia.

b. The alleged abuser and/or neglector shall be afforded the opportunity to informally present testimony, witnesses or documentation to representatives of the local department.

c. The local department shall consider any evidence presented by the alleged abuser and/or neglector prior to rendering a disposition.

d. Should the local department render a founded disposition following a predispositional consultation, the local department shall notify the abuser and/or neglector, in writing, of that person's right to appeal the local department's finding to the Commissioner of the Virginia Department of Social Services pursuant to 22

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VAC 40-705-140 and § 63.1-248.6:1 A of the Code of Virginia.

## 2. Local conference.

a. If the alleged abuser and/or neglector elects not to participate in a predispositional consultation [ 7 ] or does not advise the local department of his decision within 10 days of receiving written notification of the local department's findings pursuant to subsection B of this section, he will be deemed to have elected to proceed under this subdivision 2. If the alleged abuser and/or neglector is found to have committed abuse or neglect, that alleged abuser and/or neglector may, within 30 days of being notified of that determination, submit a written request for an amendment of the determination and the local department's related records pursuant to § 63.1-248.6:1 A of the Code of Virginia. The local department shall conduct an informal conference in an effort to examine the local department's disposition and reasons for it [ 7 ] and consider additional information about the investigation and disposition presented by the alleged abuser and/or neglector.

b. The local conference shall be conducted in accordance with 22 VAC 40-705-190.

## 22 VAC 40-705-130. Report findings.

A. Pursuant to § 63.1-248.5:1 of the Code of Virginia, the local department shall report all unfounded case dispositions to the Child Abuse and Neglect Information System (CANIS) when disposition is made.

1. The department shall retain unfounded complaints and/or reports in CANIS to provide local departments with information regarding prior investigations.

2. This record shall be kept separate from the Central Registry and accessible only to the department and to local departments.

3. The record of the unfounded case shall be purged one year after the date of the complaint or report if there are no subsequent founded or unfounded complaints and/or reports regarding the individual against whom allegations of abuse and/or neglect were made or regarding the same child in that one year.

4. If the individual against whom allegations of abuse and/or neglect were made or if the same child is involved in subsequent complaints and/or reports, the information from all complaints and/or reports shall be maintained until the last purge date has been reached.

5. The individual against whom allegations of abuse and/or neglect were made may request in writing that the local department retain the record for an additional period of up to two years.

6. The individual against whom allegations of abuse and/or neglect were made may request in writing that both the local department and the department shall

immediately purge the record after a court rules that the report was made in bad faith or with malicious intent pursuant to § 63.1-248.5:1 of the Code of Virginia.

B. The local department shall report all founded case dispositions to the Child Abuse [ † and ] Neglect Information System for inclusion in the Central Registry pursuant to [ § ~~63.1-248.5:1~~ 63.1-248.6 E 7 ] of the Code of Virginia and [ ~~22 VAC 40-700-20~~ 22 VAC 40-700-30 ]. Identifying information about the abuser and/or neglector and the victim child or children reported include demographic information, type of abuse or neglect, and date of the complaint. The identifying information shall be retained based on the determined level of severity of the abuse or neglect [ 7 ] pursuant to the regulation dealing with retention in the Central Registry, 22 VAC 40-700-30.

## 22 VAC 40-705-140. Notification of findings.

A. Upon completion of the investigation the local child protective services worker shall make notifications as provided in this section.

B. Individual against whom allegations of abuse and/or neglect were made.

1. When the disposition is unfounded, the child protective services worker shall inform the individual against whom allegations of abuse and/or neglect were made of this finding. This notification shall be in writing with a copy to be maintained in the case record. The individual against whom allegations of abuse and/or neglect were made shall be informed that he may have access to the case record [ 7 ] and that the case record shall be retained by the local department for one year unless requested in writing by such individual that the local department retain the record for up to an additional two years.

a. If the individual against whom allegations of abuse and/or neglect were made or the subject child is involved in subsequent complaints, the information from all complaints shall be retained until the last purge date has been reached.

b. The local worker shall notify the individual against whom allegations of abuse and/or neglect were made of the procedures set forth in § 63.1-248.5:1 of the Code of Virginia.

c. When an unfounded investigation involves a child death, the child protective services worker shall inform the individual against whom allegations of abuse and/or neglect were made that the case record will be retained for the longer of 12 months or until the State Child Fatality Review Team has completed its review of the case pursuant to § 32.1-283.1 D of the Code of Virginia.

2. Pursuant to 22 VAC 40-705-120 and 22 VAC 40-705-190, when a predispositional consultation results with the local department rendering a founded disposition of abuse and/or neglect, the child protective services

worker shall notify the abuser and/or neglector by letter, with a copy included in the case record. The letter shall include:

- a. A clear statement that they are the abuser and/or neglector;
- b. The type of abuse and/or neglect;
- c. The disposition, level and retention time [ - ; ]
- d. The name of the victim child or children; and
- e. A statement informing the abuser of the right to appeal to the commissioner of the department and to have access to the case record.

3. Pursuant to 22 VAC 40-705-120 and 22 VAC 40-705-190, if a predispositional consultation did not occur and the local department renders a founded disposition of abuse and/or neglect, the child protective services worker shall notify the abuser and/or neglector by letter, with a copy included in the case record. The letter shall include:

- a. A clear statement that they are the abuser and/or neglector;
- b. The type of abuse and/or neglect;
- c. The disposition, level and retention time;
- d. The name of the victim child or children; and
- e. A statement informing the abuser and/or neglector of his right to request the local department for a local conference and to have access to the case record.

4. When the abuser and/or neglector in a founded complaint is a foster parent of the victim child, the local department shall place a copy of this notification letter in the child's foster care record and in the foster home provider record.

C. Subject child's parents or guardian.

1. When the disposition is unfounded, the child protective services worker shall inform the parents or guardian of the subject child in writing, when they are not the individuals against whom allegations of child abuse and/or neglect were made, that the complaint involving their child was determined to be unfounded [ - ] and the length of time the child's name and information about the case will be maintained. The child protective services worker shall file a copy in the case record.

2. When the disposition is founded, the child protective services worker shall inform the parents or guardian of the child in writing, when they are not the abuser and/or neglector, that the complaint involving their child was determined to be founded [ - ] and the length of time the child's name and information about the case will be retained in the Central Registry. The child protective services worker shall file a copy in the case record.

D. Complainant.

1. When an unfounded disposition is made, the child protective services worker shall notify the complainant, when known, in writing that the complaint was investigated and determined to be unfounded. The worker shall file a copy in the case record.

2. When a founded disposition is made, the child protective services worker shall notify the complainant, when known, in writing that the complaint was investigated and necessary action was taken. The local worker shall file a copy in the case record.

E. Family Advocacy Program. When a founded disposition is made, the child protective services worker shall notify the Family Advocacy Program representative in writing as set forth in 22 VAC 40-720-20.

22 VAC 40-705-150. Services.

A. When abuse or neglect is found, the local department shall arrange for necessary protective and rehabilitative services to be provided to the child and his family pursuant to § 63.1-248.6 E 3 of the Code of Virginia.

B. Protective services also includes preventive services to children about whom no formal complaint of abuse or neglect has been made, but for whom potential harm or threat of harm exists, to be consistent with §§ 16.1-251, 16.1-252, [ ~~16.1-279~~ 16.1-279.1 ], 63.1-248.6 F, and 63.1-248.7 of the Code of Virginia.

C. Local departments shall support the establishment and functioning of multidisciplinary teams pursuant to § 63.1-248.6 F of the Code of Virginia.

~~[ D. Pursuant to § 63.1-248.6 of the Code of Virginia, local departments shall not purchase from private or other public nongovernmental services departments the following:~~

~~1. Investigation of complaints;~~

~~2. Monitoring safety of the child and monitoring service provision to the child and family.~~

~~Local departments may contract with one another to provide these services.~~

~~E. D. ]~~ The local department must use reasonable diligence to locate any child for whom a founded disposition of abuse or neglect has been made and a child protective services case has been opened pursuant to § 63.1-248.6 E 10 [ , 11 and/or 12 ] of the Code of Virginia. The local department shall document its attempts to locate the child and family.

~~[ F. E. ]~~ When an abused or neglected child and persons who are the subject of an open child abuse services case have relocated out of the jurisdiction of the local department, the local department shall notify the child protective services agency in the jurisdiction to which such persons have relocated, whether inside or outside of the Commonwealth of Virginia, and forward to such agency relevant portions of the

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case records pursuant to § 63.1-248.6 E 11 of the Code of Virginia.

[ G. F. ] The receiving local department shall arrange necessary protective and rehabilitative services pursuant to § 63.1-248.6 of the Code of Virginia.

## 22 VAC 40-705-160. Releasing information.

A. In the following instances of mandatory disclosure the local department shall release child protective services information. The local department may do so without any written release.

1. Report to attorney for the Commonwealth and law enforcement pursuant to § 63.1-248.6 E 5 of the Code of Virginia.

2. Report to the medical examiner's office pursuant to §§ 32.1-283.1 C and 63.1-248.6 E 9 of the Code of Virginia.

3. If a court mandates disclosure of information from a child abuse and neglect case record, the local department must comply with the request. The local department may challenge a court action for the disclosure of the case record or any contents thereof. Upon exhausting legal recourse, the local department shall comply with the court order.

4. When a disposition is made, the child protective services worker shall notify the complainant [ /reporter ] that either a complaint [ /report ] is unfounded or that necessary action is being taken.

5. Any individual, including an individual against whom allegations of child abuse and/or neglect were made, may exercise his Privacy Protection Act (§ 2.1-377 et seq. of the Code of Virginia) rights to access personal information related to himself which is contained in the case record including, with the individual's notarized consent, a search of the Central Registry pursuant to § 2.1-342 of the Code of Virginia.

6. When the material requested includes personal information about other individuals, the local department [ may delay in providing the information until it can be given in a form which deletes ] those parts of the record relating to other individuals [ pursuant to § 2.1-342.4 of the Code of Virginia ].

7. Pursuant to the Child Abuse Prevention and Treatment Act, as amended (42 USC § 5101 et seq.), and federal regulations (45 CFR Part 1340), the local department shall provide case-specific information about child abuse and neglect reports and investigations to citizen review panels when requested.

8. Pursuant to the Child Abuse Prevention and Treatment Act, as amended (42 USC § 5101 et seq.), the department shall develop guidelines to allow for public disclosure in instances of child fatality or near fatality.

9. An individual's right to access information under the Privacy Protection Act is stayed during criminal prosecution pursuant to § 2.1-384.7 of the Code of Virginia.

10. The local department shall disclose and release to the United States Armed Forces Family Advocacy Program child protective services information as required pursuant to 22 VAC 40-720-20.

11. Child protective services shall, on request by the Division of Child Support Enforcement, supply information pursuant to § 63.1-274.6 of the Code of Virginia.

12. The local department shall release child protective services information to a court appointed special advocate pursuant to § 9-173.12 of the Code of Virginia.

[ 13. The local department shall release child protective services information to a court-appointed guardian ad litem pursuant to § 16.1-266 E of the Code of Virginia. ]

B. The local department may use discretion in disclosing or releasing child protective services case record information, investigative and on-going services to parties having a legitimate interest when the local department deems disclosure to be in the best interest of the child. The local department may disclose such information without a court order and without a written release pursuant to § 63.1-209 A of the Code of Virginia.

C. The local department shall not release the identity of persons reporting incidents of child abuse or neglect, unless court ordered, in accordance with § 63.1-248.6:1 of the Code of Virginia, 42 USC § 5101 et seq., and federal regulations (45 CFR Part 1340).

D. Prior to disclosing information to any individuals or organizations, and to be consistent with § 63.1-209 of the Code of Virginia, pursuant to § 63.1-248 of the Code of Virginia, the local department must be satisfied that:

1. The information will be used only for the purpose for which it is made available;

2. Such purpose shall be related to the goal of child protective or rehabilitative services; and

3. The confidential character of the information will be preserved to the greatest extent possible.

## 22 VAC 40-705-170. Access to Central Registry.

A. The department will only complete a search of the Central Registry [ ~~for purposes other than a~~ upon ] request by a local department upon receipt of a notarized signature of the individual whose name is being searched authorizing release of such information or a court order specifying a search of the Central Registry.

B. When the name being searched is found in the Central Registry, the department shall contact the local department responsible for the investigation to verify the information.

## 22 VAC 40-705-180. Training.

A. The department shall implement a uniform training plan for child protective services workers. The plan shall establish minimum standards for all child protective services workers in the Commonwealth of Virginia.

B. Workers shall complete skills and policy training specific to child abuse and neglect investigations within the first year of their employment.

## 22 VAC 40-705-190. Appeals

A. Appeal is the process by which the abuser and/or neglector may request amendment of the record when the investigation into the complaint has resulted in a founded disposition of child abuse and/or neglect.

B. If the alleged abuser and/or neglector elects not to participate in a predispositional consultation [ - ] or does not advise the local department of his decision within 10 days of receiving written notification of the local department's findings pursuant [ to ] 22 VAC 40-705-120 B, he will be deemed to have elected to proceed under 22 VAC 40-705-120 C 2.

If the alleged abuser and/or neglector is found to have committed abuse or neglect, that alleged abuser and/or neglector may, within 30 days of being notified of that determination, submit a written request for an amendment of the determination and the local department's related records, pursuant to § 63.1-248.6:1 A of the Code of Virginia. The local department shall conduct an informal conference in an effort to examine the local department's disposition and reasons for it [ - ] and consider additional information about the investigation and disposition presented by the alleged abuser and/or neglector. The local department shall notify the Child Abuse and Neglect Information System (CANIS) that an appeal is pending.

C. Whenever an appeal is requested and a criminal charge is also filed against the appellant for the same conduct involving the same victim child as investigated by the local department, the appeal process shall be stayed until the criminal prosecution in circuit court is completed pursuant to § 63.1-248.6:1 C of the Code of Virginia. During such stay, the appellant's right of access to the records of the local department regarding the matter being appealed shall also be stayed. Once the criminal prosecution in circuit court has been completed, the local department shall advise the appellant in writing of his right to resume his appeal within the time frames provided by law and regulation pursuant to § 63.1-248.6:1 C of the Code of Virginia.

D. The local department shall conduct an informal, local conference and render a decision on the appellant's request to amend the record within 45 days of receiving the request. If the local department either refuses the appellant's request for amendment of the record as a result of the local conference, or if the local department fails to act within 45 days of receiving such request, the appellant may, within 30 days thereafter and in writing, request the commissioner for an administrative hearing pursuant to § 63.1-248.6:1 A of the Code of Virginia.

E. The appellant may request, in writing, an extension of the 45-day requirement for a specified period of time, not to exceed an additional 60 days. When there is an extension period, the 30-day time frame to request an administrative hearing from the Commissioner of the Department of Social Services shall begin on the termination of the extension period pursuant to § 63.1-248.6:1 A of the Code of Virginia.

F. Upon written request, the local department shall provide the appellant all information used in making its determination. Disclosure of the reporter's name or information which may endanger the well-being of a child shall not be released. The identity of collateral witnesses or any other person shall not be released if disclosure may endanger their life or safety. Information prohibited from being disclosed by state or federal law or regulation shall not be released. In case of any information withheld, the appellant shall be advised of the general nature of the information and the reasons, of privacy or otherwise, that it is being withheld, pursuant to § 63.1-248.6:1 A of the Code of Virginia.

G. The director of the local department, or a designee of the director, shall preside over the local conference. With the exception of the director of the local department, no person whose regular duties include substantial involvement with child abuse and neglect cases shall preside over the local conference pursuant to § 63.1-248.6:1 A of the Code of Virginia.

1. The appellant may be represented by counsel pursuant to § 63.1-248.6:1 A of the Code of Virginia.

2. The appellant shall be entitled to present the testimony of witnesses, documents, factual data, arguments or other submissions of proof pursuant to § 63.1-248.6:1 A of the Code of Virginia.

3. The director of the local department, or a designee of the director, shall notify the appellant, in writing, of the results of the local conference within 45 days of receipt of the written request from the appellant unless the time frame has been extended as described [ above in subsection E of this section ]. The director of the local department, or the designee of the director, shall have the authority to sustain, amend, or reverse the local department's findings. Notification of the results of the local conference shall be mailed, certified with return receipt, to the appellant. The local department shall notify the Child Abuse and Neglect Information System (CANIS) of the results of the local conference [ pursuant to § 63.1-248.6:1 A of the Code of Virginia ].

H. If the appellant is unsatisfied with the results of the local conference, the appellant may, within 30 days of receiving notice of the results of the local conference, submit a written request to the commissioner for an administrative hearing pursuant to § 63.1-248.6:1 B of the Code of Virginia.

1. The commissioner shall designate a member of his staff to conduct the proceeding pursuant to § 63.1-248.6:1 B of the Code of Virginia.

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## Final Regulations

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2. A hearing officer shall schedule a hearing date within 45 days of the receipt of the appeal request unless there are delays due to subpoena requests, depositions or scheduling problems.
3. After a party's written motion and showing good cause, the hearing officer may issue subpoenas for the production of documents or to compel the attendance of witnesses at the hearing. The victim child and that child's siblings shall not be subpoenaed, deposed or required to testify, pursuant to § 63.1-248.6:1 B of the Code of Virginia.
4. Upon petition, the juvenile and domestic relations district court shall have the power to enforce any subpoena that is not complied with or to review any refusal to issue a subpoena. Such decisions may not be further appealed except as part of a final decision that is subject to judicial review pursuant to § 63.1-248.6:1 B of the Code of Virginia.
5. Upon providing reasonable notice to the other party and the hearing officer, a party may, at his own expense, depose a nonparty and submit that deposition at, or prior to, the hearing. The victim child and the child's siblings shall not be deposed. The hearing officer is authorized to determine the number of depositions that will be allowed pursuant to § 63.1-248.6:1 B of the Code of Virginia.
6. The local department shall provide the hearing officer a copy of the investigation record prior to the administrative hearing. By making a written request to the local department, the appellant may obtain a copy of the investigation record. The appellant shall be informed of the procedure by which information will be made available or withheld from him.

In any case of information withheld, the appellant shall be advised of the general nature of the information and the reasons that it is being withheld pursuant to § 63.1-248.6:1 B of the Code of Virginia.
7. The appellant and the local department may be represented by counsel at the administrative hearing.
8. The hearing officer shall administer an oath or affirmation to all parties and witnesses planning to testify at the hearing pursuant to § 63.1-248.6:1 B of the Code of Virginia.
9. The local department shall have the burden to show that the preponderance of the evidence supports the founded disposition. The local department shall be entitled to present the testimony of witnesses, documents, factual data [ , arguments ] or other submissions of proof.
10. The appellant shall be entitled to present the testimony of witnesses, documents, factual data, arguments or other submissions of proof.
11. The hearing officer may allow either party to submit new or additional evidence at the administrative hearing if it is relevant to the matter being appealed.
12. The hearing officer shall not be bound by the strict rules of evidence. However, the hearing officer shall only consider that evidence, presented by either party, which is substantially credible or reliable.
13. The hearing officer may allow the record to remain open for a specified period of time, not to exceed 14 days, to allow either party to submit additional evidence unavailable for the administrative hearing.
14. In the event that new or additional evidence is presented at the administrative hearing, the hearing officer may remand the case to the local department for reconsideration of the findings. If the local department fails to act within 14 days or fails to amend the findings to the satisfaction of the appellant, then the hearing officer shall render a decision, pursuant to § 63.1-248.6:1 B of the Code of Virginia.
  - I. Within 60 days of the close of receiving evidence, the hearing officer shall render a written decision. The hearing officer shall have the authority to sustain, amend, or reverse the local department's findings. The written decision of the hearing officer shall state the findings of fact, conclusions based on regulation and policy, and the final disposition. The decision will be sent to the appellant by certified mail, return receipt requested. Copies of the decision shall be mailed to the appellant's counsel, the [ agency local department ] and the [ agency's local department's ] counsel. The hearing officer shall notify the Child Abuse and Neglect Information System (CANIS) of the hearing decision. The local department shall notify all other prior recipients of the record or the findings of the hearing officer's decision.
  - J. The hearing officer shall notify the appellant of the appellant's further right of review in circuit court in the event that the appellant is not satisfied with the written decision of the hearing officer. Appeals are governed by Part 2A of the Rules of the Supreme Court of Virginia. The local department shall have no further right of review pursuant to § 63.1-248.6:1 B of the Code of Virginia.
  - K. In the event that the hearing officer's decision is appealed to circuit court, the department shall prepare a transcript for that proceeding. That transcript or narrative of the evidence shall be provided to the circuit court along with the complete hearing record. If a court reporter was hired by the appellant, the court reporter shall prepare the transcript and provide the court with a transcript.

VA.R. Doc. No. R97-713; Filed August 13, 1997, 9:49 a.m.

**COMMONWEALTH TRANSPORTATION BOARD**

**REGISTRAR'S NOTICE:** The following regulation was filed by description with the Registrar of Regulations in accordance with § 2.3 of the Virginia Code Commission Regulations Implementing the Virginia Register Act. Section 2.3 of the Virginia Code Commission Regulations allows the Registrar to authorize the filing of a regulatory document by description in lieu of filing the entire text pursuant to criteria identified in that section.

**Title of Regulation:** 24 VAC 30-590-10 et seq. Policy and Procedure for Control of Residential and Nonresidential Cut-through Traffic.

**Statutory Authority:** § 33.1-12(3) of the Code of Virginia.

**Effective Date:** July 31, 1997.

**Exemptions Claimed:**

*This regulation is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 B 11 of the Code of Virginia, which exempts agency action relating to traffic signs, markers or control devices. Subdivision 2 e of § 2.3 of the Virginia Code Commission Regulations allows regulations concerning state property or funds to be filed by description subject to the authorization of the Registrar of Regulations.*

**Description:**

*This regulation establishes the policy and procedures to be followed by the Virginia Department of Transportation in considering remedial actions necessary to address problems caused by residential cut-through traffic. The regulation establishes the roles of both the Virginia Department of Transportation and counties and towns in (i) making a request to study the situation, (ii) conducting traffic studies to verify the extent of the problem using objective criteria, (iii) holding public hearings, (iv) assessing impacts to the existing road networks, and (v) identifying recommendations to relieve the situation.*

Document available for inspection at the following location:

Virginia Department of Transportation  
Traffic Engineering Division  
1401 East Broad Street, 2nd Floor  
Richmond, VA 23219

VA.R. Doc. No. R97-700; Filed July 31, 1997, 2:02 p.m.

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# STATE CORPORATION COMMISSION

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## FINAL REGULATIONS

### Bureau of Financial Institutions

Title of Regulation: 10 VAC 5-80-10 et seq. Real Estate Settlement Agent Rules.

Statutory Authority: §§ 6.1-2.25 and 12.1-13 of the Code of Virginia.

Effective Date: September 1, 1997.

Agency Contact: Copies of the regulation may be obtained from Jonathan B. Orne, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9671. There is a charge for copies of \$1.00 for the first two pages and \$ .50 for each page thereafter.

AT RICHMOND, AUGUST 5, 1997

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI970060

Ex Parte: In the matter of  
adopting Real Estate  
Settlement Agent Rules

#### ORDER ADOPTING A REGULATION

By order entered herein on May 22, 1997, the Commission directed that notice be given of a regulation proposed by the Bureau of Financial Institutions ("Bureau"), entitled "Real Estate Settlement Agent Rules," Chapter 80 of Title 10 of the Virginia Administrative Code, implementing part of the Consumer Real Estate Settlement Protection Act, Chapter 1.3 of Title 6.1 of the Virginia Code (CRESPA). Notice of the proposed regulation was published in the Virginia Register on June 23, 1997, and in five newspapers of general circulation in Virginia, and the Bureau gave notice of the proposed regulation to all financial institutions operating in Virginia. Interested parties were afforded the opportunity to file written comments in favor of or against the proposal, and written requests to be heard, on or before June 30, 1997, and a hearing was set for 10:00 a.m. on July 30, 1997, before the Commission.

The Virginia Bankers Association filed the only comments on the proposed regulation. As a result of that filing, a minor clarifying amendment was proposed by Bureau counsel and accepted by the VBA. The hearing was convened before the Commission on July 30, 1997. The Bureau was represented by its counsel, and no affected person or public witness made a formal appearance or participated in the hearing.

The proposed regulation, as revised, is designed to implement the registration, financial responsibility, escrow account and disclosure provisions of CRESPA, as they apply to financial institutions and their subsidiaries and affiliates acting as settlement agents; to provide Bureau access to such companies' records; and to implement disclosure

provisions imposed upon such companies under CRESPA. The Commission, having considered the record and the proposed regulation as modified, concludes that the proposal properly implements applicable CRESPA statutory provisions, and that the proposed regulation as modified should be adopted.

THEREFORE, IT IS ORDERED THAT:

(1) The proposed regulation as modified entitled "Real Estate Settlement Agent Rules," attached hereto, is adopted effective September 1, 1997.

(2) The proposed regulation, as modified and adopted, shall be transmitted for publication in the Virginia Register.

(3) Copies of the regulation as adopted shall be sent by the Bureau to all financial institutions known to be operating in Virginia.

(4) This case is dismissed from the docket, and the papers herein shall be placed among the ended causes.

AN ATTESTED COPY hereof shall be sent to the Commissioner of Financial Institutions.

#### CHAPTER 80.

#### REAL ESTATE SETTLEMENT AGENT RULES.

#### 10 VAC 5-80-10. Definitions.

*As used in this chapter:*

"Affiliate" means a company the majority of the ownership interest in which is held, directly or indirectly, by a company which owns a financial institution.

"Bureau" means the State Corporation Commission Bureau of Financial Institutions.

"Company" includes natural persons and any and all types of organizations and legal entities.

"Financial institution" has the meaning set forth in § 6.1-2.1 of the Code of Virginia, and includes all such financial institutions authorized to do business in Virginia under Virginia or federal law.

[ "Settlement Party to the real estate transaction" (party) and "settlement agent" [ has have ] the [ meaning meanings ] set forth in § 6.1-2.20 of the Code of Virginia.

"Subsidiary" means a company the majority of the ownership interest in which is held, directly or indirectly, by a financial institution.

#### 10 VAC 5-80-20. Registration with the Virginia State Bar.

All financial institutions, and their subsidiaries and affiliates, acting in the capacity of a settlement agent shall register with the Virginia State Bar in accordance with the provisions of § 6.1-2.26 of the Code of Virginia.

#### 10 VAC 5-80-30. Financial responsibility requirements.

All financial institution subsidiaries and affiliates shall maintain in effect at all times while acting in the capacity of a

settlement agent, and file original form or copy as specified in this chapter with the bureau at the time of registration with the Virginia State Bar and annually thereafter, the following:

1. An errors and omissions insurance policy, issued by an insurance company licensed to conduct business in Virginia, providing limits of at least \$250,000 per occurrence or per claim, a copy thereof to be filed with the bureau;
2. A blanket fidelity bond with corporate surety licensed to conduct business in Virginia in the amount of at least \$100,000 per occurrence or per claim, the original of such bond to be filed with the bureau; or an employee dishonesty insurance policy issued by an insurance company licensed to conduct business in Virginia, providing limits of at least \$100,000 per occurrence or per claim, a copy thereof to be filed with the bureau. If the company has no employees except its owners, partners, shareholders or members, it may apply to the bureau for a waiver of the requirements of this subdivision; and
3. A bond with corporate surety licensed to conduct business in Virginia on a form prescribed by the Commissioner of Financial Institutions in the amount of at least \$100,000, the original of such bond to be filed with the bureau.

**10 VAC 5-80-40. Escrow accounts and audits.**

All funds received by a financial institution or financial institution subsidiary or affiliate, in the company's capacity of settlement agent and intended for distribution in whole or part to others, shall be deposited in a separate escrow account maintained in a bank, savings institution or credit union authorized to conduct business in Virginia. The company shall have the escrow account audited annually as provided in § 6.1-2.21 E of the Code of Virginia and conforming to the American Institute of Certified Public Accountants, Statement on Auditing Standards, [ ~~No. 62, effective July 1, 1989~~ Special Reports ], and shall file a copy of the audit report with the bureau promptly.

**10 VAC 5-80-50. Unauthorized practice of law guidelines.**

All financial institutions and financial institution subsidiaries and affiliates shall maintain a sufficient supply of the Virginia State Bar's Unauthorized Practice of Law Guidelines so that they can provide a copy of the guidelines to parties to real estate settlements who request them.

**10 VAC 5-80-60. Access to records.**

All financial institutions and financial institution subsidiaries and affiliates acting as settlement agents shall give personnel of the bureau full access to all records relating to such business upon request.

**[ 10 VAC 5-80-70. Parties not affected.**

No company shall be deemed a settlement agent subject to this chapter if it provides escrow, closing or settlement

services only in connection with real estate transactions to which it is a party. ]

**DOCUMENT INCORPORATED BY REFERENCE**

Statement on Auditing Standards, Special Reports, July 1, 1989, American Institute of Certified Public Accountants.

VA.R. Doc. No. R97-710; Filed August 12, 1997, 4:26 p.m.

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**Bureau of Insurance**

Title of Regulation: 14 VAC 5-395-10 et seq. Rules Governing Settlement Agents.

Statutory Authority: §§ 6.1-2.25 and 12.1-13 of the Code of Virginia.

Effective Date: September 15, 1997.

Agency Contact: Copies of the regulation may be obtained from Michael T. Beavers, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9465. There is a charge for copies of \$1.00 for the first two pages and \$ .50 for each page thereafter.

AT RICHMOND, JULY 31, 1997

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS970154

Ex Parte: In the matter of adopting Rules Governing Settlement Agents

ORDER ADOPTING REGULATION

WHEREAS, by order entered herein May 22, 1997, the Commission ordered that a hearing be conducted on July 30, 1997, for the purpose of considering the adoption of a regulation proposed by the Bureau of Insurance ("Bureau") entitled "Rules Governing Settlement Agents";

WHEREAS, the Commission conducted the aforesaid hearing where it received technical amendments to the proposed regulation from the Bureau;

THE COMMISSION, having considered the proposed regulation and the amendments thereto, is of the opinion that the regulation, as amended, should be adopted;

THEREFORE, IT IS ORDERED that the regulation entitled "Rules Governing Settlement Agents" which is attached hereto should be, and it is hereby, ADOPTED to be effective September 15, 1997.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy

# State Corporation Commission

Commissioner Mary M. Bannister who shall forthwith give further notice of the adoption of the regulation by mailing a copy of this order, together with a complete copy of the regulation, to all title insurance companies, title insurance agents, and title insurance agencies licensed in the Commonwealth of Virginia.

## CHAPTER 395.

### RULES GOVERNING SETTLEMENT AGENTS.

#### 14 VAC 5-395-10. Purpose.

A. The purpose of this chapter is to implement the Consumer Real Estate Settlement Protection Act (§ 6.1-2.19 et seq. of the Code of Virginia).

B. This chapter applies to all title insurance agents, title insurance agencies and title insurance companies providing escrow, closing or settlement services involving the purchase or financing of real estate containing not more than four residential dwelling units in the Commonwealth of Virginia.

C. The Bureau of Insurance shall issue the necessary forms to carry out the provisions of the Act and this chapter.

#### 14 VAC 5-395-20. Definitions.

As used in this chapter:

"Act" means the Consumer Real Estate Settlement Protection Act (§ 6.1-2.19 et seq. of the Code of Virginia). Unless otherwise defined herein, all terms used in this chapter shall have the meaning as set forth in the Act.

"Agent" or "insurance agent," when used without qualification, means an individual, partnership, limited liability company, or corporation that solicits, negotiates, procures or effects contracts of insurance or annuity in this Commonwealth.

"Bureau" means the State Corporation Commission Bureau of Insurance.

"Title insurance agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect title insurance on behalf of title insurance companies licensed under Chapter 46 (§ 38.2-4600 et seq.) of Title 38.2 of the Code of Virginia.

"Title insurance agency" means a partnership, limited liability company, or corporation licensed in this Commonwealth as a title insurance agent.

"Title insurance company" means any company licensed to transact, or transacting, title insurance in this Commonwealth.

#### 14 VAC 5-395-30. Registration.

Every title insurance agent, title insurance agency and title insurance company providing escrow, closing or settlement services involving the purchase or financing of real estate containing not more than four residential dwelling units shall register as a settlement agent with the Virginia State Bar in accordance with the provisions of § 6.1-2.26 of the Code of Virginia.

#### 14 VAC 5-395-40. Insurance and bonding requirements.

A. Every title insurance agent and title insurance agency that acts as a settlement agent in the Commonwealth of Virginia shall file with the bureau at the time of registration with the Virginia State Bar and on or before July 1, every year thereafter, a copy of its errors and omissions insurance policy, or evidence of such insurance policy, providing limits of at least \$250,000 per occurrence or per claim and issued by an insurer authorized to do business in the Commonwealth of Virginia.

B. Every title insurance agent and title insurance agency that acts as a settlement agent in the Commonwealth of Virginia shall file with the bureau at the time of registration with the Virginia State Bar and on or before July 1, every year thereafter, a copy of its blanket fidelity bond or employee dishonesty insurance policy, or evidence of such bond or insurance policy, providing limits of at least \$100,000 per occurrence or per claim and issued by an insurer authorized to do business in the Commonwealth of Virginia. Settlement agents that have no employees except the owners, partners, shareholders, or members may file annually with the bureau a waiver of the fidelity bond or employee dishonesty insurance policy. Such waiver shall be on a form prescribed by the bureau.

C. Every title insurance agent and title insurance agency shall file with the bureau a surety bond in an amount not less than \$100,000 on a form prescribed by the bureau. [ ~~Such~~ The original ] surety bond shall be filed with the bureau at the time of registration with the Virginia State Bar and, if such bond is canceled, at the time a replacement bond is issued.

#### 14 VAC 5-395-50. Audits.

A. Every title insurance agent, title insurance agency, and title insurance company that acts as a settlement agent in the Commonwealth of Virginia shall, at its expense, have an annual audit of its escrow accounts conducted by an independent certified public accountant on a calendar year basis by not later than six months after the close of the previous calendar year. Such annual audit shall conform with the standards established by the American Institute of Certified Public Accountants, Statement on Auditing Standards, [ ~~No. 62, effective July 1, 1989~~ Special Reports ], and shall be filed with the bureau annually on or before July 1.

B. Every title insurance agent or title insurance agency acting as a settlement agent shall file a copy of its annual audit report with each title insurance company it represents.

C. In lieu of an audit conducted by a certified public accountant, a title insurance agent or title insurance agency acting as a settlement agent shall allow each title insurance company for which it has an appointment to conduct an annual audit of its escrow accounts on a calendar year basis by not later than six months after the close of the previous calendar year. The form of such annual audit shall be prescribed by the bureau. The title insurance company shall submit a copy of its audit report to the bureau annually on or

before July 1. With the consent of the title insurance agent, a title insurance company may share the results of its audit with other title insurance companies that will accept the same in lieu of conducting a separate audit.

**14 VAC 5-395-60. Separate fiduciary trust account.**

Every title insurance agent, title insurance agency and title insurance company that acts as a settlement agent in the Commonwealth of Virginia shall maintain a separate fiduciary trust account for the purpose of handling funds received in connection with escrow, closing, or settlement services. No other funds may be included in this escrow account. Such trust account shall be with a financial institution authorized to do business in the Commonwealth of Virginia.

**14 VAC 5-395-70. Access to records.**

Every title insurance agent, title insurance agency and title insurance company that acts as a settlement agent in the Commonwealth of Virginia shall make all escrow, closing, or settlement records available promptly upon request for examination by the bureau without notice during normal business hours.

**14 VAC 5-395-80. Violations.**

Any violation of this chapter shall be punished as provided for in the Act.

**14 VAC 5-395-90. Severability.**

If any provision of this chapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

**DOCUMENT INCORPORATED BY REFERENCE**

Statement on Auditing Standards, Special Reports, July 1, 1989, American Institute of Certified Public Accountants.

VA.R. Doc. No. R97-699; Filed August 6, 1997, 10:27 a.m.

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**Division of Securities and Retail Franchising**

Title of Regulation: **Securities Act Regulations (SEC970016).**

21 VAC 5-10-10 et seq. **General Administration (amending 21 VAC 5-10-40).**

21 VAC 5-20-10 et seq. **Broker-Dealers, Broker-Dealer Agents and Agents of the Issuer: Registration, Expiration, Renewal, Updates and Amendments, Termination, Changing Connection, Merger or Consolidation, Examinations/Qualification, Financial Statements and Reports (amending 21 VAC 5-20-30, 21 VAC 5-20-70, 21 VAC 5-20-80, 21 VAC 5-20-90, 21 VAC 5-20-110, 21 VAC 5-20-150, 21 VAC 5-20-160, 21 VAC 5-20-220, 21 VAC 5-20-240, 21 VAC 5-20-250, 21 VAC 5-20-260, 21 VAC 5-20-280, 21 VAC 5-20-290 and 21 VAC 5-20-300).**

21 VAC 5-30-10 et seq. **Securities Registration (adding 21 VAC 5-30-70 and 21 VAC 5-30-80).**

21 VAC 5-40-10 et seq. **Exempt Securities (amending 21 VAC 5-40-30; adding 21 VAC 5-40-110 and 21 VAC 5-40-120).**

21 VAC 5-50-10 et seq. **Registration Regulations (REPEALING).**

21 VAC 5-70-10. **Options and Warrants (REPEALING).**

21 VAC 5-80-10 et seq. **Investment Advisors (amending 21 VAC 5-80-10 through 21 VAC 5-80-60, 21 VAC 5-80-90, 21 VAC 5-80-110 through 21 VAC 5-80-210, and 21 VAC 5-80-240).**

21 VAC 5-85-10. **Forms (amending).**

Statutory Authority: §§ 12.1-13 and 13.1-523 of the Code of Virginia.

Effective Date: September 1, 1997.

Agency Contact: Copies of the regulation may be obtained from Thomas M. Gouldin, Division of Securities and Retail Franchising, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9187. There is a charge for copies of \$1.00 for the first two pages and \$ .50 for each page thereafter.

AT RICHMOND, AUGUST 5, 1997

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. SEC970016

Ex parte, in re: Promulgation of rules and forms pursuant to Va. Code § 13.1-523 (Securities Act)

ORDER AMENDING AND ADOPTING RULES

Pursuant to order dated July 21, 1997, this matter came on for hearing before the Commission at 10:00 a.m. on July 31, 1997. At the hearing, the Commission received the testimony and exhibits of four members of the Division of Securities and Retail Franchising ("Division"). Upon consideration of the evidence adduced in this case, the Commission is of the opinion and finds the following:

On or about May 23, 1997, the Division mailed to all broker-dealers, investment advisors and mutual funds of record in the Division, and to others, a "Notice to Interested Persons" ("Notice") which provided summary notice of proposed new Securities Act Rules and forms, of proposed amendments to existing Securities Act Rules and forms, and of the opportunity to file comments and request to be heard with respect to any objections to the proposals. The Notice was published in several newspapers in circulation in various geographic areas of the Commonwealth. In addition, the Notice, as well as the text of the proposals, was published in "The Virginia Register of Regulations," Vol. 13, Issue 18, May 26, 1997, beginning at page 2268. Of the seven persons who filed comments, two asked for a hearing and two others asked to be notified of any scheduled hearing.

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Between the date that the comments were filed and the date of the hearing, the commentors who asked for the hearing and the Division were able to resolve to their mutual satisfaction the issues raised, and the two requests to be heard were withdrawn. Consequently, no commentors, or persons other than Commission personnel, appeared at the hearing.

The Director of the Division and three of the Division Chiefs testified that most of the proposed changes result from the passage by Congress of the National Securities Markets Improvements Act of 1996 and corresponding 1997 amendments to the Virginia Securities Act. The proposals also include a number of substantive changes prompted by problems in the "penny stock" area, an exemption for offers made via the Internet or similar carriers, and technical modifications to various rules and forms. Further, the Staff witnesses discussed the material comments and recommendations filed, explained why the Division agreed or disagreed with the comment or recommendation, and described what revision, if any, to a proposed new or modified rule the Division recommended be adopted by the Commission. Exhibit RT-1 received in evidence contains all of the rules and forms under consideration in this proceeding. Proposed new language is identified by underlining. Proposed deletions are indicated by strikeovers. Revisions to the proposals are enclosed in brackets.

After the Division concluded the presentation of its evidence, the Commission ruled from the bench that the proposed rules and forms, as revised, are adopted, and directed that an appropriate order be prepared. Accordingly, it is

ORDERED THAT:

(1) The proposed rules and forms, as revised, that are the subject of this proceeding are adopted and shall become effective as of September 1, 1997. A copy of the rules and forms hereby adopted is attached to and made a part of this Order.

(2) This matter is dismissed from the Commission's docket and the papers herein be placed in the file for ended causes.

AN ATTESTED COPY hereof, including the attachment, shall be sent to each of the following by the Division of Securities and Retail Franchising: Every person who responded in writing to the Notice to Interested Persons; the Commission's Division of Information Resources; Blue Sky Law Reporter, c/o Commerce Clearing House, Inc., 4025 West Peterson Avenue, Chicago, Illinois 60646; Securities Regulation and Law Report, c/o The Bureau of National Affairs, Inc., 1231 25th Street, N.W., Washington, D.C. 20037.

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AT RICHMOND, AUGUST 13, 1997

COMMONWEALTH OF VIRGINIA, ex rel.

## STATE CORPORATION COMMISSION

CASE NO. SEC970016

Ex parte, in re: Promulgation  
of rules and forms pursuant to  
Va. Code § 13.1-523 (Securities Act)

### AMENDING ORDER

On August 5, 1997, the Commission, by Order Amending and Adopting Rules, amended certain Securities Act rules and forms, effective September 1, 1997. It now appearing that the prior order should be modified, it is,

ORDERED that the Order Amending and Adopting Rules entered herein on August 5, 1997, is amended to provide that:

(1) Chapter 50, Registration Regulations, 21 VAC 5-50-10 through 5-50-230, and Chapter 70, Options and Warrants, 21 VAC 5-70-10, of the current regulations are repealed as of September 1, 1997.

(2) Chapter 85, Forms, 21 VAC 5-85-10, is modified by deletion of "(4/97)" from the reference to new Form NF.

IT IS FURTHER ORDERED that the prior order shall remain in force and effect, as amended herein.

AN ATTESTED COPY hereof shall be sent to each of the following by the Division of Securities and Retail Franchising: Every person who filed comments or a request concerning a hearing; the Commission's Division of Information Resources; Blue Sky Law Reporter, c/o Commerce Clearing House, Inc., 4025 West Peterson Avenue, Chicago, Illinois 60646; Securities Regulation and Law Report, c/o The Bureau of National Affairs, Inc., 1231 25th Street, N.W., Washington, D.C. 20037.

### **21 VAC 5-10-40. Definitions.**

As used in the Securities Act ("the Act"), the following regulations and forms pertaining to securities, instructions and orders of the commission, the following meanings shall apply:

"Act" means the Securities Act contained in Chapter 5 (§ 13.1-501 et seq.) of Title 13.1 of the Code of Virginia.

"Applicant" means a person on whose behalf an application for registration or a registration statement is filed.

"Application" means all information required by the forms prescribed by the commission as well as any additional information required by the commission and any required fees.

"Commission" means State Corporation Commission.

"Federal covered advisor" means any person who is (i) registered or required to be registered under § 203 of the Investment Advisers Act of 1940 as an "investment adviser" or (ii) excepted from the definition of an "investment adviser" under § 202(a)(11) of the Investment Advisers Act of 1940.

"NASAA" means the North American Securities Administrators Association, Inc.

"NASD" means the National Association of Securities Dealers, Inc.

"Notice" or "notice filing" means, with respect to a federal covered advisor or federal covered security, all information required by the regulations and forms prescribed by the commission and any required fee.

"Registrant" means an applicant for whom a registration or registration statement has been granted or declared effective by the commission.

"SEC" means the United States Securities and Exchange Commission.

## 21 VAC 5-20-30. Renewals.

A. To renew its registration, a NASD member broker-dealer will be billed by the NASAA/NASD Central Registration Depository the statutory fee of \$200 prior to the annual expiration date. A renewal of registration shall be granted as a matter of course upon payment of the proper fee together with any surety bond that the commission may, pursuant to 21 VAC 5-20-300, require unless the registration was, or the renewal would be, subject to revocation under § 13.1-506.

B. Any other broker-dealer shall file with the commission at its Division of Securities and Retail Franchising the following items at least 30 days prior to the expiration of registration.

1. Application for Renewal of a Broker-Dealer's Registration (Form S.A.2) accompanied by the statutory fee of \$200.

2. Financial Statements:

a. The most recent certified financial statements prepared by an independent accountant in accordance with generally accepted accounting principles, as promulgated by the American Institute of Certified Public Accountants. "Certified Financial Statements," "Financial Statements" and "Independent Accountant" shall have the same definition as those terms are defined under subsection B of 21 VAC 5-20-80.

b. If the most recent certified financial statements precede the date of renewal by more than 120 days, the registrant must submit:

(1) The certified financial statements required by subdivision B2a of this regulation within 60 days after the date of the financial statements, and;

(2) A copy of the most recent Part II or Part II A filing of Form X-17A-5 prepared in accordance with Securities Exchange Act Rule 17a-5 (17 CFR 240.17a-5).

c. Whenever the commission so requires, an interim financial report shall be filed as of the date and within the period specified in the commission's request.

## 21 VAC 5-20-70. Examinations/qualifications.

A. Broker-dealers registered pursuant to § 15 of the Securities Exchange Act of 1934 (15 USC §§ 78a-78jj).

1. All principals of an applicant for registration as a broker-dealer must provide the commission with evidence of a minimum passing grade of 70% on the Uniform Securities Agent State Law Examination - Series 63 (USASLE-Series 63), the Uniform Combined State Law Examination - Series 66, or on a similar similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.

2. In lieu of meeting the examination requirement described in subdivision 1 of this subsection A, at least two principals of an applicant may provide evidence of having passed the General Securities Principal Qualification Exam (Series 24) or on a similar similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.

For the purposes of this subsection A, the term "principal" means any person associated with a broker-dealer who is engaged directly (i) in the management, direction or supervision on a regular or continuous basis on behalf of such broker-dealer of the following activities: sales, training, research, investment advice, underwriting, private placements, advertising, public relations, trading, maintenance of books or records, financial operations; or (ii) in the training of persons associated with such broker-dealer for the management, direction, or supervision on a regular or continuous basis of any such activities.

3. Subsection A of this section is applicable only to principals of broker-dealers that are, or intend to forthwith become, registered pursuant to § 15 of the federal Securities Exchange Act of 1934.

B. Broker-dealers not registered pursuant to § 15 of the federal Securities Exchange Act of 1934.

1. All principals of an applicant for registration as a broker-dealer must provide the commission with evidence of a minimum passing grade of 70% on:

a. The Uniform Securities Agent State Law Examination - Series 63 (USASLE-Series 63), the Uniform Combined State Law Examination - Series 66, or on a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.

b. Any additional securities-related examination(s) that the commission deems appropriate in light of the business in which the applicant proposes to engage.

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2. Subsection B of this section is applicable only to principals of broker-dealers that are not, or do not intend to forthwith become, registered pursuant to § 15 of the federal Securities Exchange Act of 1934.

## 21 VAC 5-20-80. Financial statements and reports.

A. All financial statements required for registration of broker-dealers shall be prepared in accordance with generally accepted accounting principles, as promulgated by the American Institute of Certified Public Accountants.

### B. Definitions:

"*Certified financial statements*" shall be defined as those financial statements examined and reported upon with an opinion expressed by an independent accountant and shall include at least the following information:

1. Date of report, manual signature, city and state where issued, and identification without detailed enumeration of the financial statements and schedules covered by the report;
2. Representations as to whether the audit was made in accordance with generally accepted auditing standards and designation of any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which may have been omitted, and the reason for their omission; nothing in this section however shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit for the purpose of expressing the opinions required under this section;
3. Statement of the opinion of the accountant in respect to the financial statements and schedules covered by the report and the accounting principles and practices reflected therein, and as the consistency of the application of the accounting principles, or as to any changes in such principles which would have a material effect on the financial statements;
4. Any matters to which the accountant takes exception shall be clearly identified, the exemption thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

"*Financial statements*" shall be defined as those reports, schedules and statements, prepared in accordance with generally accepted accounting principles and which contain at least the following information unless the context otherwise dictates:

1. Statement of Financial Condition or Balance Sheet;
2. Statement of Income;
3. Statement of Changes in Financial Position;
4. Statement of Changes in Stockholder's/Partner's/Proprietor's Equity;

5. Statement of Changes in Liabilities Subordinated to Claims of General Creditors;

6. Schedule of the Computation of Net Capital Under Rule 15c3-1 of the Securities Exchange Act of 1934 (17 CFR 240.15c3-1);

7. Schedule of the Computation for Determination of the Reserve Requirements under Exhibit A of Rule 15c3-3 and Information Relating to the Possession and Control Requirements under Rule 15c3-3 of the Securities Exchange Act of 1934 (17 CFR 240.15c3-3).

"*Independent accountant*" shall be defined as any certified public accountant in good standing and entitled to practice as such under the laws of the accountant's principal place of business or residence, and who is, in fact, not controlled by, or under common control with, the entity or person being audited; for purposes of this definition, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates in which, during the period of the accountant's professional engagements to examine the financial statements being reported on or at the date of the report, the accountant or the firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest; or in which, during the period of the accountant's professional engagement to examine the financial statements being reported on, at the date of the report or during the period covered by the financial statements, the accountant or the firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely disassociated himself from the person and its affiliates covering any period of employment by the person. For partners in the firm participating in the audit or located in an office of the firm participating in a significant portion of the audit; and in determining whether an accountant may in fact be not independent with respect to a particular person, the commission will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the commission.

"*Review of financial statements*" shall be defined as those financial statements prepared by an independent accountant, and shall include at least the following:

1. Date of report, manual signature, city and state where issued, and identification without detailed enumeration of the financial statements and schedules covered by the report;
2. Representations that the review was performed in accordance with standards established by the American Institute of Certified Public Accountants;

3. Representations that the accountant is not aware of any material modification that should be made to the financial statements in order for them to be in conformity with generally accepted accounting principles, other than those modifications, if any, indicated in the accountant's report.

"Unaudited financial statements" shall be defined as those financial statements prepared in a format acceptable to the commission not accompanied by the statements and representations as set forth in the definitions of "certified financial statements" or "review of financial statements" of this subsection, and shall include an oath or affirmation that such statement or report is true and correct to the best knowledge, information, and belief of the person making such oath or affirmation; such oath or affirmation shall be made before a person authorized to administer such oath or affirmation, and shall be made by an officer of the entity for whom the financial statements were prepared.

C. Requirements for broker-dealers:

1. Every broker-dealer applicant that is subject to the Securities Exchange Act of 1934 (15 USC §§ 78a-78jj), shall file any financial information that is required to be provided to the SEC, or its designee, under the Securities Exchange Act of 1934.

~~1. Every~~ 2. All other broker-dealer applicant applicants [ not subject to subdivision 1 ], unless exempted under subdivision C-2 [ ~~3~~ or ] C-3 [ ~~4-3~~ ] of this section subsection, shall file financial statements as of a date within 90 days prior to the date of filing its application for registration, which statements need not be audited provided that the applicant shall also file audited financial statements as of the end of the most recent fiscal year end.

~~2. [ 3. Those broker-dealer applicants which have been in operation for a period of time less than 12 months, and for which audited financial statements have not been prepared or are not available, shall be permitted to file unaudited financial statements provided the following conditions are met:~~

~~a. Such financial statements are as of a date within 30 days prior to the date of filing an application for registration;~~

~~b. Such financial statements are prepared in accordance with the provisions of the definitions of "financial statements" and "unaudited financial statements" in subsection B and subdivision C-2 of this section;~~

~~c. Such applicant is a member of the National Association of Security Dealers, Inc. (NASD). ]~~

3. [ ~~4. 3.~~ ] Those broker-dealer applicants which have been in operation for a period of time less than 12 months, and for which audited financial statements have not been prepared or are not available, and which are not registered with the SEC, a national securities

association or a national securities exchange shall be permitted to file a review of financial statements prepared by an independent accountant provided the following conditions are met:

a. Such financial statements shall be as of a date within 30 days prior to the date of filing an application for registration;

b. Such financial statements shall be prepared by an independent accountant as defined under subsection B and in accordance with the definitions of "financial statements" and "review of financial statements" in subsection B and [ *in accordance with* ] subdivision C 3.

21 VAC 5-20-90. Application for registration as a broker-dealer agent.

A. Application for registration as a NASD member broker-dealer agent shall be filed on and in compliance with all requirements of the NASAA/NASD Central Registration Depository system and in full compliance with the regulations prescribed by the commission. The application shall include all information required by such forms.

An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer agent unless the following executed forms, fee and information are submitted:

1. Form U-4 (see 21 VAC 5-85-10).
2. The statutory fee in the amount of \$30. The check must be made payable to the NASD.
3. Provide evidence in the form of a NASD exam report of obtaining a minimum passing grade of 70% on the Uniform Securities Agent State Law Exam, "USASLE," Series 63 exam, *the Uniform Combined State Law Exam, Series 66 exam*, or on a ~~similar~~ similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates. (21 VAC 5-20-150)
4. Any other information the commission may require.

B. Application for registration for all other broker-dealer agents shall be filed on and in compliance with all requirements and forms prescribed by the commission.

An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer agent unless the following executed forms, fee and information are submitted:

1. Form U-4 (see 21 VAC 5-85-10).
2. The statutory fee in the amount of \$30. The check must be made payable to the Treasurer of Virginia.
3. Provide evidence in the form of a NASD exam report of obtaining a minimum passing grade of 70% on the Uniform Securities Agent State Law Exam, "USASLE," Series 63 exam, *the Uniform Combined State Law Exam, Series 66 exam*, or on a ~~similar~~ similar examination in

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general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates. (21 VAC 5-20-150)

4. Any other information the commission may require.

C. The commission shall either grant or deny each application for registration within 30 days after it is filed. However, if additional time is needed to obtain or verify information regarding the application, the commission may extend such period as much as 90 days by giving written notice to the applicant. No more than three such extensions may be made by the commission on any one application. An extension of the initial 30 day period, not to exceed 90 days, shall be granted upon written request of the applicant.

## 21 VAC 5-20-110. Renewals.

A. To renew the registration(s) of its broker-dealer agent(s), a NASD member broker-dealer will be billed by the NASAA/NASD Central Registration Depository system the statutory fee of \$30 per broker-dealer agent. A renewal of registration(s) shall be granted as a *matter of course* upon payment of the proper fee(s) unless the registration was, or the renewal would be, subject to revocation under § 13.1-506 of the Code of Virginia.

B. Any other broker-dealer shall file with the commission at its Division of Securities and Retail Franchising the following items at least 30 days prior to the expiration of registration.

1. Agents to be Renewed (Form S.D.4(a)) accompanied by the statutory fee of \$30 for each agent whose registration is to be renewed. The check must be made payable to the Treasurer of Virginia.
2. If applicable, Agents to be Canceled with clear records (Form S.D.4(b)).
3. If applicable, Agents to be Canceled without clear records (Form S.D.4(c)).

## 21 VAC 5-20-150. Examination/qualification.

An individual applying for registration as a broker-dealer agent shall be required to show evidence of passing the Uniform Securities Agent State Law Examination (USASLE-Series 63), *the Uniform Combined State Law Examination, Series 66 exam*, or a ~~similar~~ *similar* examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates with a minimum grade of 70%.

## 21 VAC 5-20-160. Application for registration as an agent of the issuer.

A. Application for registration as an agent of the issuer shall be filed on and in compliance with all requirements and forms prescribed by the commission.

B. An application shall be deemed incomplete for purposes of applying for registration as an agent of the issuer

unless the following executed forms, fee and information are submitted:

1. Form U-4.
2. The statutory fee in the amount of \$30. The check must be made payable to the Treasurer of Virginia.
3. Completed Agreement for Inspection of Records Form.
4. Provide evidence in the form of a NASD exam report of obtaining a minimum passing grade of 70% on the Uniform Securities Agent State Law Exam, "USASLE", Series 63 exam, *the Uniform Combined State Law Exam, Series 66 exam*, or on a ~~similar~~ *similar* examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates. (21 VAC 5-20-220)
5. Any other information the commission may require.

C. The commission shall either grant or deny each application for registration within 30 days after it is filed. However, if additional time is needed to obtain or verify information regarding the application, the commission may extend such period as much as 90 days by giving written notice to the applicant. No more than three such extensions may be made by the commission on any one application. An extension of the initial 30-day period, not to exceed 90 days, shall be granted upon written request of the applicant.

## 21 VAC 5-20-220. Examination/qualification.

An individual applying for registration as an agent of the issuer shall be required to provide evidence in the form of a NASD exam report of passing the Uniform Securities Agent State Law Examination (USASLE-Series 63), *the Uniform Combined State Law Examination, Series 66 exam*, or a ~~similar~~ *similar* examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates with a minimum grade of 70%.

## 21 VAC 5-20-240. Books and records of broker-dealers.

A. Every registered broker-dealer shall make and keep current the following books and records relating to his business [ *;* *provided that any broker-dealer subject to the Securities Exchange Act of 1934 shall not be required to comply with any of the following provisions which are different from or in addition to the requirements pertaining to such books and records established under the Securities Exchange Act of 1934.* ]

1. Blotters (or other records of original entry) containing an itemized daily record of all purchases and sales of securities, all receipts and deliveries of securities (including certificate numbers), all receipts and disbursements of cash and all debits and credits. Such records shall show the account for which each such transaction was effected, the name and amount of

securities, the unit and aggregate purchase or sale price (if any), the trade date, and the name or other designation of the person from whom purchased or received or to whom sold or delivered.

2. Ledgers (or other records) reflecting all assets and liabilities, income, expense and capital accounts.

3. Ledger accounts (or other records) itemizing separately as to each cash and margin account of every customer, and of such broker-dealer and partners thereof, all purchases, sales, receipts and deliveries of securities for such account and all other debits and credits to such account.

4. Ledgers (or other records) reflecting the following:

- a. Securities in transfers;
- b. Dividends and interest received;
- c. Securities borrowed and securities loaned;
- d. ~~Monies~~ *Moneys* borrowed and [ ~~monies moneys~~ ] loaned (together with a record of the collateral therefore and any substitutions in such collateral);
- e. Securities failed to receive and failed to deliver; ~~and~~
- f. All long and all short stock record differences arising from the examination, count, verification and comparison, pursuant to Rule 17a-13 and Rule 17a-5 under the Securities Exchange Act of 1934 (17 CFR 240.17a-13 and 17 CFR 240.17a-5) as amended (by date of examination, count, verification and comparison showing for each security the number of shares long or short count differences); ~~and~~

*g. Repurchase and reverse repurchase agreements.*

5. A securities record or ledger reflecting separately for each security as of the clearance dates all "long" or "short" positions (including securities in safekeeping and securities that are subjects of repurchase or reverse repurchase agreements) carried by such broker-dealer for its account or for the account of its customers or partners or others and showing the location of all securities long and the offsetting positions to all securities short, including long security count differences and short security count differences classified by the date of the physical count and verification in which they were discovered, and in all cases the name or designation of the account in which each position is carried.

6. A memorandum of each brokerage order, and of any other instruction, given or received for the purchase or sale of securities, whether executed or unexecuted. Such memorandum shall show the terms and conditions of the order or instructions and of any modification or cancellation thereof, the account for which entered, the time of entry, the price at which executed and, to the extent feasible, the time of execution or cancellation. Orders entered pursuant to the exercise of a

discretionary power by such broker-dealer, or any agent or employee thereof, shall be so designated. For the purpose of this subsection the following definitions apply:

a. "Instruction" includes instructions between partners, agents and employees of a broker-dealer.

b. "Time of entry" means the time when such broker-dealer transmits the order of instruction for execution or, if it is not so transmitted, the time when it is received.

7. A memorandum of each purchase and sale of securities for the account of such broker-dealer showing the price and, to the extent feasible, the time of execution; and, in addition, where such purchase or sale is with a customer other than a broker-dealer, a memorandum of each order received, showing the time of receipt, the terms and conditions of the order, and the account in which it was entered.

8. Copies of confirmations of all purchases and sales of securities including all repurchase and reverse repurchase agreements and copies of notices of all other debits and credits for securities, cash and other items for the account of customers and partners of such broker-dealer.

9. A record in respect of each cash and margin account with such broker-dealer containing indicating (i) the name and address of the beneficial owner of such account and [ ; ] (ii) except with respect to exempt employee benefit plan securities as defined in Rule 14a-1(d) under the Securities Exchange Act of 1934 (17 CFR 240.14a-1(d)) but only to the extent such securities are held by employee benefit plans established by the issuer of the securities, whether or not the beneficial owner of the securities registered in the name of such broker-dealers, or a registered clearing agency or its nominee objects to disclosure of his identity, address and securities positions to issuers [ ; ] and (iii) in the case of a margin account, the signature of such owner; provided however [ ; ] that in the case of a joint account or an account of a corporation, such records are required only in respect of the person or persons authorized to transact business for such account.

10. A record of all puts, calls, spreads, straddles and other options in which such broker-dealer has any direct or indirect interest or which such broker-dealer has granted or guaranteed, containing at least, an identification of the security and the number of units involved.

11. A record of the proof of money balances of all ledger accounts in the form of trial balances and a record of the computation of aggregate indebtedness and net capital as of the trial balance date pursuant to 21 VAC 5-20-290.

12. Questionnaire or application for employment:

a. A questionnaire or application for employment executed by each agent of such broker-dealer, which

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questionnaire or application shall be approved in writing by an authorized representative of such broker-dealer and shall contain at least the following information with respect to each such person:

- (1) The agent's name, address, social security number, and the starting date of his employment or other association with the broker-dealer.
- (2) The agent's date of birth.
- (3) The educational institutions attended by the agent and whether or not the agent graduated therefrom.
- (4) A complete, consecutive statement of all the agent's business connections for at least the preceding 10 years, including the agent's reason for leaving each prior employment, and whether the employment was part-time or full-time.
- (5) A record of any denial of a certificate, membership, or registration, and of any disciplinary action taken, or sanction imposed upon the agent, by any federal or state agency, or by any national securities exchange or national securities association, including a record of any finding that the agent was a cause of any disciplinary action or had violated any law.
- (6) A record of any denial, suspension, expulsion or revocation of a certificate, membership or registration of any broker-dealer with which the agent was associated in any capacity when such action was taken.
- (7) A record of any permanent or temporary injunction entered against the agent or any broker-dealer with which the agent was associated in any capacity at the time such injunction was entered.
- (8) A record of any ~~convictions for any misdemeanors involving a security or any aspect of the securities business, or felony arrest or indictment for any felony~~ [ , or, ] *any misdemeanor pertaining to securities, commodities, banking, insurance, [ or ] real estate (including, but not limited to, acting as or being associated with a broker-dealer, investment company, investment advisor, futures sponsor, bank, or savings and loan association), fraud, false statements or omission, wrongful taking of property [ or, ] bribery, forgery, counterfeiting or extortion [ ; ] and the disposition of the foregoing.*
- (9) A record of any other name or names by which the agent has been known or which the agent has used.

b. If such agent has been registered as a representative of such broker-dealer ~~or the agent's with, or his~~ employment has been approved by a ~~national securities association, or a national securities~~

~~exchange,~~ the *National Association of Securities Dealers, Inc., or the American Stock Exchange, the Boston Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange, the Pacific Coast Stock Exchange, or the Philadelphia-Baltimore Stock Exchange, then the retention of a full, correct, and complete copy of any and all applications for such registration or approval shall ~~satisfy the requirement of subdivision 12a~~ be deemed to satisfy the requirements of this subdivision.*

13. *Records required to be maintained pursuant to paragraph (d) of Rule 17f-2 under the Securities Exchange Act of 1934 (17 CFR 240.17f-2) as added in Release No. 34-12214, under the Securities Exchange Act of 1934.*

14. *Copies of all Forms X-17F-1A filed pursuant to Rule 17f-1 under the Securities Exchange Act of 1934 (17 CFR 240.17f-1), all agreements between reporting institutions regarding registration or other aspects of Rule 17f-1 under the Securities Exchange Act of 1934 (17 CFR 240.17f-1) and all confirmations or other information received from the SEC or its designee as a result of inquiry, as added in Release No. 34-11615 and amended in Release No. 34-15867 under the Securities Exchange Act of 1934.*

15. *Records required to be maintained pursuant to paragraph (e) of Rule 17f-2 under the Securities Exchange Act of 1934 (17 CFR 240.17f-2) as added in Release No. 34-19268 under the Securities Exchange Act of 1934.*

16. *All such other books and records as may be required, kept, maintained and retained by broker-dealers under the Securities Exchange Act of 1934.*

B. Exemptions from the requirements of subsection A of this section:

1. This section does not require a registered broker-dealer who transacts a business in securities through the medium of any other registered broker-dealer to make or keep such records of transactions cleared for such broker-dealer as are customarily made and kept by a clearing broker-dealer pursuant to the requirement of subsection A of this section and of 21 VAC 5-20-250 provided that the clearing broker-dealer has and maintains net capital of not less than \$25,000 and is otherwise in compliance with 21 VAC 5-20-290.

2. This section shall not be deemed to require a registered broker-dealer who transacts a business in securities through the medium of any other registered broker-dealer, to make or keep such records of transactions cleared for such broker-dealer by a bank as are customarily made and kept by a clearing broker-dealer pursuant to the requirements of this section and 21 VAC 5-20-250. Provided that such broker-dealer obtains from such bank an agreement, in writing, to the effect that the records made and kept by such bank are

the property of the broker-dealer, and that such books and records are available for examination by representatives of the commission as specified in § 13.1-518 of the Act, and that it will furnish to the commission, upon demand, at such place designated in such demand, true, correct, complete and current copies of any or all of such records. Nothing herein contained shall be deemed to relieve such broker-dealer from the responsibility that such books and records be accurate and maintained and preserved as specified in this section and 21 VAC 5-20-250.

C. This section does not require a broker-dealer to make or keep such records as are required by subsection A of this section reflecting the sale of United States Tax Savings Notes, United States Defense Savings Stamps, or United States Defense Savings Bonds, Series E, F and G.

D. The records specified in subsection A of this section shall not be required with respect to any cash transaction of \$100 or less involving only subscription rights or warrants which by their terms expire within 90 days after the issuance thereof.

E. For purposes of transactions in municipal securities by municipal securities broker-dealers, compliance with Rule G-8 of the Municipal Securities rulemaking board will be deemed to be in compliance with this section.

**21 VAC 5-20-250. Preservation of records.**

A. The records required in 21 VAC 5-20-240 shall be preserved according to the following requirements [ ~~5~~, provided that any broker-dealer subject to the Securities Exchange Act of 1934 shall not be required to comply with any of the following provisions which are different from or in addition to the requirements pertaining to such records established under the Securities Exchange Act of 1934. ]

1. Every broker-dealer shall preserve for a period of not less than six years, the most recent two years of which shall be in an easily accessible place, all records required to be made pursuant to subdivisions A 1, 2, 3 and 5 of 21 VAC 5-20-240.
2. Every broker-dealer shall preserve for a period of not less than three years, the most recent two years of which shall be in an easily accessible place:
  - a. All records required to be made pursuant to subdivisions A 4, 6, 7, 8, 9 and 10 of 21 VAC 5-20-240.
  - b. All checkbooks, bank statements, cancelled checks and cash reconciliations.
  - c. All bills receivable or payable (or copies thereof), paid or unpaid, relating to the business of the broker-dealer, as such.
  - d. Originals of all communications received and copies of all communications sent by the broker-dealer (including inter-office memoranda and communications) relating to its business, as such.

e. All trial balances, computations of aggregate indebtedness and net capital (and working papers in connection therewith), financial statements; branch office reconciliations and internal audit working papers, relating to the business of the broker-dealer, as such.

f. All guarantees of accounts and all powers of attorney and other evidence of the granting of any discretionary authority given in respect of any account, and copies of resolutions empowering an agent to act on behalf of a corporation.

g. All written agreements (or copies thereof) entered into by the broker-dealer relating to its business as such, including agreements with respect to any account.

h. Records which contain the following information in support of amounts included in the ~~Annual Report required by 21 VAC 5-20-80, or Rule 17a-5(d) report prepared as of the audit date on Form X-17A-5 Part II or Part IIA and in annual audited financial statements required by Rule 17a-5(i)(XV) under the Securities Exchange Act of 1934 (17 CFR 240.17a-5(d)) (17 CFR 240.17a-5(i)(XV)).~~

- (1) Money balance position, long or short, including description, quantity, price and valuation of each security, including contractual commitments in customers' accounts, in cash and fully secured accounts, partly secured accounts, unsecured accounts and in securities accounts payable to customers;
- (2) Money balance and position, long or short, including description, quantity, price and valuation of each security, including contractual commitments in noncustomers' accounts, in cash and fully secured accounts, partly secured and unsecured accounts and in securities accounts payable to noncustomers;
- (3) Position, long or short, including description, quantity, price and valuation of each security including contractual commitments, included in the computation of net capital as commitments, securities owned, securities owned not readily marketable, and other investments owned not readily marketable;
- (4) Amount of secured demand note, description of collateral securing such secured demand note including quantity, price and valuation of each security and cash balance securing such secured demand note;
- (5) Description of futures commodity contracts, contract value on trade date, market value, gain or loss, and liquidating equity or deficit in customers' and noncustomers' accounts;
- (6) Description of futures commodity contracts, contract value on trade date, market value, gain or

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loss, and liquidating equity or deficit in trading and investment accounts;

(7) Description, money balance, quantity, price and valuation of each spot commodity position or commitments in customers' and noncustomers' accounts;

(8) Description, money balance, quantity, price and valuation of each spot commodity position or commitments in trading and investment accounts;

(9) Number of shares, description of security, exercise price, cost and market value of put and call options including short out of money options having no market or exercise value, showing listed and unlisted put and call options separately;

(10) Quantity, price and valuation of each security underlying the haircut for undue concentration made in the Computation for Net Capital;

(11) Description, quantity, price and valuation of each security and commodity position or contractual commitment, long or short, in each joint account in which the broker-dealer has an interest, including each participant's interest and margin deposit;

(12) Description, settlement date, contract amount, quantity, market price, and valuation for each aged fail to deliver requiring a charge in the Computation of Net Capital pursuant to 21 VAC 5-20-290.

(13) Details relating to information for possession and control requirements under 21 VAC 5-20-310.

(14) Detail of all items, not otherwise substantiated, which are charged or credited in the Computation of Net Capital pursuant to 21 VAC 5-20-290 such as cash margin deficiencies, deductions related to securities values and undue concentrations, aged securities differences and insurance claims receivable; and,

(15) Other schedules which are specifically prescribed by the ~~Commission~~ SEC as necessary to support information reported as required by ~~21 VAC 5-20-30~~ its Rule 17a-5 under the Securities Exchange Act of 1934 (17 CFR 240.17a-5).

i. The records required to be made pursuant to 21 VAC 5-20-310, as described under Securities Exchange Act Rule 15c3-3(d)(4) (17 CFR 240.15c3-3(d)(4)).

3. Every broker-dealer shall preserve for a period of not less than six years after the closing of any customer's account, any account cards or records which relate to the terms and conditions with respect to the opening and maintenance of such account.

4. Every broker-dealer shall preserve during the life of the enterprise and of any successor enterprise all partnership articles or, in the case of a corporation, all

charter documents, minute books and stock certificate books.

5. Every broker-dealer shall maintain and preserve in an easily accessible place:

a. All records required under subdivision A 12 of 21 VAC 5-20-240 until at least three years after the agent has terminated his employment and any other connection with the broker-dealer;

b. All records required under subdivision A 13 of 21 VAC 5-20-240 until at least three years after the termination of employment or association of those persons required by Rule 17f-2 under the Securities Exchange Act of 1934 (17 CFR 240.17f-2) to be fingerprinted;

c. All records required pursuant to subdivision A 15 of 21 VAC 5-20-240 for the life of the enterprise;

d. All records required pursuant to subdivision A 14 of 21 VAC 5-20-240 for three years; and

e. All such other books and records as may be required to be preserved under the Securities Exchange Act of 1934.

6. After a record or other document has been preserved for two years, a photograph thereof on film may be substituted therefore for the balance of the required time; provided, the records required to be maintained and preserved pursuant to 21 VAC 5-20-240 and this section may be immediately produced or reproduced on microfilm and be maintained and preserved for the required time in that form. If such microfilm substitution for hard copy is made by a broker-dealer, it shall (i) at all times have available for the commission's examination of its records, pursuant to § 13.1-518 of the Act, facilities for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements, (ii) arrange the records and index and file the films in such a manner as to permit the immediate location of any particular record, (iii) be ready at all times to provide any facsimile enlargement which the commission by its examiners or other representatives may request, and (iv) store separately from the original, one other copy of the microfilm for the time required.

7. If the records required to be maintained and preserved pursuant to the provision of 21 VAC 5-20-240 and this section are prepared or maintained by an outside service bureau, depository or bank which does not operate pursuant to 21 VAC 5-20-240 B 2 or other record-keeping service on behalf of the broker-dealer required to maintain and preserve such records, such broker-dealer shall obtain from such outside entity an agreement, in writing, to the effect that such records are the property of the broker-dealer required to maintain and preserve such records and that such books and records are available for examination by representatives of the commission as specified in § 13.1-518 of the Act and will be surrendered promptly on request by the

broker-dealer or the commission. Agreement with an outside entity shall not relieve such broker-dealer from the responsibility to prepare and maintain records as specified in this section or in 21 VAC 5-20-240.

*B. Wherever it is required that there be retained either the original or a microfilm or other copy or reproduction of a check, draft, monetary instrument, investment security, or other similar instrument, there shall be retained a copy of both front and back of each such instrument or document, except that no copy need be retained of the back of any instrument or document which is entirely blank or which contains only standardized printed information, a copy of which is on file.*

## **21 VAC 5-20-260. Supervision of agents.**

A. A broker-dealer shall be responsible for the acts, practices, and conduct of its agents in connection with the sale of securities until such time as the agents have been properly terminated as provided by 21 VAC 5-20-60.

B. Every broker-dealer shall exercise diligent supervision over the securities activities of all of its agents.

C. Every agent employed by a broker-dealer shall be subject to the supervision of a supervisor designated by such broker-dealer. The supervisor may be the broker-dealer in the case of a sole proprietor, or a partner, officer, office manager or any qualified agent in the case of entities other than sole proprietorships. *All designated supervisors shall exercise diligent supervision over the securities activities of all of the agents under their responsibility.*

D. As part of its responsibility under this section, every broker-dealer shall establish, maintain and enforce written procedures, a copy of which shall be kept in each business office, which shall set forth the procedures adopted by the broker-dealer to comply with the following duties imposed by this section, and shall state at which business office or offices the broker-dealer keeps and maintains the records required by 21 VAC 5-20-270 [ : ]

1. The review and written approval by the designated supervisor of the opening of each new customer account;
2. The frequent examination of all customer accounts to detect and prevent irregularities or abuses;
3. The prompt review and written approval by a designated supervisor of all securities transactions by agents and all correspondence pertaining to the solicitation or execution of all securities transactions by agents;
4. The review and written approval by the designated supervisor of the delegation by any customer of discretionary authority with respect to the customer's account to the broker-dealer or to a stated agent or agents of the broker-dealer and the prompt written approval of each discretionary order entered on behalf of that account; and [ : ]

5. The prompt review and written approval of the handling of all customer complaints.

E. Every broker-dealer who has designated more than one supervisor pursuant to the subsection C of this section shall designate from among its partners, officers, or other qualified agents, a person or group of persons who shall:

1. Supervise and periodically review the activities of these supervisors designated pursuant to subsection C of this section; and
2. ~~Periodically~~ *No less often than annually* inspect each business office of the broker-dealer to insure that the written procedures are enforced.

*All supervisors designated pursuant to this subsection E shall exercise [ diligent reasonable ] supervision over the supervisors under their responsibility to [ insure ensure ] compliance with this subsection.*

## **21 VAC 5-20-280. Prohibited business conduct.**

A. No broker-dealer shall:

1. Engage in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers and/or in the payment upon request of free credit balances reflecting completed transactions of any of its customers;
2. Induce trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;
3. Recommend to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;
4. Execute a transaction on behalf of a customer [ *without authority to do so* ] or, when [ ~~a security is~~ *securities are* ] held in a customer's account, fail to execute a [ ~~sale~~ *sell* ] transaction [ *involving those securities* ] as instructed by a customer, without [ ~~authority to do so~~ *reasonable cause* ];
5. Exercise any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;
6. Execute any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;
7. Fail to segregate customers' free securities or securities held in safekeeping;

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8. Hypothecate a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by Rules of the SEC;
9. Enter into a transaction with or for a customer at a price not reasonably related to the current market price of a security or receiving an unreasonable commission or profit;
10. Fail to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document, which together include all information set forth in the final prospectus;
11. Introduce customer transactions on a "fully disclosed" basis to another broker-dealer that is not exempt under § 13.1-514 B 6 of the Act;
12.
  - a. Charge unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of [ ~~monies~~ moneys ] due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities business;
  - b. Charge a fee based on the activity, value or contents (or lack thereof) of a customer account unless written disclosure pertaining to the fee, which shall include information about the amount of the fee, how imposition of the fee can be avoided and any consequence of late payment or nonpayment of the fee, was provided no later than the date the account was established or, with respect to an existing account, at least 60 days prior to the effective date of the fee.
13. Offer to buy from or sell to any person any security at a stated price unless such broker-dealer is prepared to purchase or sell, as the case may be, at such price and under such conditions as are stated at the time of such offer to buy or sell;
14. Represent that a security is being offered to a customer "at a market" or a price relevant to the market price unless such broker-dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by such broker-dealer, or by any person for whom he is acting or with whom he is associated in such distribution, or any person controlled by, controlling or under common control with such broker-dealer;
15. Effect any transaction in, or induce the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:
  - a. Effecting any transaction in a security which involves no change in the beneficial ownership thereof;
  - b. Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and substantially the same price, for the sale of any security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; provided, however, nothing in this subsection shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customers;
  - c. Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;
16. Guarantee a customer against loss in any securities account of such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;
17. Publish or circulate, or cause to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation represents a bona fide bid for, or offer of, such security;
18. Use any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;
19. Fail to make reasonably available upon request to any person expressing an interest in a solicited transaction in a security, not listed on a registered securities exchange or quoted on an automated quotation system operated by a national securities association approved by regulation of the commission, a balance sheet of the issuer as of a date within 18 months of the offer and/or sale of the issuer's securities and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, the names of the issuer's proprietor, partners or officers, the nature of the enterprises of the issuer and

any available information reasonably necessary for evaluating the desirability or lack of desirability of investing in the securities of an issuer. All transactions in securities described in this subsection shall comply with the provisions of § 13.1-507 of the Act;

20. Fail to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract with or for a customer for the purchase or sale of such security, the existence of such control to such customer, and if such disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;

21. Fail to make a bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a selling group member, or from a member participating in the distribution as an underwriter or selling group member; or

22. Fail or refuse to furnish a customer, upon reasonable request, information to which such customer is entitled, or to respond to a formal written request or complaint.

B. No agent shall:

1. Engage in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;

2. Effect any securities transaction not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transaction is authorized in writing by the broker-dealer prior to execution of the transaction;

3. Establish or maintain an account containing fictitious information in order to execute a transaction which would otherwise be unlawful or prohibited;

4. Share directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;

5. Divide or otherwise split the agent's commissions, profits or other compensation from the purchase or sale of securities in this state with any person not also registered as an agent for the same broker-dealer, or for a broker-dealer under direct or indirect common control; or

6. Engage in conduct specified in subdivisions A 2, 3, 4, 5, 6, 10, 15, 16, 17, or 18 of this section.

C. Engaging in or having engaged in conduct specified in subsection A or B of this section [ , ] or other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall be grounds under the Act for

imposition of a penalty, denial of a pending application or refusal to renew or revocation of an effective registration.

**21 VAC 5-20-290. Financial responsibility.**

A. The term "financial responsibility," as used in § 13.1-505(A) of the Act, shall mean that the net capital of an applicant or registrant *subject to the Securities Exchange Act of 1934 (15 USC §§ 78a-78jj)* shall be demonstrated and maintained at a level required by subsection B of this section.

B. For the purpose of demonstrating "financial responsibility" all broker-dealers *subject to the Securities Exchange Act of 1934* shall meet and maintain the net capital and ratio requirements as prescribed by Rule 15c3-1 under the Securities Exchange Act of 1934 (17 CFR 240.15c3-1). The net capital and ratio requirements shall be computed in accordance with Rule 15c3-1 under the Securities and Exchange Act of 1934 (17 CFR 240.15c3-1).

C. *Every broker-dealer shall file with the commission certified financial statements as defined in subsection B of 21 VAC 5-20-80 within 60 days of its fiscal year end.*

**21 VAC 5-20-300. Net worth.**

A. *For broker-dealers not subject to the Securities Exchange Act of 1934 (15 USC §§ 78a-78jj), the term "net worth" as used in § 13.1-505 B of the Act shall be computed as total assets minus total liabilities, excluding liabilities of the broker-dealer which are subordinated to the claims of creditors pursuant to a satisfactory subordination agreement as defined in Appendix D of Rule 15c3-1 under the Securities Exchange Act of 1934 (17 CFR 240.15c3-1d).*

B. If a broker-dealer applicant or registrant *not subject to the Securities Exchange Act of 1934* cannot demonstrate and maintain a net worth in excess of \$25,000, the commission shall require the filing of a surety bond on the form prescribed in 21 VAC 5-85-10. The amount of the penal sum of the surety bond can be determined according to the following table:

NET WORTH (Rounded to nearest \$1)	PENALTY AMOUNT OF SURETY BOND
Less than \$5,000	\$25,000
5,001-10,000	20,000
10,001-15,000	15,000
15,001-20,000	10,000
20,001-25,000	5,000

C. *If the net worth of a broker-dealer ~~registrant's net worth~~ registrant not subject to the Securities Exchange Act of 1934 plus the penal sum of the ~~the registrant's~~ its surety bond drops below \$25,000, the registrant must so notify the Division of Securities and Retail Franchising in writing within three business days and immediately take action to establish a net worth in excess of \$25,000.*

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## 21 VAC 5-30-70. Investment company notice filing requirements.

A. An investment company that is registered or that has filed a registration statement under the Investment Company Act of 1940 (15 USC §§ 80a-1 through 80a-64) (the "1940 Act") shall make a notice filing with the commission prior to the initial offer in this Commonwealth of a security which is a federal covered security under § 18(b)(2) of the Securities Act of 1933 (15 USC §§ 77a-77aa) (the "1933 Act"). [ Notice filings shall be effective upon receipt or concurrent with SEC effectiveness, if requested by the issuer. A notice filing for a unit investment trust is effective for an indefinite period of time from the date of its effectiveness. ] With respect to an open-end management company, as that term is defined in the 1940 Act, the effectiveness of a notice filing, and any renewal thereof, shall expire at midnight on the annual date of its effectiveness in Virginia. The effectiveness of such notice may be renewed for an additional one-year period by filing a renewal notice prior to the expiration date. Notice filings [ ~~and~~, ] notice renewal filings [ , amendment filings, and termination filings ] may be filed with the commission [ or, ] the Securities Registration Depository, Inc. ("SRD"), when that facility is available [ , or any other entity approved by rule or order of the commission ] . Requirements for investment company [ notice ] filings [ ~~and renewal notice filings~~ ] are set forth below:

1. An initial notice filing shall contain the following:
  - a. A copy of each document which is part of a current federal registration statement as filed with the SEC or a Form NF.
  - b. An executed consent to service of process (Form U-2) appointing the Clerk of the State Corporation Commission, unless a currently effective consent to service of process is on file with the commission.
  - c. A fee (payable to the Treasurer of Virginia) in the amount of 1/20 of 1.0% of the maximum aggregate offering price of the securities to be offered in this Commonwealth; provided that the fee shall not be less than \$200 nor more than \$700, except that in the case of a unit investment trust, as that term is defined in the 1940 Act, the fee shall not be less than \$400 nor more than \$1,000.
2. A renewal notice filing of an open-end management company shall contain the following:
  - a. A copy of each document which is part of a current federal registration statement as filed with the SEC or a Form NF.
  - b. An executed consent to service of process (Form U-2) appointing the Clerk of the State Corporation Commission, unless a currently effective consent to service of process is on file with the commission.
  - c. A fee of \$300 (payable to the Treasurer of Virginia).

[ 3. An amendment filing of an open-end investment company shall contain a copy of the amended documents filed with the SEC or a revised Form NF. No fee is required for an amendment.

4. A notice filing may be terminated by providing notice to the commission of such termination. The termination is effective upon receipt by the commission of the notice of termination or at a later date specified in the notice. ]

B. Any notice [ , amendment, termination ] or renewal filed with the SRD [ or other entity approved by rule or order of the commission ] shall [ ~~be filed on and in accordance with all requirements and forms prescribed by the SRD~~ contain the information specified in subdivisions 1 through 4 of subsection A, as the case may be, ] and the proper fee [ , if applicable, ] shall be payable to the SRD [ , other such entity approved by rule or order of the commission, ] or the fee may be payable to the Treasurer of Virginia and filed directly with the commission.

C. An investment company that is registered under the 1940 Act or that has filed a registration statement under the 1933 Act shall file, upon written request of the commission and within the time period set forth in the request, a copy of any document identified in the request that is part of the federal registration statement filed with the SEC or part of an amendment to such federal registration statement.

## 21 VAC 5-30-80. Adoption of NASAA statements of policy.

The commission adopts the following NASAA statements of policy that shall apply to the registration of securities in the Commonwealth. It will be considered a basis for denial of an application if an offering fails to comply with an applicable statement of policy. While applications not conforming to a statement of policy shall be looked upon with disfavor, where good cause is shown, certain provisions may be modified or waived by the commission.

1. Options and Warrants, as amended April 27, 1997.
2. Underwriting Expenses, Underwriter's Warrants, Selling Expenses and Selling Security Holders, as amended April 27, 1997.
3. Real Estate Programs, as amended October 24, 1991.
4. Oil and Gas Programs, as amended October 24, 1991.
5. Cattle-Feeding Programs, as adopted September 17, 1980.
6. Unsound Financial Condition, as adopted April 27, 1997.
7. Real Estate Investment Trusts, as amended September 29, 1993.

## 21 VAC 5-40-30. Uniform limited offering exemption.

A. Nothing in this exemption is intended to relieve, or should be construed as in any way relieving, issuers or persons acting on their behalf from providing disclosure to prospective investors adequate to satisfy the anti-fraud provisions of the Act.

In view of the objective of this section and the purpose and policies underlying the Act, this exemption is not available to an issuer with respect to a transaction which, although in technical compliance with this section, is part of a plan or scheme to evade registration or the conditions or limitations explicitly stated in this section.

Nothing in this section is intended to exempt registered broker-dealers or agents from the due diligence standards otherwise applicable to such registered persons.

Nothing in this section is intended to exempt a person from the broker-dealer or agent registration requirements of Article 3 (§ 13.1-504 et seq.) of Chapter 5 of Title 13.1 of the Code of Virginia, except in the case of an agent of the issuer who receives no sales commission directly or indirectly for offering or selling the securities and who is not subject to subdivision B 2 below.

B. For the purpose of the limited offering exemption referred to in § 13.1-514 B 13 of the Act, the following securities are determined to be exempt from the securities registration requirements of Article 4 (§ 13.1-507 et seq.) of Chapter 5 of Title 13.1 of the Code of Virginia.

Any securities offered or sold in compliance with the federal Securities Act of 1933 (15 USC §§ 77a-77aa), Regulation D ("Reg. D"), Rules 230.501-230.503 and 230.505 or ~~230.506~~ as made effective in Release No. 33-6389 (47 FR 11251), and as amended in Release Nos. 33-6437 (47 FR 54764), 33-6663 (51 FR 36385), 33-6758 (53 FR 7866) and 33-6825 (54 FR 11369) and which satisfy the following further conditions and limitations:

1. The issuer and persons acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that all persons who offer or sell securities subject to this section are registered in accordance with § 13.1-505 of the Act except in the case of an agent of the issuer who receives no sales commission directly or indirectly for offering or selling the securities and who is not subject to subdivision B 2 below.

2. No exemption under this section shall be available for the securities of any issuer if any of the persons described in the federal Securities Act of 1933 (15 USC §§ 77a-77aa), Regulation A, Rule 230.262(a), (b), or (c) (17 CFR 230.262):

- a. Has filed a registration statement which is subject of a currently effective stop order entered pursuant to any state's securities law within five years prior to the beginning of the offering.

- b. Has been convicted within five years prior to the beginning of the offering of a felony or misdemeanor in connection with the purchase or sale of a security or a felony involving fraud or deceit, including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud.

- c. Is currently subject to a state's administrative order or judgment entered by that state's securities administrator within five years prior to the beginning of the offering or is subject to a state's administrative order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts or omitting to state material facts, was found and the order or judgment was entered within five years prior to the beginning of the offering.

- d. Is currently subject to a state's administrative order or judgment which prohibits the use of any exemption from registration in connection with the purchase or sale of securities.

- e. Is currently subject to an order, judgment, or decree of a court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to an order, judgment or decree of any court of competent jurisdiction, entered within five years prior to the beginning of the offering, permanently restraining or enjoining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of a false filing with a state.

- f. The prohibitions of subdivisions a, b, c and e above shall not apply if the party subject to the disqualifying order, judgment or decree is duly licensed or registered to conduct securities related business in the state in which the administrative order, judgment or decree was entered against such party.

- g. A disqualification caused by this subsection is automatically waived if the state securities administrator or agency of the state which created the basis for disqualification, or the State Corporation Commission, determines upon a showing of good cause that it is not necessary under the circumstances that the exemption under this section be denied.

3. The issuer shall file with the commission no later than 15 days after the first sale in this state from an offering being made in reliance upon this exemption:

- a. A notice on Form D (17 CFR 239.500).

- b. An undertaking by the issuer to promptly provide, upon written request, the information furnished by the issuer to offerees.

- c. An executed consent to service of process appointing the Clerk of the State Corporation Commission as its agent for purpose of service of

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process, unless a currently effective consent to service of process is on file with the commission.

d. A filing fee of \$250.

4. In sales to nonaccredited investors, the issuer and persons acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that the investment is suitable for the purchaser as to the purchaser's other security holdings and financial situation and needs.

5. Offers and sales of securities which are exempted by this section shall not be combined with offers and sales of securities exempted by another regulation or section of the Act; however, nothing in this limitation shall act as an election. The issuer may claim the availability of another applicable exemption should, for any reason, the securities or persons fail to comply with the conditions and limitations of this exemption.

6. In any proceeding involving this section, the burden of proving the exemption or an exception from a definition or condition is upon the person claiming it.

C. The exemption authorized by this section shall be known and may be cited as the "Uniform Limited Offering Exemption."

## **21 VAC 5-40-110. Internet offer transactional exemption.**

In accordance with § 13.1-514 B 18 of the Act, an offer of a security communicated on the Internet, World Wide Web or similar proprietary or common carrier system (hereinafter "Internet Offer") is exempted from the securities, broker-dealer and agent registration requirements of the Act if all of the following conditions are satisfied:

1. The Internet Offer is communicated by or on behalf of the issuer of the security.
2. The Internet Offer indicates, directly or indirectly, that it is not directed specifically to this Commonwealth.
3. An offer is not otherwise directed specifically to this Commonwealth by or on behalf of the issuer of the security.
4. Any order or offer to buy or subscription for the security received from a person in this Commonwealth pursuant to the Internet Offer is rejected.
5. No sale pursuant to the Internet Offer is made in this Commonwealth until the security is registered under the Act, or the security or transaction is exempted by the Act or is otherwise not subject to registration under this Act.

## **21 VAC 5-40-120. Offerings conducted pursuant to Rule 506 of federal Regulation D (17 CFR § 230.506): Filing requirements and issuer-agent exemption.**

A. An issuer offering a security that is a covered security under § 18 (b)(4)(D) of the Securities Act of 1933 (15 USC §§ 77a-77aa) (the "1933 Act") shall file with the commission no

later than 15 days after the first sale of such federal covered security in this Commonwealth:

1. A notice on SEC Form D (17 CFR 239.500).
2. An executed consent to service of process (Form U-2) appointing the Clerk of the State Corporation Commission as its agent for service of process.
3. A filing fee of \$250 (payable to the Treasurer of Virginia).

B. For the purpose of this regulation, SEC "Form D" is the document, as adopted by the SEC and in effect on September 1, 1996, as may be amended by the SEC from time to time, entitled "Form D; Notice of Sale of Securities pursuant to Regulation D, Section 4(6), and/or Uniform Limited Offering Exemption," including Part E and the Appendix.

C. Pursuant to § 13.1-514 B 13 of the Act, an agent of an issuer who effects transactions in a security exempt from registration under the 1933 Act pursuant to rules and regulations promulgated under § 4(2) thereof is exempt from the agent registration requirements of the Act.

## CHAPTER 80. INVESTMENT ADVISORS.

### PART I. INVESTMENT ADVISOR REGISTRATION, NOTICE FILING FOR FEDERAL COVERED ADVISORS, EXPIRATION, RENEWAL, UPDATES AND AMENDMENTS, TERMINATIONS AND MERGER OR CONSOLIDATION.

## **21 VAC 5-80-10. Application for registration as an investment advisor and notice filing as a federal covered advisor.**

A. Application for registration as an investment advisor shall be filed with the commission at its Division of Securities and Retail Franchising or such other entity designated by the commission on and in full compliance with forms prescribed by the commission and shall include all information required by such forms.

B. An application shall be deemed incomplete for purposes of applying for registration as an investment advisor unless the following executed forms, fee and information are submitted:

1. Form ADV.
2. The statutory fee in the amount of \$200. The check must be made payable to the Treasurer of Virginia.
3. Signed and executed Agreement for Inspection of Records.
4. Written supervisory procedures pursuant to 21 VAC 5-80-170 D.
5. Any other information the commission may require.

C. The commission shall either grant or deny each application for registration within 30 days after it is filed.

However, if additional time is needed to obtain or verify information regarding the application, the commission may extend such period as much as 90 days by giving written notice to the applicant. No more than three such extensions may be made by the commission on any one application. An extension of the initial 30-day period, not to exceed 90 days, shall be granted upon written request of the applicant.

D. Every person who transacts business in this Commonwealth as a federal covered advisor shall file [ a ] notice as prescribed in subsection E of this section with the commission at its Division of Securities and Retail Franchising or such other entity designated by the commission.

E. [ ~~Application for notice as A notice filing for~~ ] a federal covered advisor shall be deemed incomplete unless the following executed forms, fee and information are submitted:

1. Form ADV.
2. The statutory fee in the amount of \$200. The check must be made payable to the Treasurer of Virginia.
3. Consent to Service of Process on Form S.A.14.

[ ~~Until October 10, 1999, a federal covered advisor for which a nonpayment or underpayment of a fee has not been promptly remedied following written notification to the advisor of such nonpayment or underpayment shall not be a federal covered advisor. Notwithstanding the exclusion provided by subdivision (vi) of § 13.1-501 of the Act in the definition of "investment advisor," for the period ending three years from October 11, 1996, the commission may require the registration as an investment advisor of any federal covered advisor who fails or refuses to pay a fee required by this rule; provided that a delay in payment or an underpayment of a fee that is remedied within 15 days after receipt of notice from the commission shall not constitute a failure or refusal to pay the fee.~~ ]

## 21 VAC 5-80-20. Expiration.

An investment advisor's registration or federal covered advisor's notice filing shall expire annually at midnight on the 31st day of December, unless renewed in accordance with 21 VAC 5-80-30.

## 21 VAC 5-80-30. Renewals.

A. To renew its registration, an investment advisor will be billed by the NASAA/NASD Central Registration Depository system the statutory fee of \$200 prior to the annual expiration date. A renewal of registration shall be granted as of course upon payment of the proper fee together with any surety bond that the commission may require pursuant to 21 VAC 5-80-180 B unless the registration was, or the renewal would be, subject to revocation under § 13.1-506 of the Act.

B. To renew its notice filing a federal covered advisor will be billed by the NASAA/NASD Central Registration Depository the statutory fee of \$200 prior to the annual expiration date. A renewal of notice filing shall be granted as a matter of course upon payment of the proper fee.

[ ~~Until October 10, 1999, a federal covered advisor for which a nonpayment or underpayment of a fee has not been promptly remedied following written notification to the advisor of such nonpayment or underpayment shall not be a federal covered advisor. Notwithstanding the exclusion provided by subdivision (vi) of § 13.1-501 of the Act in the definition of "investment advisor," for the period ending three years from October 11, 1996, the commission may require the registration as an investment advisor of any federal covered advisor who fails or refuses to pay a fee required by this rule; provided that a delay in payment or an underpayment of a fee that is remedied within 15 days after receipt of notice from the commission shall not constitute a failure or refusal to pay the fee.~~ ]

[ ~~C. Should a federal covered advisor incur a delay in paying or underpay the fee it may remedy the deficiency by remitting the fee to the commission within 15 days of receipt of notice from the commission.~~ ]

## 21 VAC 5-80-40. Updates and amendments.

A. An investment advisor or federal covered advisor shall update its Form ADV as required by the "updating" provisions of Item 7 of Form ADV Instructions and shall file all such information with the commission at its Division of Securities and Retail Franchising.

B. An investment advisor shall file the balance sheet as prescribed by Part II, Item 14 of Form ADV, unless excluded from such requirement, with the commission at its Division of Securities and Retail Franchising within 90 days of the investment advisor's fiscal year end. [ Any investment advisor who is registered in the state in which it maintains its principal place of business shall file with the commission at its Division of Securities and Retail Franchising any financial documents required to be filed by the state within 10 days of the time it must file these documents in such state. ]

## 21 VAC 5-80-50. Termination of registration [ and notice filings ] .

When an investment advisor or federal covered advisor desires to terminate its registration or notice filing, it shall file a written request for such termination with the commission at its Division of Securities and Retail Franchising. [ Notice of termination by a federal covered advisor shall be effective upon receipt by the commission or at a later date specified in the notice. ] An investment advisor or federal covered advisor may file SEC Form ADV-W in lieu of a written request for termination.

## 21 VAC 5-80-60. Investment advisor merger or consolidation.

In any merger or consolidation of an investment advisor or federal covered advisor a new application for registration or notice filing together with the proper fee must be filed with the commission at its Division of Securities and Retail Franchising.

For each investment advisor representative of the new or surviving entity who will transact business in this

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Commonwealth, an application for registration together with the proper fee(s) must also be filed on and in compliance with all requirements of the NASAA/NASD Central Registration Depository system and in full compliance with the forms prescribed by the commission. [ *The foregoing filing requirement applies to each investment advisor representative who has a place of business located in the Commonwealth and who is connected with a federal covered advisor that is the new or surviving entity to the merger or consolidation.* ]

## 21 VAC 5-80-90. Renewals.

To renew the registration(s) of its investment advisor representative(s), an investment advisor *or federal covered advisor* will be billed by the NASAA/NASD Central Registration Depository system the statutory fee of \$30 per investment advisor representative. A renewal of registration(s) shall be granted as a matter of course upon payment of the proper fee(s) unless the registration was, or the renewal would be, subject to revocation under § 13.1-506 of the Act.

## 21 VAC 5-80-110. Termination of registration.

A. When an investment advisor representative terminates a connection with an investment advisor, or an investment advisor terminates connection with an investment advisor representative, the investment advisor shall file with the NASAA/NASD Central Registration Depository system notice of such termination on Form U-5 within 30 calendar days of the date of termination.

B. *When an investment advisor representative terminates a connection with a federal covered advisor, the investment advisor representative shall file with the NASAA/NASD Central Registration Depository system notice of such termination on Form U-5 within 30 calendar days of the date of termination.*

## 21 VAC 5-80-120. Changing a connection from one investment advisor *or federal covered advisor* to another.

An investment advisor representative who changes connection from one investment advisor *or federal covered advisor* to another shall comply with 21 VAC 5-80-70.

## 21 VAC 5-80-130. Examination/qualification.

A. An individual applying for registration as an investment advisor representative on or after July 1, 1989, shall be required to provide evidence of passing the Uniform Investment Adviser Law Examination, Series 65, *the Uniform Combined State Law Examination, Series 66, or a similar similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates with a minimum grade of 70%.*

B. In lieu of meeting the examination requirement described in subsection A of this section, an applicant who meets the qualifications set forth below may file with the

commission at its Division of Securities and Retail Franchising an executed Affidavit for Waiver of Examination (Form S.A.3).

1. No more than one other individual connected with the applicant's investment advisor is utilizing the waiver at the time the applicant files Form S.A.3.

2. The applicant is, and has been for at least the five years immediately preceding the date on which the application for registration is filed, actively engaged in the investment advisory business.

3. The applicant has been for at least the two years immediately preceding the date on which the application is filed the president, chief executive officer or chairman of the board of directors of an investment advisor organized in corporate form or the managing partner, member, trustee or similar functionary of an investment advisor organized in noncorporate form.

4. The investment advisor(s) referred to in subdivision 3 has been actively engaged in the investment advisory business and during the applicant's tenure as president, chief executive officer, chairman of the board of directors, or managing partner, member, trustee or similar functionary had at least \$40 million under management.

5. The applicant verifies that he/she has read and is familiar with the investment advisor and investment advisor representative provisions of the Act and the provisions of Articles 10 through 14 of this chapter.

6. The applicant verifies that none of the questions in Item 22 (disciplinary history) on his/her Form U-4 have been, or need be, answered in the affirmative.

### PART III.

## INVESTMENT ADVISOR, *FEDERAL COVERED ADVISOR* AND INVESTMENT ADVISOR REPRESENTATIVE REGULATIONS.

## 21 VAC 5-80-140. Custody of client funds or securities by investment advisors [ ~~or federal covered advisors~~ ].

An investment advisor [ ~~or federal covered advisor~~ ] who takes or has custody of any securities or funds of any client must comply with the following [ ; *provided that an investment advisor having its principal place of business outside this Commonwealth and registered or licensed, and in compliance with the applicable books and records requirements, in the state where its principal place of business is located, shall only be required to make, keep current, maintain and preserve such of the following required books, ledgers and records as are not in addition to those required under the laws of the state in which it maintains its principal place of business* ] :

1. ~~The~~ An investment advisor with its principal place of business located in this Commonwealth shall notify the commission that it has or may have custody. Such notification may be given on Form ADV.

2. The securities of each client must be segregated, marked to identify the particular client having the beneficial interest therein and held in safekeeping in some place reasonably free from risk of destruction or other loss.

3. All client funds must be deposited in one or more bank accounts containing only clients' funds, such account or accounts must be maintained in the name of the investment advisor or agent or trustee for such clients, and the investment advisor must maintain a separate record for each such account showing the name and address of the bank where the account is maintained, the dates and amounts of deposits in and withdrawals from the account, and the exact amount of each client's beneficial interest in the account.

4. Immediately after accepting custody or possession of funds or securities from any client, the investment advisor [ ~~or federal covered advisor~~ ] must notify the client in writing of the place where and the manner in which the funds and securities will be maintained and subsequently, if and when there is a change in the place where or the manner in which the funds or securities are maintained, the investment advisor [ ~~or federal covered advisor~~ ] must give written notice thereof to the client.

5. At least once every three months, the investment advisor [ ~~or federal covered advisor~~ ] must send each client an itemized statement showing the funds and securities in the investment advisor's [ ~~or federal covered advisor's~~ ] custody at the end of such period and all debits, credits and transactions in the client's account during such period.

6. At least once every calendar year, an independent public accountant must verify all client funds and securities by actual examination at a time chosen by the accountant without prior notice to the investment advisor [ ~~or federal covered advisor~~ ]. A certificate of such accountant stating that he or she has made an examination of such funds and securities, and describing the nature and extent of the examination, shall be filed with the commission promptly after each such examination.

7. This section shall not apply to an investment advisor [ ~~or federal covered advisor~~ ] also registered as a broker-dealer under Section 15 of the Securities and Exchange Act of 1934 (15 USC §§ 78a-78kk) if the broker-dealer is (i) subject to and in compliance with SEC Rule 15c3-1 (Net Capital Requirements for Brokers or Dealers) (17 CFR 240.15c3-1) under the Securities Exchange Act of 1934, or (ii) a member of an exchange whose members are exempt from SEC Rule 15c3-1, (17 CFR 240.15c3-1) under the provisions of paragraph (b)(2) thereof, and the broker-dealer is in compliance with all regulations and settled practices of the exchange imposing requirements with respect to financial responsibility and the segregation of funds or securities carried for the account of customers.

## 21 VAC 5-80-150. Agency cross transactions.

A. For purposes of this section, "agency cross transaction" means a transaction in which an investment advisor [ ~~or federal covered advisor~~ ], or any person controlling, controlled by, or under common control with such investment advisor [ ~~or federal covered advisor~~ ], including an investment advisor representative, acts as a broker-dealer for both the advisory client and the person on the other side of the transaction.

B. An investment advisor [ ~~or federal covered advisor~~ ] effecting an agency cross transaction for an advisory client shall comply with the following conditions [ ; provided, that an investment advisor having its principal place of business outside this Commonwealth and registered or licensed, and in compliance with the applicable books and records requirements, in the state where its principal place of business is located, shall only be required to make, keep current, maintain and preserve such of the following required books, ledgers and records as are not in addition to those required under the laws of the state in which it maintains its principal place of business ]:

1. Obtain from the advisory client a written consent prospectively authorizing the investment advisor [ ~~or federal covered advisor~~ ] to effect agency cross transactions for such client.

2. Before obtaining such written consent from the client, disclose to the client in writing that, with respect to agency cross transactions, the investment advisor [ ~~or federal covered advisor~~ ] will act as broker-dealer for, receive commissions from and have a potentially conflicting division of loyalties and responsibilities regarding both parties to the transactions.

3. At or before the completion of each agency cross transaction, send the client a written confirmation. The written confirmation shall include (i) a statement of the nature of the transaction, (ii) the date the transaction took place (iii) an offer to furnish, upon request, the time when the transaction took place and (iv) the source and amount of any other remuneration the investment advisor [ ~~or federal covered advisor~~ ] received or will receive in connection with the transaction. In the case of a purchase, if the investment advisor [ ~~or federal covered advisor~~ ] was not participating in a distribution, or, in the case of a sale, if the investment advisor [ ~~or federal covered advisor~~ ] was not participating in a tender offer, the written confirmation may state whether the investment advisor [ ~~or federal covered advisor~~ ] has been receiving or will receive any other remuneration and that the investment advisor [ ~~or federal covered advisor~~ ] will furnish to the client the source and amount of such remuneration upon the client's written request.

4. At least annually, and with or as part of any written statement or summary of the account from the investment advisor [ ~~or federal covered advisor~~ ], send each client a written disclosure statement identifying (i) the total number of agency cross transactions during the

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period since the date of the last such statement or summary and (ii) the total amount of all commissions or other remuneration the investment advisor [ ~~or federal covered advisor~~ ] received or will receive in connection with agency cross transactions during the period.

5. Each written disclosure and confirmation required by this section must include a conspicuous statement that the client may revoke the written consent required under subdivision B1 of this section at any time by providing written notice of revocation to the investment advisor [ ~~or federal covered advisor~~ ].

6. No agency cross transaction may be effected in which the same investment advisor [ ~~or federal covered advisor~~ ] recommended the transaction to both any seller and any purchaser.

C. Nothing in this section shall be construed to relieve an investment advisor [ ~~or federal covered advisor~~ ] or investment advisor representative from acting in the best interests of the client, including fulfilling his duty with respect to the best price and execution for the particular transaction for the client nor shall it relieve any investment advisor [ ~~or federal covered advisor~~ ] or investment advisor representative of any other disclosure obligations imposed by the Act.

## 21 VAC 5-80-160. Recordkeeping requirements for investment advisors.

A. Every investment advisor registered or required to be registered under the Act shall make and keep current the following books, ledgers and records, *except an investment advisor having its principal place of business outside this Commonwealth and registered or licensed, and in compliance with the applicable books and records requirements, in the state where its principal place of business is located, shall only be required to make [ and, ] keep current, [ and ] maintain and preserve such [ form ] of the following required books, ledgers and records as are not in addition to those required under the laws of the state in which it maintains its principal place of business:*

1. A journal or journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in any ledger.
2. General and auxiliary ledgers (or other comparable records) reflecting asset, liability, reserve, capital, income and expense accounts.
3. A memorandum of each order given by the investment advisor for the purchase or sale of any security, of any instruction received by the investment advisor from the client concerning the purchase, sale, receipt or delivery of a particular security, and of any modification or cancellation of any such order or instruction. Such memoranda shall show the terms and conditions of the order, instruction, modification or cancellation; shall identify the person connected with the investment advisor who recommended the transaction to the client and the person who placed such order; and shall show the account for which entered, the date of

entry, and the bank, broker or dealer by or through whom executed where appropriate. Orders entered pursuant to the exercise of discretionary power shall be so designated.

4. All check books, bank statements, cancelled checks and cash reconciliations of the investment advisor.

5. All bills or statements (or copies thereof), paid or unpaid, relating to the business of the investment advisor as such.

6. All trial balances, financial statements, and internal audit working papers relating to the business of such investment advisor.

7. Originals of all written communications received and copies of all written communications sent by such investment advisor relating to (i) any recommendation made or proposed to be made and any advice given or proposed to be given, (ii) any receipt, disbursement or delivery of funds or securities, and (iii) the placing or execution of any order to purchase or sell any security; provided, however, (a) that the investment advisor shall not be required to keep any unsolicited market letters and other similar communications of general public distribution not prepared by or for the investment advisor, and (b) that if the investment advisor sends any notice, circular or other advertisement offering any report, analysis, publication or other investment advisory service to more than 10 persons, the investment advisor shall not be required to keep a record of the names and addresses of the persons to whom it was sent; except that if such notice, circular or advertisement is distributed to persons named on any list, the investment advisor shall retain with a copy of such notice, circular or advertisement a memorandum describing the list and the source thereof.

8. A list or other record of all accounts in which the investment advisor is vested with any discretionary power with respect to the funds, securities or transactions of any client.

9. All powers of attorney and other evidences of the granting of any discretionary authority by any client to the investment advisor, or copies thereof.

10. All written agreements (or copies thereof) entered into by the investment advisor with any client or otherwise relating to the business of such investment advisor as such.

11. a. A copy of each notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication recommending the purchase or sale of a specific security, which the investment advisor circulates or distributes, directly or indirectly, to 10 or more persons (other than investment advisory clients or persons connected with such investment advisor), and if such notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication does not state the reasons for such

recommendation, a memorandum of the investment advisor indicating the reasons therefor.

b. All of their advertisements and all records, worksheets, and calculations necessary to form the basis for performance data in their advertisements.

12. a. A record of every transaction in a security in which the investment advisor or any investment advisor representative of such investment advisor has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (i) transactions effected in any account over which neither the investment advisor nor any investment advisor representative of the investment advisor has any direct or indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment advisor or investment advisor representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

b. An investment advisor shall not be deemed to have violated the provisions of this subdivision 12 because of his failure to record securities transactions of any investment advisor representative if he establishes that he instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

13. a. Notwithstanding the provisions of subdivision 12 above, where the investment advisor is primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients, a record must be maintained of every transaction in a security in which the investment advisor or any investment advisor representative of such investment advisor has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (i) transactions effected in any account over which neither the investment advisor nor any investment advisor representative of the investment advisor has any direct or indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also

contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment advisor or investment advisor representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

b. An investment advisor is "primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients" when, for each of its most recent three fiscal years or for the period of time since organization, whichever is less, the investment advisor derived, on an unconsolidated basis, more than 50% of (i) its total sales and revenues, and (ii) its income (or loss) before income taxes and extraordinary items, from such other business or businesses.

c. An investment advisor shall not be deemed to have violated the provisions of this subdivision 13 because of his failure to record securities transactions of any investment advisor representative if he establishes that he instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

14. A copy of each written statement and each amendment or revision thereof, given or sent to any client or prospective client of such investment advisor in accordance with the provisions of 21 VAC 5-80-190 and a record of the dates that each written statement, and each amendment or revision thereof, was given, or offered to be given, to any client or prospective client who subsequently becomes a client.

15. *Every investment advisor subject to 21 VAC 5-80-170 shall keep in each business office written procedures which shall include, but not be limited to, the duties imposed under 21 VAC 5-80-170.*

B. If an investment advisor subject to subsection A of this section has custody or possession of securities or funds of any client, the records required to be made and kept under subsection A above shall also include:

1. A journal or other record showing all purchases, sales, receipts and deliveries of securities (including certificate numbers) for such accounts and all other debits and credits to such accounts.

2. A separate ledger account for each such client showing all purchases, sales, receipts and deliveries of securities, the date and price of each such purchase and sale, and all debits and credits.

3. Copies of confirmations of all transactions effected by or for the account of any such client.

4. A record for each security in which any such client has a position, which record shall show the name of each such client having any interest in each security, the

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amount or interest of each such client, and the location of each such security.

C. Every investment advisor subject to subsection A of this section who renders any investment advisory or management service to any client shall, with respect to the portfolio being supervised or managed and to the extent that the information is reasonably available to or obtainable by the investment advisor, make and keep true, accurate and current:

1. Records showing separately for each such client the securities purchased and sold, and the date, amount and price of each such purchase and sale.
2. For each security in which any such client has a current position, information from which the investment advisor can promptly furnish the name of each such client, and the current amount or interest of such client.

D. Any books or records required by this section may be maintained by the investment advisor in such manner that the identity of any client to whom such investment advisor renders investment advisory services is indicated by numerical or alphabetical code or some similar designation.

E. 1. All books and records required to be made under the provisions of subsection A to subdivision C 2, inclusive, of this section shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record, the first two years of such period in the office of the investment advisor.

2. Partnership articles and any amendments thereto, articles of incorporation, charters, minute books, and stock certificate books of the investment advisor and of any predecessor, shall be maintained in the principal office of the investment advisor and preserved until at least three years after termination of the enterprise.

F. An investment advisor subject to subsection A of this section, before ceasing to conduct or discontinuing business as an investment advisor shall arrange for and be responsible for the preservation of the books and records required to be maintained and preserved under this section for the remainder of the period specified in this section, and shall notify the commission in writing of the exact address where such books and records will be maintained during such period.

G. All books, records or other documents required to be maintained and preserved under this section may be stored on microfilm, microfiche, or an electronic data processing system or similar system utilizing an internal memory device provided a printed copy of any such record is immediately accessible.

H. Any book or record made, kept, maintained, and preserved in compliance with SEC Rules 17a-3 (17 CFR 240.17a-3) and 17a-4 (17 CFR 240.17a-4) under the Securities Exchange Act of 1934 (15 USC §§ 78a-78kk), which is substantially the same as the book, or other record required to be made, kept, maintained, and preserved under

this section shall be deemed to be made, kept, maintained, and preserved in compliance with this section.

## 21 VAC 5-80-170. Supervision of investment advisor representatives.

A. An investment advisor [ ~~or federal covered advisor~~ ] shall be responsible for the acts, practices, and conduct of its investment advisor representatives in connection with advisory services until such time as the investment advisor representatives have been properly terminated as provided by 21 VAC 5-80-110.

B. Every investment advisor [ ~~or federal covered advisor~~ ] shall exercise diligent supervision over the advisory activities of all of its investment advisor representatives.

C. Every investment advisor representative employed by an investment advisor [ ~~or federal covered advisor~~ ] shall be subject to the supervision of a supervisor designated by such investment advisor [ ~~or federal covered advisor~~ ]. The supervisor may be the investment advisor [ ~~or federal covered advisor~~ ] in the case of a sole proprietor, or a partner, officer, office manager or any qualified investment advisor representative in the case of entities other than sole proprietorships. *All designated supervisors shall exercise [ diligent reasonable ] supervision over the advisory activities of all investment advisor representatives under their responsibility.*

D. As part of its responsibility under this section, every investment advisor [ ~~or federal covered advisor~~ ] shall establish, maintain and enforce written procedures [ , a copy of which shall be kept in each business office, ] which shall set forth the procedures adopted by the investment advisor [ ~~or federal covered advisor~~ ], which shall include but not be limited to the following duties imposed by this section [ -; *provided that an investment advisor having its principal place of business outside this Commonwealth and registered or licensed, and in compliance with the applicable books and records requirements, in the state where its principal place of business is located, shall only be required to make, keep current, maintain and preserve such of the following required books, ledgers and records as are not in addition to those required under the laws of the state in which it maintains its principal place of business:* ]

1. The review and written approval by the designated supervisor of the opening of each new client account;
2. The frequent examination of all client accounts to detect and prevent irregularities or abuses;
3. The prompt review and written approval by a designated supervisor of all advisory transactions by investment advisor representatives and of all correspondence pertaining to the solicitation or execution of all advisory transactions by investment advisor representatives;
4. The prompt review and written approval of the handling of all client complaints.

E. Every investment advisor [ ~~or federal covered advisor~~ ] who has designated more than one supervisor pursuant to subsection C of this section shall designate from among its partners, officers, or other qualified investment advisor representatives, a person or group of persons who shall:

1. Supervise and periodically review the activities of the supervisors designated pursuant to subsection C of this section; and
2. ~~Periodically~~ No less often than annually inspect each business office under his/her supervision to [ ~~insure~~ ensure ] that the written procedures are being enforced.

All supervisors designated pursuant to this subsection E shall exercise [ ~~diligent~~ reasonable ] supervision over the supervisors under their responsibility to insure compliance with this subsection.

**21 VAC 5-80-180. Requirements for surety bonds and financial reporting.**

A. Investment advisors required to provide a balance sheet pursuant to Part II, Item 14 of Form ADV must demonstrate a net worth in excess of \$25,000. *In the case of an investment advisor that is registered in the state in which it maintains its principal place of business, its balance sheet must demonstrate that it is in compliance with the state's net worth or net capital requirements (as the case may be).*

B. Investment advisors [ *who maintain their principal place of business in the Commonwealth of Virginia and are* ] subject to subsection A above, whose net worth drops below \$25,001, must notify the Division of Securities and Retail Franchising within 24 hours of initial awareness of the discrepancy and immediately take action to establish a net worth in excess of \$25,000 or obtain a surety bond in the penalty amount of \$25,000. The surety bond form (see 21 VAC 5-85-10) must be utilized. Additionally, within 24 hours after transmitting such notice, the investment advisor shall file a report with the Division of Securities and Retail Franchising of its financial condition, including the following:

1. A trial balance of all ledger accounts.
2. A computation of net worth.
3. A statement of all client funds or securities which are not segregated.
4. A computation of the aggregate amount of client ledger debit balances.
5. A statement as to the number of client accounts.

C. *An investment advisor registered in the state in which it maintains its principal place of business [ and subject to subsection A above ] whose net worth or net capital (as the case may be) drops below the state's requirement, must notify the Division of Securities and Retail Franchising within 24 hours of initial awareness of the discrepancy and immediately take action to establish a net worth or net capital that is in compliance with the state's requirement. Additionally, within 24 hours after transmitting such notice,*

*the investment advisor shall file a report with the Division of Securities and Retail Franchising of its financial condition, including the following:*

1. *A trial balance of all ledger accounts.*
2. *A computation of net worth or net capital.*
3. *A statement of all client funds or securities which are not segregated.*
4. *A computation of the aggregate amount of client ledger debit balances.*
5. *A statement as to the number of client accounts.*

**21 VAC 5-80-190. Disclosure requirements.**

A. For purposes of compliance with § 13.1-505.1 of the Act, a copy of Part II of Form ADV must be given to clients of investment advisors [ ~~or federal covered advisors~~ ], or a brochure containing such information may be utilized.

B. The investment advisor [ ~~or federal covered advisor~~ ] or its registered representatives shall deliver the disclosure information required by this section to an advisory client or prospective advisory client:

1. Not less than 48 hours prior to entering into any investment advisory contract with such client or prospective client, or
2. At the time of entering into any such contract, if the advisory client has a right to terminate the contract without penalty within five calendar days after entering into the contract.

~~C. A copy of Part II of Form ADV or the brochure to be given to clients must be filed with the Commission at its Division of Securities and Retail Franchising not later than the time of its use. The investment advisor [ or federal covered advisor ] , or its registered representatives, shall offer to deliver the disclosure information required by this section to an advisory client or prospective advisory client annually, within 90 days of any investment advisor's fiscal year end.~~

~~D. A copy of Part II of Form ADV or the brochure to be given to clients must be filed by investment advisors with the commission at its Division of Securities and Retail Franchising not later than the time of its use.~~

~~E. If an investment advisor [ or federal covered advisor ] renders substantially different types of investment advisory services to different advisory clients, any information required by Part II of Form ADV may be omitted from the statement furnished to an advisory client or prospective advisory client if such information is applicable only to a type of investment advisory service or fee which is not rendered or charged, or proposed to be rendered or charged to that client or prospective client.~~

**21 VAC 5-80-200. Dishonest or unethical practices.**

A. An investment advisor or federal covered advisor is a fiduciary and has a duty to act primarily for the benefit of his

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clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor *or federal covered advisor* and his clients and the circumstances of each case, an investment advisor *or federal covered advisor* shall not engage in unethical practices, including the following:

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known or acquired by the investment advisor *or federal covered advisor* after reasonable examination of the client's financial records.
2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.
3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.
4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.
5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.
6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor *or federal covered advisor*, or a financial institution engaged in the business of loaning funds or securities.
7. Loaning money to a client unless the investment advisor *or federal covered advisor* is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment advisor *or federal covered advisor*.
8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor *or federal covered advisor*, or misrepresenting the nature of the advisory services being offered or fees to be charged for such service, or omission to state a material fact necessary to make the statements made regarding qualifications services or fees, in light of the circumstances under which they are made, not misleading.

9. Providing a report or recommendation to any advisory client prepared by someone other than the investment advisor *or federal covered advisor* without disclosing that fact. This prohibition does not apply to a situation where the advisor uses published research reports or statistical analyses to render advice or where an advisor orders such a report in the normal course of providing service.

10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisors *or federal covered advisors* providing essentially the same services.

11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor *or federal covered advisor* or any of his employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:

- a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or
- b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the advisor or his employees.

12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.

13. Publishing, circulating or distributing any advertisement [ ~~which does not comply with that would not be permitted under~~ ] Rule 206(4)-1 under the Investment Advisers Act of 1940 (17 CFR 275.206(4)-1).

14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order of a court or a regulatory agency to do so, or unless consented to by the client.

15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor [ ~~or federal covered advisor~~ ] has custody or possession of such securities or funds, when the [ investment ] advisor's action is subject to and does not comply with the safekeeping requirements of 21 VAC 5-80-140.

16. Entering into, extending or renewing any investment advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, whether the contract grants discretionary power to the investment advisor *or federal covered advisor* and that no assignment of such contract shall be made by the investment advisor *or federal covered advisor* without the consent of the other party to the contract.

[ ~~The conduct set forth above is not all inclusive. Engaging in other conduct such as non disclosure, incomplete disclosure, or deceptive practices may be deemed an unethical business practice. ]~~

B. An investment advisor representative is a fiduciary and has a duty to act primarily for the benefit of his clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor representative and his clients and the circumstances of each case, an investment advisor representative shall not engage in unethical practices, including the following:

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known or acquired by the investment advisor representative after reasonable examination of the client's financial records.
2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.
3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.
4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.
5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.
6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor representative, or a financial institution engaged in the business of loaning funds or securities.
7. Loaning money to a client unless the investment advisor representative is engaged in the business of loaning funds or the client is an affiliate of the investment advisor representative.
8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor representative, or misrepresenting the nature of the advisory services being offered or fees to be charged for such service, or omission to state a material fact necessary to make the statements made regarding

qualifications services or fees, in light of the circumstances under which they are made, not misleading.

9. Providing a report or recommendation to any advisory client prepared by someone other than the investment advisor *or federal covered advisor* who the investment advisor representative is employed by or associated with without disclosing that fact. This prohibition does not apply to a situation where the investment advisor *or federal covered advisor* uses published research reports or statistical analyses to render advice or where an investment advisor *or federal covered advisor* orders such a report in the normal course of providing service.

10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisor representatives providing essentially the same services.

11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor representative which could reasonably be expected to impair the rendering of unbiased and objective advice including:

- a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or
- b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the investment advisor representative.

12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.

13. Publishing, circulating or distributing any advertisement [ ~~which does not comply with that would not be permitted under~~ ] Rule 206(4)-1 under the Investment Advisers Act of 1940.

14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order of a court or a regulatory agency to do so, or unless consented to by the client.

15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor representative [ *other than a person associated with a federal covered advisor* ] has custody or possession of such securities or funds, when the investment advisor representative's action is subject to and does not comply with the safekeeping requirements of 21 VAC 5-80-140.

16. Entering into, extending or renewing any investment advisory *or federal covered advisory* contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of

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contract termination or nonperformance, whether the contract grants discretionary power to the investment advisor representative and that no assignment of such contract shall be made by the investment advisor representative without the consent of the other party to the contract.

[ C. ] The conduct set forth [ *in subsections A and B* ] above is not *all* inclusive. Engaging in other conduct such as nondisclosure, incomplete disclosure, or deceptive practices may be deemed an unethical business practice [ *except to the extent not permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290)* ].

[ D. *The provisions of this section shall apply to federal covered advisors to the extent that fraud or deceit is involved, or as otherwise permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290).* ]

## 21 VAC 5-80-210. Exclusions from definition of "investment advisor;" and "federal covered advisor."

~~Pursuant to § 13.1-501 of the Act, the term~~ A. The terms "investment advisor" ~~does~~ and "federal covered advisor" do not include any person engaged in the investment advisory business whose only client in this Commonwealth is one (or more) of the following:

1. An investment company as defined in the Investment Company Act of 1940 (15 USC §§ 80a-1 through 80a-64).
2. An insurance company licensed to transact insurance business in this Commonwealth.
3. A bank, a bank holding company as defined in the Bank Holding Company Act of 1956 (12 USC § 1841 et seq.), a trust subsidiary organized under Article 3.1 (§ 6.1-32.1 et seq.) of Chapter 2 of Title 6.1 of the Code of Virginia, a savings institution, a credit union, or a trust company if the entity is either (i) authorized or licensed to transact such business in this Commonwealth or (ii) organized under the laws of the United States.
4. A broker-dealer so registered under the Act and under the Securities and Exchange Act of 1934 (15 USC §§ 78a-78kk).
5. An employee benefit plan with assets of not less than \$5,000,000.
6. A governmental agency or instrumentality.

B. Any investment advisor or federal covered advisor who (i) does not have a place of business located within this Commonwealth and (ii) during the preceding 12-month period has had fewer than six clients who are residents of this Commonwealth [ *other than those listed in subsection A of this section* ] is excluded from the registration and notice filing requirements of the Act.

## 21 VAC 5-80-240. Investment advisor representative registration on behalf of other investment advisors or federal covered advisors.

A. The purpose of this section is to permit an individual who is registered under the Act as an investment advisor representative to assist clients in the selection of other investment advisors or federal covered advisors without being subject to investment advisor representative registration requirements with respect to the other investment advisors or federal covered advisors.

As used in this section, the term "other investment advisor" or "federal covered advisor" means an investment advisor or federal covered advisor other than the one on whose behalf the individual is registered as an investment advisor representative.

B. An individual is subject to investment advisor representative registration requirements of the Act with respect to any other investment advisor or federal covered advisor unless the following conditions exist when the individual initially engages, with respect to such advisor, in activity which would require registration as an investment advisor representative under the Act.

1. The individual is registered under the Act as an investment advisor representative of an investment advisor so registered or a federal covered advisor who has filed notice under the Act.
2. The other investment advisor is registered under the Act as an investment advisor or the federal covered advisor has filed notice under the Act.

C. Except as expressly provided in this section, nothing contained in this section is intended, or should be construed, to relieve any person utilizing this section from complying with the applicable provisions of the Act or of any other of these regulations.

## 21 VAC 5-85-10. Adopted securities forms.

The commission adopts for use under the Act the forms contained in the Appendix (not included in *the* Virginia Administrative Code) and listed below.

### Broker-Dealer and Agent Forms

Form BD - Uniform Application for Registration of a Broker-Dealer (5/94).

Form S.A.1. - Supplemental Information for Commonwealth of Virginia to Be Furnished with [ ~~Revised~~ ] Form BD (rev. 4/96 7/97).

Agreement for Inspection of Records.

Form S.A.11 - Broker-Dealer's Surety Bond (rev. 1982).

Form S.A.2. - Application for Renewal of a Broker-Dealer's Registration (rev. 11/96).

Form S.D.4. - [ ~~Non-NASD Broker-Dealer or Issuer Agent Renewal~~ ] Application for Renewal of Registration as an Agent of an Issuer [ ~~(1972 1997)~~ ].

Form S.D.4.A. - Non-NASD Broker-Dealer or Issuer Agents to be Renewed Exhibit (1974).

Form S.D.4.B. - Non-NASD Broker-Dealer or Issuer Agents to be Canceled with no disciplinary history (1974).

Form S.D.4.C. - Non-NASD Broker-Dealer or Issuer Agents to be Canceled with disciplinary history (1974).

Form BDW - Uniform Notice of Termination or Withdrawal of Registration as a Broker-Dealer.

Form U-4 - Uniform Application for Securities Industry Registration (11/91).

Form U-5 - Uniform Termination Notice for Securities Industry (11/91).

#### Investment Advisor and Investment Advisor Representative Forms

Form ADV - Uniform Application for Registration of Investment Advisors ( [ ~~eff. July 2, 1987~~ rev. 7/97 ] ).

Agreement for Inspection of Records.

Surety Bond Form.

Form U-4 - Application for Investment Advisor Representative Registration. See Form U-4 above.

Form U-5 - Application for Withdrawal of an Investment Advisor Representative. See Form U-5 above.

Form S.A.3. - Affidavit for Waiver of Examination (rev. 11/96).

*Form S.A.14 - Consent to Service of Process for Notice Filing as a Federal Covered Advisor (7/97).*

#### Securities Registration Forms

Form U-1 - Uniform Application to Register Securities.

Form U-2 - Uniform Consent to Service of Process.

Form U-2a - Uniform Form of Corporate Resolution.

Form S.A.4. - Registration by Notification - Original Issue (rev. 11/96).

Form S.A.5. - Registration by Notification - Non-Issuer Distribution (rev. 11/96).

Form S.A.6. - Registration by Notification - Pursuant to 21 VAC 5-30-50 Non-Issuer Distribution "Secondary Trading" (1989).

Form S.A.8. - Registration by Qualification.

Form S.A.10 - Request for Refund Affidavit (Unit Investment Trust).

Form S.A.12 - Escrow Agreement.

Form S.A.13 - Impounding Agreement.

Form VA-1, Parts 1 and 2 - Notice of Limited Offering of Securities (rev. 11/96).

*Form NF - Uniform Investment Company Notice Filing (4/97).*

**NOTICE:** The forms used in administering the Securities Act Regulations are not being published due to the large number; however, the name of each form is listed in 21 VAC 5-85-10. The forms are available for public inspection at the State Corporation Commission, 1300 East Main Street, 10th floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

VA.R. Doc. Nos. R97-711; Filed August 12, 1997, 4:21 p.m. and R97-730; Filed August 13, 1997, 11:58 a.m.



**Contracting - AVS Clearance Procedure**

Pursuant to authority provided under the Virginia Coal Surface Mining Control and Reclamation Act of 1979 (Act), as amended (Title 45.1, Chapter 19 of the Code of Virginia), the Department of Mines, Minerals and Energy has incorporated the Applicant Violator System (AVS) into the procurement process for the awarding of construction, reclamation, and engineering contracts. All bidders, including the company's officials and/or owners, must clear through the AVS process as a condition of eligibility to bid and/or to receive an award of a contract under an AML or bond forfeiture contract.

In the event the AVS identifies the bidder as an entity with outstanding obligations under the Act, the bidder will be declared ineligible to participate in the solicitation (pursuant to Article 3, §11-63 of the Virginia Procurement Act). The bidder deemed "ineligible" will be notified in writing that a block under the AVS has occurred; and therefore, the bid is ineligible for consideration. The bidder will be informed that an appeal of the "ineligibility" determination may be requested by submitting a written appeal to the Division within 30 days of receipt of the agency's determination.

As a service to potential bidders, the Division (upon written request) will conduct an AVS search on behalf of any bidder to determine if the individuals of the entity, and/or the entity itself has an AVS block.

The following definition found under 4 VAC 25-130-700.5 of the Virginia Coal Surface Mining Reclamation Regulations provides the regulatory basis for determining ownership and control:

"Owned or controlled" and "owns or controls" mean any one or a combination of the relationships specified in Paragraphs (a) and (b) of this definition-

(a)(1) Being a permittee of a surface coal mining operation; (2)Based on instrument of ownership or voting securities, owning of record in excess of 50 percent of an entity; or (3) Having any other relationship which gives one person authority directly or indirectly to determine the manner in which an applicant, an operator, or other entity conducts surface coal mining operations.

(b) The following relationships are presumed to constitute ownership or control unless a person can demonstrate that the person subject to the presumption does not in fact have the authority directly or indirectly to determine the manner in which the relevant surface coal mining operation is conducted:

- (1) Being an officer or director of an entity;
- (2) Being the operator of a surface coal mining operation;
- (3) Having the ability to commit the financial or real property assets or working resources of an entity;
- (4) Being a general partner in a partnership;
- (5) Based on the instruments of ownership or the voting securities of a corporate entity, owning of record 10 through 50 percent of the entity; or
- (6) Owning or controlling coal to be mined by another person under a lease, sublease or other contract and having the right to receive such coal after mining or having authority to determine the manner in which that person or another person conducts a surface coal mining operation.



COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF MINES, MINERALS AND ENERGY  
DIVISION OF MINED LAND RECLAMATION  
P. O. DRAWER 900, BIG STONE GAP, VA 24219  
TELEPHONE: (540) 523-8302

**APPLICATION FOR PERMIT RENEWAL  
COAL SURFACE MINING AND RECLAMATION OPERATIONS**

Pursuant to 4 VAC 25-130-774.15(b) of the Virginia Coal Surface Mining Reclamation Regulations, an application for permit renewal shall be filed with the Division at least 120 days before expiration of the existing permit. This application shall be used for renewal of an existing permit which will continue to operate within the boundaries and conditions of the current permit. In the event the Applicant wishes to revise the current plans or extend the mining and reclamation operation beyond the boundaries authorized in the existing permit, a revision application for such should be submitted under form DMLR-PT-034D. (The instructions for completing the various items of this application are found in the "Instruction Guide- Application Preparation, Coal Surface Mining and Reclamation Operations" - Guide DMLR-PT-034D).

Name of Applicant		Permit Number	
		Application Number	

**1.1 General**

Mailing Address			
Employer Identification Number		Telephone Number	

1.7 Requested Permit Renewal Term: \_\_\_\_\_ years. If the requested renewal term exceeds 5 years, the supporting rationale required under 4 VAC 25-130-778.17(b) must be included with this Renewal Application package. (Please identify this material as 1.7 Attachment).

**1.10 Application Preparation (Person who prepared the Renewal Application)**

Engineer's Name		Va. Registration No.	
Consultant's Name			
Organization Associated with			
Mailing Address		Telephone Number	

**1.11 Correspondence Concerning Application (Including corrections and modifications, should be sent to)**

<input type="checkbox"/> Applicant	<input type="checkbox"/> Consultant	<input type="checkbox"/> Engineer	<input type="checkbox"/> Other (Name-)	
Organization Associated with (if different from 1.10)				
Mailing Address			Telephone No.	

**1.12 Public Notice/Participation Process (Please identify the proposed Public Notice as Attachment 1.12)**

Public Office Code		Newspaper Code	
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**1.13 Performance Bonding**

The performance bond(s) will remain in full force and effect for the renewed permit. For surety bond(s) on file with the Division submit as attachment 1.13, a notarized letter from the surety stating that the bond(s) will remain in effect for the renewed permit term.

Division of Mined Land Reclamation  
Application for Permit Renewal

1.14 **Liability Insurance** An  updated original Certificate of Liability Insurance or  letter from the liability insurance company stating that coverage will remain in effect for the renewed permit term is enclosed as Attachment 1.14.

Indicate whether the Applicant is certifying that the following information remains the same, is contained in an ownership/control master file on record with the Division, or is being updated by this application.	Same	Master File	Update
• Other permits and licenses (update under 1.8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• AML Reclamation Fee payment responsibility (update under 1.9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Water & Sewage Treatment Authority/Water Company (update under 1.16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Applicant's Legal Structure (update under 1.19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Applicant's Resident Agent (update under 1.20)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Person who owns/controls Applicant (update under 1.21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Stockholder owning 10% or more (update under 1.22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• 5 years preceding date of application (update under 1.23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Pending surface coal mining applications (update under 1.24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Operations owned/controlled (update under 1.25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Operator, other than Applicant (update under 1.26)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Mineral Control (update under 1.27)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Property Ownership/Right of Entry (update under 1.28-1.33)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Violation History (update under 1.38 - 1.39)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**CERTIFICATION:**

I hereby certify that I am the authorized representative of the Applicant and affirm that the information provided on this form and all attachments submitted herewith are true and accurate to the best of my knowledge. I further affirm that the surface coal mining and reclamation operations proposed under this Renewal Application will be conducted pursuant to the terms and conditions of the existing permit, or such conditions as may be set by the Division pursuant to the requirements of the Virginia Coal Surface Mining Control and Reclamation Act of 1979 (Chapter 19, Title 45.1 of the Code of Virginia (1950) as amended), and the regulations promulgated thereunder.

Signature: \_\_\_\_\_

Title/Position: \_\_\_\_\_ Date: \_\_\_\_\_

Note: If the person signing this certification is not listed under Item 1.21 of this Renewal Application or the existing permit material, attach a copy of the Power of Attorney or Resolution of Board of Directors which allows the person to act on behalf of the Applicant.

**Notarization:**

Subscribed and affirmed/sworn to before me by \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the City/County of \_\_\_\_\_.

Notary Public Signature: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_ (Affix Seal)

Division of Mined Land Reclamation  
Application for Permit Renewal

**UPDATE INFORMATION**

1.6 **Drainage Discharge**  
 The permit area is located within the watershed of the Corps of Engineers project: \_\_\_\_\_

1.8 **Other Permits and Licenses:**

Regulatory Agency	Agency Address	Permit/Applic. Number	Issue Date	Permit Type	Current Status
MSHA					
Va. Div. Of Mines					
Other:					

1.9 **AML Reclamation Fee**

(Name, address, telephone number, and social security number<sup>1</sup> of the person(s) (and Master Entity) that will pay the fees.)

Name	Address	Telephone No.	SSN

1.16 **Water and Sewage Treatment Authority and/or Water Company**

A portion of the permit area will be located within or adjacent to the jurisdictional service area of the listed Municipal/Public water and sewage treatment authority or water company which provides service to citizens in the vicinity of the permit, or have facilities (i.e., treatment stations, water pipelines, etc.) located in the area of the permit.

Authority/Company Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_

Provide a brief description of the facility type and its approximate location relative to the renewed permit area (reference the description to the application map, if possible.)

**Business/Financial Information Update**

1.19 **Applicant's Legal Structure**

Type of Entity - Code \_\_\_\_\_ State of Incorporation \_\_\_\_\_ Registered with Va. State Corp. Comm.   
If "O" was identified, describe the type of business: \_\_\_\_\_

1.20 **Applicant's Resident Agent**

Resident Agent's Name \_\_\_\_\_ Telephone Number \_\_\_\_\_  
Mailing Address \_\_\_\_\_

<sup>1</sup> Providing the applicable social security number is an optional requirement.

Division of Mined Land Reclamation  
Application for Permit Renewal

1.21 Person Who Owns or Controls the Applicant

Name	Title	Date	SSN/EIN	Address

1.22 Stockholder Owning 10% or More of Any Class of Voting Stock

Name	Title	Date	%	SSN/EIN	Address
Relationship to Applicant (be specific for each person)					

1.23 Five Years Preceding the Date of Application

Name	Permit No.	EIN	MSHA No.	Date	State

1.24 Pending Surface Coal Mining Operation Permit Application(s)

Name	Application Number	State

1.25 Operations Owned/Controlled by Applicant or by Any Person Who Owns/Controls Applicant

Name	Address	EIN	Permit No.	MSHA No.	Date
Relationship to Applicant (be specific for each person)					

1.26 A) Operator, if Other Than Applicant

Name	Address	SSN/EIN	Telephone Number

B) Contractor/Operator - Business Entity

Name	Address	SSN/EIN	Title	Date

Division of Mined Land Reclamation  
Application for Permit Renewal

C) Stockholder Relationship to the Contractor/Operator

Name	Address	SSN/EIN	Title	%

1.27 Mineral Control

Name	Address	SSN/EIN

Property Ownership/Right of Entry Update

1.28 Surface Property

Name	Address

1.29 Mineral Property


1.30 Leasehold Interest

Name	Address	Surface/Mineral Tract

1.31 Purchaser of Record

Name	Address	Surface/Mineral Tract

1.32 Contiguous Surface Property

Name	Address

1.33 Contiguous Mineral Property

Name	Address

Division of Mined Land Reclamation  
Application for Permit Renewal

Violation History Update

1.38 Permit Suspensions/Revocations/Bond Forfeitures The Applicant, or subsidiary, affiliate, or person(s) controlled by or under common control with the Applicant has: (Check as applicable)

- had a federal or State mining permit suspended or revoked in the past five (5) years.
- forfeited a performance bond or similar security.

(If either item checked, provide the information required per 4 VAC 25-130-778.14(b) as Attachment 1.38.)

1.39 Previous Violations (Check as applicable)

- The Applicant has received violation notices during the three (3) year period preceding the date of this renewal application.
- The Applicant has unabated cessation orders and/or unabated air and water quality violation notices which were received prior to the date of this renewal application on surface coal mining operation(s) owned or controlled by either the Applicant or by a person who owns or controls the Applicant.

(If either item checked, provide the information required per 4 VAC 25-130-778.14(c) as Attachment 1.39.)



COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF MINES, MINERALS AND ENERGY  
DIVISION OF MINED LAND RECLAMATION  
P. O. DRAWER 900; BIG STONE GAP, VA 24219  
TELEPHONE: (340) 523-8202

APPLICATION FOR  
COAL EXPLORATION PERMIT AND  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

NAME OF APPLICANT		APPLICATION NUMBER	
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This application is being submitted pursuant to Section 4 VAC 25-130-772.12 of the Virginia Coal Surface Mining Reclamation Regulations. The proposed exploration operation will (check as applicable):

- remove more than 250 tons of coal, and/or
- will take place on lands designated as unsuitable for surface mining under Subchapter VF.

**CERTIFICATION:**

I hereby certify that I am the authorized representative of the Applicant and affirm that the information provided on this form and all attachments submitted herewith are true and accurate to the best of my knowledge. I further affirm that the coal exploration operations proposed under this Application will be conducted pursuant to the terms and conditions of this Application, or such conditions as may be set by the Division pursuant to the requirements of the Virginia Coal Surface Mining Control and Reclamation Act of 1979 (Chapter 19, Title 45.1, Code of Virginia (1950), as amended), and the regulations promulgated thereunder.

Signature: \_\_\_\_\_

Title/Position: \_\_\_\_\_ Date: \_\_\_\_\_

**Notarization:**

Subscribed and affirmed/sworn to before me by \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ in the County/City of \_\_\_\_\_

My Commission Expires \_\_\_\_\_  
Signature \_\_\_\_\_ (Affix seal)

Division of Mined Land Reclamation  
Application for Coal Exploration Permit

**SECTION 1 - ADMINISTRATIVE INFORMATION**

**1.1 GENERAL INFORMATION**

APPLICANT (Company Name):	
Mailing Address:	
Employer Identification No.:	Telephone No.:
Authorized Representative: <sup>1</sup>	
Mailing Address:	
Social Security Number: <sup>2</sup>	Telephone No.:

**1.2 LOCATION OF EXPLORATION OPERATION**

Name of Operation:	
Latitude:	Longitude:
USGS Quadrangle(s):	
Nearest Community:	Nearest Public Road:

**1.3 TOTAL SURFACE ACREAGE** (Indicate by County, the surface acreage involved in the proposed exploration operation)

County	Acreage

**1.4 APPLICATION PREPARATION** (Person who prepared this Application)

Engineer's Name:	Va. Registration No.:
Consultant's Name:	
Name of Firm:	
Mailing Address:	Telephone No.:

**1.5 CORRESPONDENCE CONCERNING APPLICATION** - Including corrections and modifications should be addressed to (check one):

<input type="checkbox"/> Applicant	<input type="checkbox"/> Engineer	<input type="checkbox"/> Consultant	<input type="checkbox"/> Other (name →)
Organization associated with (if different from 1.4):			
Mailing Address:		Telephone No.:	

**1.6 PUBLIC NOTICE**

Public Notice to be published in (identify newspaper):
The proposed Public Notice shall be attached as Attachment 1.6.

**1.7 NPDES PERMIT** - (check if applicable):

<input type="checkbox"/> The NPDES permit application (DMLR-PT-128c) is included in this application package.
---

<sup>1</sup> This is the person who will be present at and responsible for the exploration operation.  
<sup>2</sup> The social security number is optional information.

Division of Mined Land Reclamation  
Application for Coal Exploration Permit

**1.8 ARCHEOLOGICAL, CULTURAL AND HISTORIC RESOURCES** - within or adjacent to the proposed permit area (check one):

<input type="checkbox"/>	There are no known CULTURAL or HISTORIC RESOURCES either listed or eligible for listing on the National Register of Historic Places, nor are there any known ARCHEOLOGICAL SITES located within or adjacent to the Proposed Permit area.
<input type="checkbox"/>	A description of the known ARCHEOLOGICAL, CULTURAL and HISTORIC RESOURCES located within or adjacent to the Proposed Permit area is included as Attachment 1.8.

**1.9 ENDANGERED SPECIES ACT**

<input type="checkbox"/>	A description of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 that is located within or adjacent to the Proposed Permit area is included as Attachment 1.9.
--------------------------	---

**1.10 AREAS DESIGNATED AS UNSUITABLE** -

Check	Indicate if (& identify on the application map) any portion of the permit area will be:
<input type="checkbox"/>	within any area under study for designation as unsuitable for surface coal mining operations.
<input type="checkbox"/>	on any lands within the boundaries of the National Park system.
<input type="checkbox"/>	on any lands within the boundaries of the National Wildlife Refuge system.
<input type="checkbox"/>	on any lands within the boundaries of the National System of Trails.
<input type="checkbox"/>	on any lands within the boundaries of the National Wilderness Preservation system.
<input type="checkbox"/>	on any lands within the boundaries of the Wild and Scenic Rivers system, including "study" rivers.
<input type="checkbox"/>	on any lands within the boundaries of any National Recreation Areas.
<input type="checkbox"/>	on any lands within the boundaries of any National Forest.
<input type="checkbox"/>	on any lands where mining will adversely affect any Publicly Owned Park or any place included in, or eligible to be included in the National Register of Historic Places. (Note: If yes to either or both of these, see 4 VAC 25-130-761.11(e) and include as Attachment 1.10 a copy of the joint approval by the Division and the Federal, State, or local agency with jurisdiction over the park or place.)
<input type="checkbox"/>	within 100 feet of the right of way of any public road.
<input type="checkbox"/>	within 300 feet of any occupied dwelling not specifically exempted by 4 VAC 25-130-761.11(e).
<input type="checkbox"/>	within 300 feet of any public building.
<input type="checkbox"/>	within 300 feet of any school.
<input type="checkbox"/>	within 300 feet of any church.
<input type="checkbox"/>	within 300 feet of any community or institutional building.
<input type="checkbox"/>	within 300 feet of any public park.
<input type="checkbox"/>	within 100 feet of any cemetery.

**PROPERTY OWNERSHIP/RIGHT OF ENTRY**

**1.11 SURFACE PROPERTY** (owner of record of area to be explored)

Name	Address

Division of Mined Land Reclamation  
Application for Coal Exploration Permit

1.12 MINERAL PROPERTY (owner of record of area to be explored)

Name	Address

1.13 RIGHT OF ENTRY (check if applicable)

The surface is owned by a person other than the Applicant. A description of the basis upon which the Applicant claims the right to enter that land for the purposes of conducting exploration and reclamation is included as Attachment 1.13.

SECTION 2 - OPERATIONS

2.1 DESCRIPTION OF THE PROPOSED EXPLORATION AREA<sup>3</sup>

Surface Topography
Physical Features (including geological and surface water characteristics)
Existing Vegetation
Distribution of Important Habitats of Fish and Wildlife

<sup>3</sup> Cross referenced to the Application Map.

Division of Mined Land Reclamation  
Application for Coal Exploration Permit

Identification of Structures, Objects, Districts, Sites, or Buildings Listed on the National Register of Historic Places
Identification of Archeological Resources:

2.2 ESTIMATED TIMETABLE FOR EXPLORATION AND RECLAMATION

Phase of Operation	Estimated Commencement Date	Estimated Completion Date

2.3 DESCRIPTION OF THE METHODS AND EQUIPMENT FOR OPERATION

Types of Equipment:	Use(s) During Exploration and Reclamation Operations

Describe the methods/activities that will involve drilling, blasting, road/access construction, and disposal of excavated earth or debris; (If additional space is needed, include as Attachment 2.3.)

--

Division of Mined Land Reclamation  
Application for Coal Exploration Permit

**2.4 COAL REMOVAL**

	Estimated amount of coal (in tons) to be removed.
The amount will be determined by (method):	
If more than 250 tons will be removed, explain why the amount is necessary:	

**SECTION 3 - PERFORMANCE STANDARDS COMPLIANCE**

(If insufficient space is provided for the following narratives, the relevant descriptions should be attached with the Application. The attachment should reference the applicable item number.)

**3.1 Describe the measures that will be taken to prevent disturbance to unique habitats for fish, wildlife, and other related environmental values:**

[Empty text box for 3.1]

**3.2 Describe the measures that will be taken to control vehicular travel on other than established roads:**

[Empty text box for 3.2]

**3.3 Describe the operation's planned road construction, maintenance, and reclamation (roads used less than 6 months - see 4 VAC 25-130-816.150):**

[Empty text box for 3.3]

Division of Mined Land Reclamation  
Application for Coal Exploration Permit

**3.4 Describe the operation's planned road construction, maintenance, and reclamation (roads used longer than 6 months - see 4 VAC 25-130-816.150):**

[Empty text box for 3.4]

**3.5 Describe the measures concerning backfilling and grading of excavations, artificial flat areas, or embankments:**

[Empty text box for 3.5]

**3.6 Describe the measures to ensure proper topsoil removal, storage, and redistribution:**

[Empty text box for 3.6]

**3.7 Describe the measures to ensure prompt revegetation of the disturbed areas:**

[Empty text box for 3.7]

**3.8 Describe any planned diversion of overland flow(s) and ephemeral, perennial or intermittent streams and how such will comply with 4 VAC 25-130-816.43:**

[Empty text box for 3.8]

Division of Mined Land Reclamation  
Application for Coal Exploration Permit

- 3.9 Describe the reclamation of exploration hole(s), borehole(s), well(s), or other exposed underground openings:

--

- 3.10 Describe the removal of facilities and equipment:

--

- 3.11 Describe how the exploration and reclamation operations will be conducted to minimize disturbances of the prevailing hydrologic balance:

--

- 3.12 Describe how acid and toxic forming materials will be handled and disposed:

--

#### SECTION 4 - APPLICATION MAP

The Application map (at a scale of 1:24,000 or larger) shall show the location of the following, where applicable:

- A. Areas of land to be disturbed by the proposed exploration and reclamation.
- B. Existing roads, occupied dwellings, pipelines, and bodies of surface water.
- C. Topographic and drainage features.
- D. Proposed trenches, roads, other access routes to be constructed, and structures to be constructed.
- E. Proposed land excavations, exploration holes or other drill holes or underground openings.
- F. Excavated earth or waste material disposal areas.
- G. Critical habitats of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973.
- H. Known Archeological, Cultural or Historic Resources.

DMS R-F-F-062  
Rev. 6/97

Page 8

#### BASIC PUBLIC NOTICE FORMAT: ( 1 TIME/30 DAY COMMENT)

##### EXAMPLE - Coal Exploration Permit Application

**PUBLIC NOTICE**  
APPLICATION FOR  
COAL EXPLORATION/ NPDES PERMIT  
UNDER CHAPTER 19, TITLE 45.1 OF THE CODE OF VIRGINIA

PUBLICATION NUMBER: \_\_\_\_\_

(NAME OF APPLICANT) of (BUSINESS ADDRESS) submitted an application on (Enter filing date of application) to the Virginia Department of Mines, Minerals and Energy, Division of Mined Land Reclamation for a PERMIT to conduct COAL EXPLORATION OPERATIONS at the following location. The coal exploration permit application has been submitted in accordance with Section 4 VAC 25-130-772.12 of the Virginia Coal Surface Mining Reclamation Regulations.

#### (INSERT A DESCRIPTION OR MAP WHICH SHALL)

1. Clearly show or describe the county(ies), town, river(s), stream(s), or other bodies of water, local landmarks, roads, or other information which will allow local residents to readily identify the proposed permit area.
2. Clearly show or describe the location and boundaries of the proposed permit area.
3. State the name of the U. S. Geological Survey 7.5 minute quadrangle map(s) which contain the proposed permit area.
4. If a map is utilized to show the proposed exploration permit area, indicate the North point.
5. Indicate whether the exploration operation intends to remove more than 250 tons of coal.
6. If the exploration operation is planned for areas where mining is prohibited or limited (see Section 4 VAC 25-130-761.11 of the regulations), specifically identify such area(s).

#### IF THE OPERATION WILL RELOCATE, OR COME WITHIN ONE HUNDRED FEET OF THE OUTSIDE RIGHT-OF-WAY LINE OF ANY PUBLIC ROAD

Except for areas where mine access roads or haulage roads join the right-of-way line, include the following paragraph:

The proposed operation will (RELOCATE) (COME WITHIN 100 FEET OF) the following public road: (As appropriate, provide a concise description of the public road, the portion to be relocated, the new location, and the duration of the relocation.)

#### Drainage and waste water resulting from the permitted operation will be discharged as follows:

1. Name the receiving stream(s).
2. State the type of discharge.
3. Provide the location of the discharge(s) - brief description of each discharge location, location on the map (if used), and a statement as to whether the discharge is new or existing.

A copy of the coal exploration permit application materials and (if applicable) the NPDES "draft" permit and fact sheet(s) are available for public inspection and comment at the Division of Mined Land Reclamation's office located in Big Stone Gap, Virginia. Any person whose interests are or may be adversely affected by the proposed operation, or an officer, or head of any federal, state, or local government agency or authority may within 30 days of (DATE OF PUBLICATION OF NEWSPAPER NOTICE) submit written comments or objections to the Division of Mined Land Reclamation concerning the proposed operation.

All correspondence concerning the application should be submitted to the Division of Mined Land Reclamation, P. O. Drawer 909, Big Stone Gap, Virginia 24219, Telephone: (540) 523-8202, Attn: Permit Section.

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF MINES, MINERALS AND ENERGY  
DIVISION OF MINED LAND RECLAMATION  
P. O. DRAWER 906, BIG STONE CREEK, VA 24219  
TELEPHONE: (540) 531-8292



#### CONDITIONS - Coal Surface Mining Reclamation Fund

The Permittee has elected to participate in the Coal Surface Mining Reclamation Fund (Pool Bond Fund) pursuant to Article 5, Chapter 19 of Title 45.1 of the Code of Virginia, as amended. Acceptance into the Pool Bond Fund is conditioned upon the following:

1. The commencement of participation in the Pool Bond Fund shall constitute an irrevocable commitment by the Permittee to participate therein as to the applicable permit and for the duration of the coal surface mining operations covered thereunder.
  2. If the Permittee submits a self bond under §480-03-19.801.13 of the Virginia Coal Surface Mining Reclamation Regulations, the Permittee shall immediately notify the Division of any change in the total liabilities or total assets which could jeopardize the support of the self bond. In the event the resources to support the self bond become insufficient, the Permittee shall be deemed to be without bond coverage.
  3. Upon initiation of the reclamation tax per §45.1-270.4 of the Code of Virginia, the Permittee shall pay within 30 days after the end of each taxable calendar quarter an amount equal to:
 

-	4	cents per clean ton of coal produced by surface mining operations.
-	3	cents per clean ton of coal produced by underground mining operations.
-	1½	cents per clean ton of coal processed or loaded by preparation or loading facilities.
- The Permittee shall pay the reclamation tax into the Pool Bond Fund on the coal mined and removed under the permit during the 1 year period commencing with and running from the date of the commencement of coal production, processing, or loading from that permit. No Permittee shall be required to pay tax on more than five million tons of coal produced per calendar year, regardless of the Pool Bond Fund's balance. After the initial year payment, the Division shall notify the Permittee as to when the reclamation tax will be initiated.
4. The Permittee shall ensure the "Coal Surface Mining Reclamation Tax Fund Reporting Form" (DMLR-PT-178) and any applicable tax payment are submitted to the Division no later than 30 days after the last day of each reporting calendar quarter, even if no coal was mined, processed, or loaded on the permit.
  5. The Division, upon advance written notice, may request to audit the relevant books and records of the Permittee upon which the taxes are based.
  6. A Permittee who has defaulted on any reclamation obligation and has caused the Pool Bond Fund to incur reclamation expenses from such shall be ineligible to participate in the Pool Bond Fund for any new permit or renewal until full restitution for the default has been made.
  7. A renewal fee of \$1,000 shall be required of all permittees in the Pool Bond Fund at permit renewal.

DMR-PT-178



Commonwealth of Virginia  
Department of Mines, Minerals and Energy  
Division of Gas and Oil  
P.O. Box 1416; Abingdon, VA 24212  
Telephone: (540) 676-5423

SECTION 45.1-361.35 - OBJECTIONS TO PERMITS; HEARINGS

TO BE ATTACHED TO WAIVER FORM

A. Objections to new or modification permits may be filed with the Director by those having standing as set out in Section 45.1-361.30. Such objections shall be filed within fifteen days of the objecting party's receipt of the notice required by Section 45.1-361.30. Persons objecting to a permit must state the reasons for their objections.

B. The only objections to permits or permit modifications which may be raised by surface owners are:

1. The operations plan for soil erosion and sediment control is not adequate or effective;
2. Measures in addition to the requirement for a well's water-protection string are necessary to protect fresh water-bearing strata; and
3. The permitted work will constitute a hazard to the safety of any person.

C. The only objections to permits or permit modifications which may be raised by royalty owners are whether the proposed well work:

1. Directly impinges upon the royalty owner's gas and oil interests; or
2. Threatens to violate the objecting royalty owner's property or statutory rights aside from his contractual rights; and
3. Would not adequately prevent the escape of the Commonwealth's gas and oil resources or provide for the accurate measurement of gas and oil production and delivery to the first point of sale.

D. Objections to permits or permit modifications may be raised by coal owners or operators pursuant to the provisions of Sections 45.1-361.11 and 45.1-361.12.

E. The only objections to permits or permit modifications which may be raised by mineral owners are those which could be raised by a coal owner under Section 45.1-361.11 provided the mineral owner makes the objection and affirmatively proves that it does in fact apply with equal force to the mineral in question.

F. The only objections to permits or permit modifications which may be raised by gas storage field operators are those in which the gas storage operator affirmatively proves that the proposed well work will adversely affect the operation of his State Corporation Commission certificated gas storage field; however, nothing in this subsection shall be construed to preclude the owner of nonstorage strata from the drilling of wells for the purpose of producing oil or gas from any stratum above or below the storage stratum.

G. The Director shall have no jurisdiction to hear objections with respect to any matter subject to the jurisdiction of the Board as set out in Article 2 (§ 45.1-361.13 et seq.) of this chapter. Such objections shall be referred to the Board in a manner prescribed by the Director.

H. The Director shall fix a time and place for an informal fact finding hearing concerning such objections. The hearing shall not be scheduled for less than twenty nor more than thirty days after the objection is filed. The Director shall prepare a notice of the hearing, stating all objections and by whom made, and send a copy of such notice by certified mail, return receipt requested, at least ten days prior to the hearing date, to the permit applicant and to every person with standing to object as prescribed by Section 45.1-361.30.

I. At the hearing, should the parties fail to come to an agreement, the Director shall proceed to decide the objection pursuant to those provisions of the Administrative Process Act (Section 9-6.14.1 et seq.) relating to informal fact finding hearings.

OPERATIONS NAME: \_\_\_\_\_

NOTICE OF APPLICATION FOR A PERMIT OR PERMIT MODIFICATION

Take notice that \_\_\_\_\_, pursuant to Code of Virginia, Section 45.1-361.29, is filing this Notice and Application of a permit with the Virginia Division of Gas and Oil with respect to an operation on the \_\_\_\_\_ tract(s) of \_\_\_\_\_ acres, more or less, in the District, \_\_\_\_\_ City/County, Virginia.

Attached to this Notice of Application is a copy of the required plat or map, operations plan and other information required by the Director. The operations plan describes the work to be done and meets the requirements of Regulation 4 VAC 25-150-100.

You may have the right to file an objection to the proposed operations within fifteen (15) days from the receipt of this notice pursuant to the Code of Virginia, Section 45.1-361.35. A copy of this Code section is attached for your review. Please describe the specific practices you are objecting to and reference the proposed operations and the appropriate part of this section when submitting any objection.

Section 45.1-361.35.A "Objections to new or modification permits may be filed with the Director by those having standing as set out in Section 45.1-361.30. Such objections shall be filed within fifteen days of the objecting party's receipt of the notice required by Section 45.1-361.30. Persons objecting to a permit must state the reasons for their objections."

After receipt of a valid objection, an informal fact finding hearing will be scheduled pursuant to the Code of Virginia Section 45.1-361.35.H.

Section 45.1-361.35.H "The Director shall fix a time and place for an informal fact finding hearing concerning such objections. The hearing shall not be scheduled for less than twenty nor more than thirty days after an objection is filed."

City/County: \_\_\_\_\_ District: \_\_\_\_\_ Quadrangle: \_\_\_\_\_  
Watershed: \_\_\_\_\_ Farm Name: \_\_\_\_\_ Surface Elevation: \_\_\_\_\_  
State Plane Coordinates: \_\_\_\_\_

OBJECTIONS MUST BE FILED WITH

DEPARTMENT OF MINES, MINERALS AND ENERGY  
DIVISION OF GAS AND OIL  
P.O. BOX 1416  
ABINGDON, VA 24212  
(540) 676-5423

Form DGO-GO-4

Form DGO-GO-4  
Rev. 7/97

**Forms Implementing Chapter 19 of Title 45.1 of the Code  
of Virginia Regarding Coal Mine Safety**  
**Irrevocable Standby Letter of Credit, DMLR-PT-255, eff. 8/97**  
**Confirmation of Irrevocable Standby Letter of Credit, DMLR-  
PT-255A, eff. 8/97**

**IRREVOCABLE STANDBY LETTER OF CREDIT**

Irrevocable Standby Letter of Credit Number: \_\_\_\_\_ Date: \_\_\_\_\_

Commonwealth of Virginia  
Department of Mines, Minerals and Energy  
Division of Mined Land Reclamation  
Post Office Drawer 900  
Big Stone Gap, Virginia 24219

	(Name Address & Telephone Number)
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Gentlemen:  
In accordance with Section 45.1-241(C) of the Code of Virginia, we hereby issue our Irrevocable Letter of Credit (on certain designated funds) in your favor for the account of (must state the exact name that appears on the permit) \_\_\_\_\_ Permit Number \_\_\_\_\_ for the sum or sums not to exceed a total of \_\_\_\_\_ U.S. Dollars (\$ USD \_\_\_\_\_) available by your draft(s) on us (or confirming bank's, if confirmed) at sight.

This Letter of Credit will expire at our counters (or the confirming bank's, if confirmed) on \_\_\_\_\_

It is a condition of this Letter of Credit that it will be automatically extended for additional periods of one (1) year from the present or each future expiration date unless we (or the confirming bank, if confirmed) have notified you in writing, not less than thirty (30) days before the annual expiration date, that we elect not to renew this Letter of Credit. The Notice of such election shall be sent by registered mail, return receipt requested, and received by the Director of the Division of Mined Land Reclamation (hereafter referred to as "DMLR"), Post Office Drawer 900; Big Stone Gap, Virginia 24219 (or any change of address provided by the DMLR hereafter to us); or we (or the confirming bank, if confirmed) may hand deliver the written Notice to, and obtain a written, dated receipt from the Director of DMLR at the DMLR's Big Stone Gap office.

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision) International Chamber of Commerce (Publication No. 500).

We further agree that unless expressly stated otherwise herein, the terms and obligations represented by this credit shall be governed by the Uniform Commercial Code of the Commonwealth of Virginia and/or any other pertinent Virginia law. We agree that the proper forum for trial of any dispute involving our liability to the Commonwealth of Virginia, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, on this Letter of Credit shall lie in the Wise County Circuit Court, Wise, Virginia pursuant to our intent hereby to do business in the Commonwealth of Virginia. We further acknowledge that pursuant to 45.1-241(C) of the Code of Virginia, as amended, that this Letter of Credit can only be issued up to the amount which can be insured by the FDIC.

Attached hereto is a certified copy of the Corporation's Resolution authorizing the undersigned to execute this Letter of Credit on behalf of \_\_\_\_\_ (name of Bank).

All drafts drawn under this credit shall state that they are, "Drawn under \_\_\_\_\_ Letter of Credit Number \_\_\_\_\_, dated \_\_\_\_\_ for Permit No. \_\_\_\_\_"

We hereby agree that drafts drawn under and in compliance with the terms of the Irrevocable Letter of Credit will be duly honored on due presentation to the Drawee.

By \_\_\_\_\_  
Title \_\_\_\_\_

DMLR PT-255

**CONFIRMATION OF IRREVOCABLE STANDBY LETTER OF CREDIT**

Our Confirmation Number: \_\_\_\_\_ Date: \_\_\_\_\_

Commonwealth of Virginia  
Department of Mines, Minerals and Energy  
Division of Mined Land Reclamation  
Post Office Drawer 900  
Big Stone Gap, Virginia 24219

	(Name Address & Telephone Number)
--	---

In reference to:

Irrevocable Standby Letter of Credit Number \_\_\_\_\_  
Dated: \_\_\_\_\_  
Amount: \_\_\_\_\_  
Issued by: \_\_\_\_\_  
Account Party: \_\_\_\_\_  
Permit Number: \_\_\_\_\_

We enclose the original of the above referenced Irrevocable Standby Letter of Credit opened in your favor.

We confirm this credit and thereby undertake that all draft(s) drawn under and in compliance with the terms of the original credit and any other conditions stated therein, will be duly honored.

Confirmation Number: \_\_\_\_\_

Assuring you it has been a pleasure to assist you in this matter, we remain,

Yours very truly,

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DMLR PT-255A

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# GENERAL NOTICES/ERRATA

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## Symbol Key

† Indicates entries since last publication of the *Virginia Register*

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### STATE BOARD OF SOCIAL SERVICES

#### † Additional Comment Period

Notice is hereby given in accordance with §§ 9-6.14:7.1 and 9-6.14:9.1 of the Code of Virginia that the State Board of Social Services has adopted as final the regulation entitled: **22 VAC 40-705-10 et seq. Child Protective Services**. The State Board of Social Services made no substantial changes to the proposed regulation other than amendment of 22 VAC 40-705-80 B. The purpose of 22 VAC 40-705-80 B is to clarify circumstances in which an interview with the alleged victim child would not be audio taped. Because the board believes that this change may be considered substantial by other parties, the board will accept additional comment.

Accordingly, additional written comment concerning 22 VAC 40-705-10 et seq. may be submitted until October 31, 1997, to Jesslyn Cobb, Department of Social Services, Division of Family Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1255.

### STATE WATER CONTROL BOARD

#### † Enforcement Action Proposed Consent Special Order Town of Cape Charles

The State Water Control Board proposes to take an enforcement action against the Town of Cape Charles. The enforcement action will be a Consent Special Order that will require the town to come into compliance with appropriate Virginia laws and regulations.

The Department of Environmental Quality will receive written comments relating to the board's proposed Consent Special Order until October 1, 1997. Comments should be addressed to David S. Gussman, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia 23462, and should refer to the Consent Special Order. The proposed order may be examined at the above address and copies of the order may be obtained in person or by mail.

### VIRGINIA CODE COMMISSION

#### Notice to State Agencies

**Mailing Address:** Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

### Forms for Filing Material on Dates for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material and dates for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

**Internet:** Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page: <http://legis.state.va.us/codecomm/regindex.htm>

#### FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01  
NOTICE of COMMENT PERIOD - RR02  
PROPOSED (Transmittal Sheet) - RR03  
FINAL (Transmittal Sheet) - RR04  
EMERGENCY (Transmittal Sheet) - RR05  
NOTICE of MEETING - RR06  
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS  
- RR08

## ERRATA

### STATE CORPORATION COMMISSION

#### Bureau of Financial Institutions

Title of Regulation: 10 VAC 5-170-10 et seq. Electronic Funds Transfer (REPEALING).

Publication: 13:24 VA.R. 3214 August 18, 1997.

#### Correction:

The order repealing 10 VAC 5-170-10 et seq., Electronic Funds Transfer, was incorrectly published under the proposed regulation heading in the State Corporation Commission section of the *Virginia Register*. The order should have appeared under the final regulation heading in the State Corporation Commission section.

### DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: 12 VAC 5-217-10 et seq. Regulations of the Patient Level Data System.

Publication: 13:22 VA.R. 2779-2782 July 21, 1997.

Correction to Final Regulation:

Page 2779, 12 VAC 5-217-10, column 2, definition of "Processed, verified data," lines 10 and 11, unstrike "error" and delete "erroneous"

**STATE COUNCIL OF HIGHER EDUCATION FOR  
VIRGINIA**

Title of Regulation: 8 VAC 40-70-10 et seq. Tuition Assistance Grant Program Regulations.

Publication: 13:22 VA.R. 2784-2789 July 21, 1997.

Correction to Final Regulation:

Page 2788, 8 VAC 40-70-40 B, column 1, following subdivision 8 insert "9. *Students pursuing a degree lower in level than one they have already attained shall not be eligible to receive awards.*"

**DEPARTMENT OF TRANSPORTATION  
(COMMONWEALTH TRANSPORTATION BOARD)**

Title of Regulation: 24 VAC 30-220-10. Virginia Alternative Fuels Revolving Fund Regulations.

Publication: 13:23 VA.R. 2939-2940 August 4, 1997.

Correction to Final Regulation:

Page 2939, 24 VAC 30-220-10, column 1, Exemptions Claimed:, line 4, after "of" insert "state or"

# CALENDAR OF EVENTS

## Symbol Key

- † Indicates entries since last publication of the *Virginia Register*  
♿ Location accessible to handicapped  
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

## EXECUTIVE

### BOARD OF AGRICULTURE AND CONSUMER SERVICES

† September 30, 1997 - 1 p.m. -- Open Meeting  
Department of Agriculture and Consumer Services,  
Washington Building, 1100 Bank Street, 2nd Floor Board  
Room, Richmond, Virginia.

A meeting to discuss regulations and consider other matters relating to its responsibilities. The board will entertain public comment for a period not to exceed 15 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Secretary to the Board,  
Department of Agriculture and Consumer Services,  
Washington Bldg., 1100 Bank St., Room 211, P.O. Box 1163,  
Richmond, VA 23219, telephone (804) 786-3538.

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December 11, 1997 - 1:30 p.m. -- Public Hearing  
State Capitol, Capitol Square, House Room 4, Richmond,  
Virginia.

October 20, 1997 -- Public comments may be submitted until  
8:30 a.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-180-10 et seq. Rules and Regulations Governing Pseudorabies in Virginia.** Pseudorabies is a disease that exacts a high death toll among the animals it infects, many of which are domesticated animals. Among the animals that can be infected with pseudorabies are cattle, sheep, dogs, cats, and notably, swine. There is no known evidence that humans can contract pseudorabies. Most kinds of

animals infected with pseudorabies die before they can infect other animals (death usually occurs within 72 hours after infection). Swine are a different matter. Although pseudorabies can kill swine (the younger the swine, the higher the rate of mortality), they also can recover from the disease and spread it to other swine and to other kinds of animals. Virginia's regulations to eradicate pseudorabies from swine are part of a national program designed to rid the nation of pseudorabies.

This regulation provides rules to govern the program for the eradication of pseudorabies from swine in Virginia. The purpose of this action is to revise the regulation and increase its effectiveness, including but not limited to amending the regulation to allow Virginia to participate in the national program to eradicate pseudorabies at whatever stage its circumstance at a particular time would allow--whether Stage I or Stage V, or any stage in between.

Statutory Authority: §§ 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia.

Public comments may be submitted until 8:30 a.m. on October 20, 1997, to Dr. W. M. Sims, Jr., Division of Animal Industry Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218-1163.

Contact: Thomas R. Lee, Program Supervisor, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 600, Richmond, VA 23219, telephone (804) 786-2483 or FAX (804) 371-2380.

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December 11, 1997 - 1:30 p.m. -- Public Hearing  
State Capitol, Capitol Square, House Room 4, Richmond,  
Virginia.

October 20, 1997 -- Public comments may be submitted  
until 8:30 a.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations

entitled: **2 VAC 5-205-10 et seq. Rules and Regulations Pertaining to Shooting Enclosures.** This regulation provides rules to govern shooting enclosures in Virginia. The purpose of this action is to promulgate regulations providing for licensing shooting enclosures, establishing a licensing fee, and establishing criteria for the operation and management of the enclosures to include the health status of the animals held in the enclosure. The regulation also establishes which animals can be held in the shooting enclosures: goats, sheep and swine.

Statutory Authority: § 3.1-763.5:5 of the Code of Virginia.

Public comments may be submitted until 8:30 a.m. on October 20, 1997, to Dr. W. M. Sims, Jr., Division of Animal Industry Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218-1163.

**Contact:** Thomas R. Lee, Program Supervisor, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 600, Richmond, VA 23219, telephone (804) 786-2483 or FAX (804) 371-2380.

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Virginia Irish Potato Board

**September 8, 1997 - 8 p.m. -- Open Meeting**  
The Happy Crab Restaurant, 550 Laskin Road, Virginia Beach, Virginia.

A meeting to discuss programs (promotion, research and education), the annual budget, and other business that may come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** J. William Mapp, Program Director, Irish Potato Board, P.O. Box 26, Onley, VA 23419, telephone (757) 787-5867 or FAX (757) 787-1041.

### Pesticide Control Board

**September 25, 1997 - 10 a.m. -- Open Meeting**  
Washington Building, 1100 Bank Street, Board Room, Room 400, Richmond, Virginia. ☎

A meeting to discuss the changes to the Regulations Governing Pesticide Applicator Certification. Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10

days before the meeting date so that suitable arrangements can be made.

**Contact:** Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 401, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558 or toll-free 1-800-552-9963.

### Virginia Winegrowers Advisory Board

**† October 29, 1997 - 9 a.m. -- Open Meeting**  
A. H. Smith Agricultural Center, 595 Laurel Grove Road, Winchester, Virginia.

A quarterly meeting to discuss committee reports and other regular business. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least 10 days before the meeting date so that suitable arrangements can be made.

**Contact:** Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 786-0481.

### STATE ADVISORY BOARD ON AIR POLLUTION

**† September 9, 1997 - 9 a.m. -- Open Meeting**  
Department of Motor Vehicles, 2300 W. Broad Street, Agcroft Room, Richmond, Virginia.

A regular meeting.

**Contact:** Kathy Frahm, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23240-0009, telephone (804) 698-4376.

**† October 1, 1997 - Noon -- Open Meeting**  
Ramada Plaza Resort Oceanfront, Virginia Beach, Virginia.

The 31st annual meeting of the board to include presentations by Thomas L. Hopkins, Director of the Department of Environmental Quality, and Mark Kilduff, Deputy Director of the Virginia Economic Development Partnership, followed by recommendations to the board on environmental partnerships, multi-media permitting, and publicizing proposed new air quality standards.

**Contact:** Kathy Frahm, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23240-0009, telephone (804) 698-4376.

### ALCOHOLIC BEVERAGE CONTROL BOARD

**September 3, 1997 - 9:30 a.m. -- Open Meeting**  
**September 15, 1997 - 9:30 a.m. -- Open Meeting**

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## Calendar of Events

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**September 29, 1997 - 9:30 a.m. -- Open Meeting**

**October 15, 1997 - 9:30 a.m. -- Open Meeting**

**October 27, 1997 - 9:30 a.m. -- Open Meeting**

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to receive and discuss reports and activities of staff members. Other matters have not been determined.

**Contact:** W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409 or FAX (804) 213-4442.

### **BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS**

#### **Board for Interior Designers**

**September 25, 1997 - 9 a.m. -- Open Meeting**

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

#### **Board for Land Surveyors**

**September 18, 1997 - 9 a.m. -- Open Meeting**

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

#### **Board for Landscape Architects**

**September 9, 1997 - 9 a.m. -- Open Meeting**

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

#### **VIRGINIA BOARD FOR ASBESTOS AND LEAD**

**† September 25, 1997 - 1 p.m. -- Open Meeting**

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 East, Richmond, Virginia. ☎

A subcommittee meeting of the board to develop language for 18 VAC 15-20-60, Virginia Asbestos Licensing Regulations. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

**† October 15, 1997 - 10 a.m. -- Open Meeting**

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 East, Richmond, Virginia. ☎

A meeting to conduct routine business and review draft amendments prepared by board staff to the Virginia Asbestos Licensing Regulations and the Virginia Lead-Based Paint Activities Regulations. The board will also consider adopting the regulations as proposed regulations for publication and public comment. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

## COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES

### State Management Team

† **September 3, 1997 - 9:30 a.m.** -- Open Meeting  
United Methodist Family Services, 3900 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

† **September 4, 1997 - 9 a.m.** -- Open Meeting  
St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss recommendations for policy and procedures to the State Executive Council on the Comprehensive Services Act.

**Contact:** Elizabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

## AUCTIONEERS BOARD

† **September 11, 1997 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 W, Richmond, Virginia. ☎

The board and invited subject matter experts will conduct an exam workshop. A public comment period will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A 11 of the Code of Virginia due to the confidential nature of the examination. The public will not be admitted to the closed executive session.

**Contact:** George O. Bridewell, Examination Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572 or (804) 367-9753/TDD ☎

## BOARD FOR BARBERS

† **October 6, 1997 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The

department fully complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

## CHARITABLE GAMING COMMISSION

**September 9, 1997 - 7 p.m.** -- Public Hearing  
Old Dominion University, 5115 Hampton Boulevard, Webb Student Activity Center, Cafeteria, Norfolk, Virginia.

**September 17, 1997 - 7 p.m.** -- Public Hearing  
Northern Virginia Community College, Annandale Campus-Forum, 8333 Little River Turnpike, Annandale, Virginia.

**September 23, 1997 - 7 p.m.** -- Public Hearing  
John Tyler Community College, 13101 Jefferson Davis Highway, Nichols Center, Chester, Virginia.

**October 17, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Charitable Gaming Commission intends to adopt regulations entitled: **11 VAC 15-12-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to promulgate public participation guidelines for the formulation of charitable gaming regulations.

Statutory Authority: §§ 9-6.14:7.1 and 18.2-340.18 of the Code of Virginia.

**Contact:** James Ingraham, Administration Manager, Charitable Gaming Commission, P.O. Box 756, Richmond, VA 23218, telephone (804) 786-0238 or FAX (804) 786-1079.

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**September 9, 1997 - 7 p.m.** -- Public Hearing  
Old Dominion University, 5115 Hampton Boulevard, Webb Student Activity Center, Cafeteria, Norfolk, Virginia.

**September 17, 1997 - 7 p.m.** -- Public Hearing  
Northern Virginia Community College, Annandale Campus-Forum, 8333 Little River Turnpike, Annandale, Virginia.

**September 23, 1997 - 7 p.m.** -- Public Hearing  
John Tyler Community College, 13101 Jefferson Davis Highway, Nichols Center, Chester, Virginia.

**October 17, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Charitable Gaming Commission intends to adopt regulations entitled: **11 VAC 15-22-10 et seq. Charitable Gaming Regulations.** The purpose of the proposed action is to

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## Calendar of Events

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promulgate regulations for the operation of charitable gaming activities in Virginia.

Statutory Authority: §§ 18.2-340.15, 18.2-340.18, 18.2-340.19, and 18.2-340.30 of the Code of Virginia.

**Contact:** James Ingraham, Administration Manager, Charitable Gaming Commission, P.O. Box 756, Richmond, VA 23218, telephone (804) 786-0238 or FAX (804) 786-1079.

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**September 9, 1997 - 7 p.m.** -- Public Hearing  
Old Dominion University, 5115 Hampton Boulevard, Webb Student Activity Center, Cafeteria, Norfolk, Virginia.

**September 17, 1997 - 7 p.m.** -- Public Hearing  
Northern Virginia Community College, Annandale Campus-Forum, 8333 Little River Turnpike, Annandale, Virginia.

**September 23, 1997 - 7 p.m.** -- Public Hearing  
John Tyler Community College, 13101 Jefferson Davis Highway, Nichols Center, Chester, Virginia.

**October 17, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Charitable Gaming Commission intends to **adopt** regulations entitled: **11 VAC 15-31-10 et seq. Supplier Regulations**. The purpose of the proposed action is to promulgate regulations for vendors selling charitable gaming equipment and supplies in Virginia.

Statutory Authority: §§ 18.2-340.15 and 18.2-340.18 of the Code of Virginia.

**Contact:** James Ingraham, Administration Manager, Charitable Gaming Commission, P.O. Box 756, Richmond, VA 23218, telephone (804) 786-0238 or FAX (804) 786-1079.

### CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **September 15, 1997 - 1 p.m.** -- Open Meeting  
Virginia Beach Municipal Center, 2449 Princess Anne Road, Conference Room 217/218, Virginia Beach, Virginia. ♿

A meeting to conduct general business, including a review of local Chesapeake Bay Preservation Area programs. Public comments will be taken in the meeting. The board will also attend an educational trip on a private boat. The trip will begin at 10 a.m. leaving the KoKoamos Marina. No business will be conducted during the educational trip.

**Contact:** Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Dept., 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447/TDD or toll-free 1-800-243-7229 ♿

### CHILD DAY-CARE COUNCIL

† **September 11, 1997 - 10 a.m.** -- Open Meeting  
Theater Row Building, 730 East Broad Street, Lower Level, Conference Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The council will meet to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. Public comment will be received at noon. Please call ahead of time for possible changes in meeting time.

**Contact:** Arlene Kasper, Program Development Supervisor, Division of Licensing, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1791 or FAX (804) 692-2370.

### STATE BOARD FOR COMMUNITY COLLEGES

**September 10, 1997 - 2:30 p.m.** -- Open Meeting  
Virginia Community College System, James Monroe Building, 101 North 14th Street, Office of the Chancellor, 15th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

State board committee meetings.

**Contact:** Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ♿

† **September 11, 1997 - 8:30 a.m.** -- Open Meeting  
J. Sargeant Reynolds Community College, 1651 East Parham Road, Parham Road Campus, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regularly scheduled board meeting.

**Contact:** Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ♿

### STATE BOARD FOR COMMUNITY COLLEGES AND THE STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **September 10, 1997 - 6 p.m.** -- Open Meeting  
Hyatt Richmond Hotel, 6624 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A joint meeting of the boards followed by a reception and dinner with round table discussion.

**Contact:** Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219,

telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ☎

† **September 11, 1997 - 11 a.m.** -- Open Meeting  
J. Sargeant Reynolds Community College, 1651 East Parham Road, Parham Road Campus, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A joint meeting of the boards to include presentations, a tour and lunch.

**Contact:** Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ☎

## GOVERNOR'S COMMISSION ON COMMUNITY SERVICE AND VOLUNTEERS

† **September 10, 1997 - 10 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, Lower Level Conference Room, Richmond, Virginia. ☎

A general business meeting of the commission.

**Contact:** B. J. Northington, AmeriCorps Manager, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1952 or FAX (804) 692-1999.

## COMPENSATION BOARD

**September 25, 1997 - 11 a.m.** -- Open Meeting  
Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A routine business meeting.

**Contact:** Bruce W. Haynes, Executive Secretary, P.O. Box 710, Richmond, VA 23218-0710, telephone (804) 786-0786, FAX (804) 371-0235, or (804) 786-0786/TDD ☎

## BOARD OF CONSERVATION AND RECREATION

**September 4, 1997 - 7 p.m.** -- Public Hearing  
Salem Civic Center Complex, 1001 Boulevard, Salem, Virginia. ☎ (Interpreter for the deaf provided upon request)

**September 9, 1997 - 7 p.m.** -- Public Hearing  
Hampton Roads Planning District Commission, Regional Building, 723 Woodlake Drive, Chesapeake, Virginia. ☎ (Interpreter for the deaf provided upon request)

**September 10, 1997 - 7 p.m.** -- Public Hearing  
Richmond War Memorial, 621 South Belvidere Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

**September 11, 1997 - 7 p.m.** -- Public Hearing  
Prince William County Government Complex, One County Complex Court, James J. McCoart Administration Building, Prince William, Virginia. ☎ (Interpreter for the deaf provided upon request)

**October 22, 1997** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Conservation and Recreation intends to **amend** regulations entitled: **4 VAC 3-20-10 et seq. Stormwater Management Regulations.** The purpose of the proposed amendments is to protect life and property against the degradation of land and water resources in the form of water pollution, stream channel erosion, depletion of groundwater resources, and more frequent local flooding--impacts that adversely affect fish, aquatic life, recreation, shipping, property values and other uses of lands and waters. Amendments provide consistent criteria for state agency construction projects and greater flexibility for local government adoption of stormwater management ordinances.

Statutory Authority: § 10.1-603.4 of the Code of Virginia.

**Contact:** Leon E. App, Conservation and Development Programs Supervisor, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6141, or (804) 786-2121/TDD ☎

## DEPARTMENT OF CONSERVATION AND RECREATION

**September 29, 1997 - 7 p.m.** -- Open Meeting  
Princess Anne Recreation Center, 1400 Ferrell Parkway, Room 3, Virginia Beach, Virginia. ☎ (Interpreter for the deaf provided upon request)

Actions by the 1997 General Assembly included passage of House Joint Resolution 555 which requests the Department of Conservation and Recreation (DCR), in coordination with other state agencies and local stakeholders, to perform a study of the effects of nonpoint source (NPS) pollution on the Back Bay and to determine the strategies and costs of implementing measures to improve the water quality of the Back Bay. As one component of the study, DCR will conduct a meeting open to the public to summarize the contents of the agency's draft study report and receive comments from all interested parties. Written comments will be accepted if received by September 1, 1997. Direct written comments to DCR Back Bay Study, Mark Meador, 203 Governor Street, Suite 206, Richmond, VA 23219.

**Contact:** Mark Meador, Field Operations Coordinator, Department of Conservation and Recreation, 203 Governor

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## Calendar of Events

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St., Suite 206, Richmond, VA 23219, telephone (804) 786-3999 or FAX (804) 787-1798.

### Chippokes Plantation Farm Foundation

† **September 5, 1997 - 9 a.m.** -- Open Meeting  
Chippokes Plantation State Park, Chippokes Farm and Forestry Museum Office, Surry, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting of the Antique Farm Equipment Committee and to coordinate volunteer projects.

**Contact:** Katherine R. Wright, Executive Secretary, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 786-7950.

### Board on Conservation and Development of Public Beaches

**September 12, 1997 - 10 a.m.** -- Open Meeting  
Thomas Nelson Community College, 99 Thomas Nelson Drive, Moore Hall, Small Conference Room, Hampton, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Committee on the Value of Public Beaches to discuss Senate Joint Resolution 338(1997) directing the board to determine (i) the economic impact of Virginia's public beaches on tourism in the localities in which such beaches are located and the jobs created by tourism and (ii) the amount of public investment in Virginia's public beaches needed to generate the optimal economic return. The committee is to develop a report for the 1998 General Assembly. Public comments will be accepted. Request for an interpreter for the deaf must be made to Carlton Lee Hill at least five days in advance.

**Contact:** Carlton Lee Hill, Public Beach Advisor, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3998 or FAX (804) 786-1798.

† **September 22, 1997 - 10 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, Meeting Room, Newport News, Virginia. (Interpreter for the deaf provided upon request)

A meeting (i) to discuss proposals from localities requesting matching grant funds, (ii) to review the progress on Senate Joint Resolution 338 (1997) regarding the value of public beaches study, and (iii) to receive public comments about public beaches or the activities of the board.

**Contact:** Carlton Lee Hill, Staff Advisor, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3998 or FAX (804) 786-1798.

### Fall River Renaissance Committee

**September 17, 1997 - 10 a.m.** -- Open Meeting  
**October 15, 1997 - 10 a.m.** -- Open Meeting  
Department of Conservation and Recreation, 203 Governor Street, 2nd Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to plan the campaign for the second Fall River Renaissance to be held from September 20 to October 20, 1997. The campaign will promote and recognize voluntary acts of stewardship to improve and conserve water quality in Virginia.

**Contact:** Paddy Katzen, Special Assistant to the Secretary of Natural Resources, Department of Environmental Quality, 629 East Main St., Richmond, VA 23219, telephone (804) 698-4488.

### Falls of the James Scenic River Advisory Board

**September 4, 1997 - Noon** -- Open Meeting  
City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Division of Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD

### Goose Creek Scenic River Advisory Board

† **September 12, 1997 - 1 p.m.** -- Open Meeting  
County Administration Building, Lovettsville Room, Leesburg, Virginia.

A meeting to review river issues and programs. There will be discussion of the stand that the board is taking on the county planning for the North Goose Creek area.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD

## BOARD FOR CONTRACTORS

### Recovery Fund Committee

**September 10, 1997 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting to consider claims against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in executive session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Pratt Stelly at least two weeks prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

**Contact:** Pratt P. Stelly, Assistant Director, Enforcement Division, Post-Adjudication, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2683 or (804) 367-9753/TDD ☎

## BOARD OF CORRECTIONAL EDUCATION

† **September 19, 1997 - 1 p.m.** -- Open Meeting  
Coffeewood Correctional Center, 12352 Coffeewood Drive, Mitchells, Virginia. ☎ (Interpreter for the deaf provided upon request)

A monthly meeting to discuss general business.

**Contact:** Patty Ennis, Board Clerk, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314.

## BOARD OF CORRECTIONS

† **September 10, 1997 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ☎

A meeting to discuss matters which may be presented to the board.

**Contact:** Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

## Administration Committee

† **September 10, 1997 - 8:30 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ☎

A meeting to discuss administrative matters which may be presented to the full board.

**Contact:** Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

## Correctional Services Committee

† **September 9, 1997 - 9:30 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ☎

A meeting to discuss correctional services matters which may be presented to the full board.

**Contact:** Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

## Liaison Committee

† **September 11, 1997 - 9:30 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ☎

A meeting to discuss criminal justice matters.

**Contact:** Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

## BOARD FOR COSMETOLOGY

**September 8, 1997 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least 10 days in advance.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

## CRIMINAL JUSTICE SERVICES BOARD

† **October 14, 1997 - 10 a.m.** -- Public Hearing  
Virginia Military Institute, Jackson Memorial Hall, Lexington, Virginia.

**November 5, 1997 - 10 a.m.** -- Public Hearing  
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ☎

**November 1, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **6 VAC 20-20-10 et seq. Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers.** The proposed amendments relate to approval authority for performance outcomes, hours, and categories of training by the Criminal Justice Services Board and the training objectives, criteria, and lesson plan guides by the Committee on Training of the Criminal Justice Services Board. Hours and categories of training

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## Calendar of Events

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are updated. Performance outcomes are incorporated by reference.

Statutory Authority: § 9-170 of the Code of Virginia.

Public comments may be submitted until November 1, 1997, to Lex Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219.

**Contact:** George Gotschalk, Section Chief, Standards and Certification, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219; telephone (804) 786-8001 or FAX (804) 371-8981.

### BOARD OF DENTISTRY

† **September 19, 1997 - 9 a.m.** -- Open Meeting  
Holiday Inn Washington Dulles, 1000 Sully Road, Dulles, Virginia. (Interpreter for the deaf provided upon request)

A formal administrative hearing panel will hear disciplinary cases. This is a public meeting; however, no public comment will be taken.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

† **September 25, 1997 - 9 a.m.** -- Open Meeting  
† **September 26, 1997 - 9 a.m.** -- Open Meeting  
Hotel Roanoke, 110 Shenandoah Avenue, Blue Ridge Room, Roanoke, Virginia. (Interpreter for the deaf provided upon request)

A business meeting to discuss committee reports, upcoming meetings, and general requests made to the board and to review consent orders. Business not completed on September 25 will be continued on September 26. Public comment will be received at the beginning of the meeting.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

### Ad Hoc Committee

† **September 12, 1997 - 2:30 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

An ad hoc committee will develop a remediation program for disciplined licensees. Public comment will be taken at the beginning of the meeting.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

### Advertising Committee

† **September 25, 1997 - 1 p.m.** -- Open Meeting  
Hotel Roanoke, 110 Shenandoah Avenue, Blue Ridge Room, Roanoke, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss guidelines on disciplinary cases. Public comment will be taken at the beginning of the meeting.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

### Legislative/Regulatory Committee

† **September 26, 1997 - 9 a.m.** -- Open Meeting  
Hotel Roanoke, 110 Shenandoah Avenue, Blue Ridge Room, Roanoke, Virginia. (Interpreter for the deaf provided upon request)

A meeting to begin discussions on promulgating regulations according to the recommendations of the review conducted pursuant to Executive Order 15 (94). Public comment will be taken at the beginning of the meeting.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

### Special Conference Committee

† **September 12, 1997 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to hear disciplinary cases. This is a public meeting; however, no public comment will be taken.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

### DISABILITY SERVICES COUNCIL

**October 14, 1997 - 11 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review the FY 1998 Rehabilitative Services Incentive Fund (RSIF) Competitive Proposals for approval and RSIF guidelines.

**Contact:** Kathryn Hayfield, Chief of Staff, Disability Services Council, 8004 Franklin Farms Dr., Richmond, VA 23288,

telephone (804) 662-7134/Voice/TTY, toll-free 1-800-552-5019, 1-800-464-9950/TDD ☎

**VIRGINIA ECONOMIC DEVELOPMENT  
PARTNERSHIP**

**September 2, 1997 - 11 a.m.** -- Open Meeting  
Department of Economic Development, 901 East Byrd Street,  
Riverfront Plaza, West Tower, 19th Floor, Board Room,  
Richmond, Virginia. ☎ (Interpreter for the deaf provided upon  
request)

A meeting of the Board of Directors.

**Contact:** Kimberly M. Ellett, Administrative Assistant,  
Virginia Economic Development Partnership, P.O. Box 798,  
Richmond, VA 23218-0798, telephone (804) 371-8108, FAX  
(804) 371-8112 or (804) 371-0327/TDD ☎

**BOARD OF EDUCATION**

**September 4, 1997 - 9 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, Senate  
Room A, Richmond, Virginia. ☎ (Interpreter for the deaf  
provided upon request)

The Board of Education and the Board of Vocational  
Education will hold a regularly scheduled meeting.  
Business will be conducted according to items listed on  
the agenda which is available upon request.

**Contact:** James E. Laws, Jr., Administrative Assistant to the  
Superintendent for Board Relations, Department of  
Education, P.O. Box 2120, Richmond, VA 23218-2120,  
telephone (804) 225-2540 or toll-free 1-800-292-3820.

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† **September 17, 1997 - 7 p.m.** -- Public Hearing  
Francis C. Hammond Middle School, 4646 Seminary Road  
East, Alexandria, Virginia.

† **September 17, 1997 - 7 p.m.** -- Public Hearing  
Toano Middle School, 7817 Richmond Road, Toano, Virginia.

† **September 17, 1997 - 7 p.m.** -- Public Hearing  
Lynchburg College, 1501 Lakeside Drive, Hall Campus  
Center, Lynchburg, Virginia.

**October 31, 1997** - Public comments may be submitted until  
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of  
the Code of Virginia that the State Board of Education  
intends to **repeal** regulations entitled: **8 VAC 20-20-10  
et seq. Regulations Governing the Licensure of  
School Personnel** and **adopt** regulations entitled: **8  
VAC 20-21-10 et seq. Licensure Regulations for  
School Personnel**. The purpose of the proposed  
regulation is to maintain standards of professional  
competence for teachers and other school personnel.

Statutory Authority: § 22.1-298 of the Code of Virginia.

**Contact:** Thomas A. Elliott, Assistant Superintendent for  
Compliance, Department of Education, P.O. Box 2120,  
Richmond, VA 23218-2120, telephone (804) 371-2522.

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† **September 17, 1997 - 7 p.m.** -- Public Hearing  
Francis C. Hammond Middle School, 4646 Seminary Road  
East, Alexandria, Virginia.

† **September 17, 1997 - 7 p.m.** -- Public Hearing  
Toano Middle School, 7817 Richmond Road, Toano, Virginia.

† **September 17, 1997 - 7 p.m.** -- Public Hearing  
Lynchburg College, 1501 Lakeside Drive, Hall Campus  
Center, Lynchburg, Virginia.

**October 31, 1997** - Public comments may be submitted until  
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of  
the Code of Virginia that the State Board of Education  
intends to **adopt** regulations entitled: **8 VAC 20-25-10 et  
seq. Technology Standards for Instructional  
Personnel**. The purpose of the proposed regulation is to  
ensure that instructional personnel in Virginia have  
mastered and demonstrated competency in technology.  
The proposed regulation identifies eight standards based  
on Virginia's revised Standards of Learning.

Statutory Authority: § 22.1-16 of the Code of Virginia.

**Contact:** Thomas A. Elliott, Assistant Superintendent for  
Compliance, Department of Education, P.O. Box 2120,  
Richmond, VA 23218-2120, telephone (804) 225-2748, FAX  
(804) 225-3831, toll-free 1-800-292-3820 or 1-800-422-  
1098/TDD ☎

**LOCAL EMERGENCY PLANNING COMMITTEE -  
CITY OF ALEXANDRIA**

**September 10, 1997 - 6 p.m.** -- Open Meeting  
INOVA Alexandria Hospital, 4320 Seminary Road,  
Alexandria, Virginia. ☎ (Interpreter for the deaf provided upon  
request)

An open meeting with committee members and facility  
emergency coordinators to conduct business in  
accordance with SARA Title III, Emergency Planning and  
Community Right-to-Know Act of 1986.

**Contact:** Charles McRorie, Emergency Preparedness  
Coordinator, 900 Second St., Alexandria, VA 22314,  
telephone (703) 838-3825 or (703) 838-5056/TDD ☎

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# Calendar of Events

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## LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

**September 3, 1997 - 3 p.m.** -- Open Meeting  
Shawnee Fire Company, 2333 Roosevelt Boulevard, Winchester, Virginia.

A meeting to discuss U.S. Department of Transportation HMEP (Hazardous Materials Emergency Preparedness) grant.

**Contact:** L. A. Miller, Fire Chief, Winchester Fire and Rescue Dept., 126 N. Cameron St., Winchester, VA 22601, telephone (540) 662-2298 or (540) 665-5645.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**September 3, 1997 - 9:30 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, 4th Floor, Room 405, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A working meeting of the regulatory ad hoc group engaged in the development of revisions to regulations governing emission standards for toxic pollutants.

**Contact:** Dr. Kathleen Sands, Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD

**September 4, 1997 - 7 p.m.** -- Public Hearing  
Greenbrier Library, 1214 Volvo Parkway, Chesapeake, Virginia.

A public hearing to receive comment on the proposed reissuance of a permit under the Resource Conservation and Recovery Act permit for Safety Kleen Corporation's Chesapeake facility.

**Contact:** Debra A. Miller, Department of Environmental Quality, Office of Permitting Management, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4206.

## Small Business Environmental Compliance Advisory Board

† **September 8, 1997 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A regular meeting.

**Contact:** Richard Rasmussen, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4394.

## Virginia Ground Water Protection Steering Committee

**September 16, 1997 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A general business meeting. Anyone interested in ground water protection issues is encouraged to attend. To obtain a meeting agenda contact Mary Ann Massie at (804) 698-4042.

**Contact:** Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4042 or FAX (804) 698-4032.

## FAMILY AND CHILDREN'S TRUST FUND

**September 19, 1997 - 10 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, Richmond, Virginia.

A regular monthly meeting of the Board of Directors. Contact the trust fund for more information or for a copy of the agenda.

**Contact:** Margaret Ross Schultze, Executive Director, Family and Children's Trust Fund, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1823.

## VIRGINIA FIRE SERVICES BOARD

**October 24, 1997 - 9 a.m.** -- Open Meeting  
Massanutten, Harrisonburg, Virginia.

A business meeting to discuss training and policies. The hearing is open to the public for comments and input.

**Contact:** Michael Cline, Acting Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

## Fire Prevention and Control Committee

**October 23, 1997 - 1 p.m.** -- Open Meeting  
Massanutten, Harrisonburg, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for input and comments.

**Contact:** Michael Cline, Acting Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

## Fire/EMS Education and Training Committee

**October 23, 1997 - 8:30 a.m.** -- Open Meeting  
Massanutten, Harrisonburg, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for input and comments.

**Contact:** Michael Cline, Acting Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

## Legislative/Liaison Committee

**October 23, 1997 - 10 a.m.** -- Open Meeting  
Massanutten, Harrisonburg, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

**Contact:** Michael Cline, Acting Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

## BOARD OF FORESTRY

### Reforestation of Timberlands Board

† **September 9, 1997 - 10 a.m.** -- Open Meeting  
Virginia Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia. ☎

A meeting to discuss the budget and yearly accomplishments.

**Contact:** Phil T. Grimm, Staff Forester, Virginia Department of Forestry, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555 or FAX (804) 296-2369.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**September 9, 1997 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A meeting of the Special Conference Committee. No public comment will be received.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

**September 10, 1997 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A board meeting to discuss general business. Public comment will be received for 15 minutes during the first part of the meeting.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th

Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## GEORGE MASON UNIVERSITY

### Board of Visitors

**September 24, 1997 - 2 p.m.** -- Open Meeting  
George Mason University, Prince William Campus, Building I, Manassas, Virginia. ☎

A meeting to hear reports of the standing committees of the board and to act on any recommendations presented by the standing committees. An agenda will be available seven days prior to the board meeting for those individuals or organizations who request it.

**Contact:** Larry Czarda, Chief of Staff, or Carole Richardson, Administrative Staff Assistant, Office of the President, George Mason University, Fairfax, VA 22030-4444, telephone (703) 993-8700.

## STATE HAZARDOUS MATERIALS TRAINING ADVISORY COMMITTEE

† **September 24, 1997 - 1 p.m.** -- Open Meeting  
Cavalier Hotel, 42nd Street at Oceanfront, Virginia Beach, Virginia.

A meeting to discuss curriculum course development and to review existing hazardous materials courses. Individuals with a disability, as defined in the Americans with Disabilities Act, desiring to attend should contact the Department of Emergency Services at (804) 674-2489 10 days prior to the meeting so appropriate accommodations can be provided.

**Contact:** George B. Gotschalk, Jr., Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8001.

## STATE BOARD OF HEALTH

**October 20, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-90-10 et seq. Regulations for Disease Reporting and Control.** The purpose of the proposed amendments is to mandate the testing of gamete donors for HIV and the rejection of donors who test HIV positive and to establish a standard protocol for HIV testing for gamete donors.

Statutory Authority: §§ 32.1-12, 32.1-45.3, and 54.1-297.1 of the Code of Virginia.

**Contact:** Casey W. Riley, Director, Division of STD/AIDS, Department of Health, P.O. Box 2448, Room 112, Richmond,

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## Calendar of Events

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VA 23218, telephone (804) 786-6267 or FAX (804) 225-3517.

### Subcommittee on Teen Pregnancy Prevention

† **September 17, 1997 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, 6th Floor, Conference Room, Richmond, Virginia. 

A regular meeting with two program reports. There will be a public comment period regarding the Virginia Abstinence Education Initiative under Title V of MCH Block Grant.

**Contact:** Stephen Conley, Director, Adolescent Health Program, Department of Health, P.O. Box 2448, 1500 E. Main St., Richmond, VA 23218, telephone (804) 371-4098, FAX (804) 371-6031 or toll-free 1-800-828-1120/TDD 

### BOARD OF HEALTH PROFESSIONS

† **September 16, 1997 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A full board meeting to receive reports from the following committees: Ad Hoc Committee on Criteria; Regulatory Research Committee; Practitioner Self-Referral Committee; and Nominating Committee. The board will also conduct elections based on the slate from the Nominating Committee and any nominations made from the floor. Brief public comment will be received at the beginning of the meeting.

**Contact:** Robert A. Nebiker, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919 or (804) 662-7197/TDD 

### Ad Hoc Committee on Criteria

† **September 16, 1997 - 11 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to formulate final recommendations for presentation to the full board regarding appropriate criteria for the regulation of health care providers. Brief public comment will be received at the beginning of the meeting.

**Contact:** Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919 or (804) 662-7197/TDD 

### Nominating Committee

† **September 16, 1997 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to develop a slate of candidates for election to the board's chair, vice-chair and member-at-large seats. Brief public comment will be received at the beginning of the meeting.

**Contact:** Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919 or (804) 662-7197/TDD 

### Practitioner Self-Referral Committee

† **September 16, 1997 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to review committee activities since the April board meeting and to receive a staff report on practitioner self-referral activities. Brief public comment will be received at the beginning of the meeting.

**Contact:** Robert A. Nebiker, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919 or (804) 662-7197/TDD 

### Regulatory Research Committee

† **September 16, 1997 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to review comments on the draft report on the committee's study of trends in the funeral industry pursuant to House Bill 553 (1997) and to review final recommendations for presentation to the full board. Brief public comment will be received at the beginning of the meeting.

**Contact:** Robert A. Nebiker, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919 or (804) 662-7197/TDD 

### BOARD FOR HEARING AID SPECIALISTS

**September 8, 1997 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. 

A routine business meeting. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **September 3, 1997 - 6 p.m.** -- Open Meeting  
† **September 4, 1997 - 8 a.m.** -- Open Meeting  
† **September 5, 1997 - 8:30 a.m.** -- Open Meeting  
Strasburg Hotel, Strasburg, Virginia. ☎ (Interpreter for the deaf provided upon request)

On September 3, there will be a dinner and executive committee meeting; on September 4, there will be a Resources Committee meeting and Search Committee meeting, retreat and dinner; on September 5, there will be a retreat.

**Contact:** Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 786-0572.

† **September 10, 1997 - 1 p.m.** -- Open Meeting  
The Hyatt Richmond, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)  
† **September 11, 1997 - 8:30 a.m.** -- Open Meeting  
J. Sargeant Community College, North Run and Parham Roads, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

On September 10, there will be meetings of the Planning Committee, Resources Committee, Outreach Committee and a joint meeting with the Virginia Community College Systems Board and a reception and dinner. On September 11, there will be a council meeting and a joint meeting with the Virginia Community College Systems Board.

**Contact:** Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 786-0572.

## DEPARTMENT OF HISTORIC RESOURCES

### State Review Board and Historic Resources Board

† **September 17, 1997 - 10 a.m.** -- Open Meeting  
Roanoke City Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia. ☎

A quarterly meeting to consider proposed and completed reports for the Virginia Landmarks Register and National Register of Historic Places easements and highway markers.

**Contact:** Marc C. Wagner, National Register Manager, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143, FAX (804) 225-4261 or (804) 786-1934/TDD ☎

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

**September 2, 1997 - 9 a.m.** -- Open Meeting  
**October 7, 1997 - 9 a.m.** -- Open Meeting  
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☎ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.

**Contact:** Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

## VIRGINIA INTERAGENCY COORDINATING COUNCIL

**September 10, 1997 - 9 a.m.** -- Open Meeting  
Henrico Area Mental Health/Mental Retardation Services, 10299 Woodman Road, Glen Allen, VA 23060. ☎ (Interpreter for the deaf provided upon request)

The Virginia Interagency Coordinating Council meets quarterly to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part H (of IDEA), early intervention for infants and toddlers with disabilities and their families. Discussion focuses on issues related to Virginia's implementation of the Part H program.

**Contact:** Nicole Corey, Part H Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention 10th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710 or FAX (804) 371-7959.

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# Calendar of Events

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## DEPARTMENT OF LABOR AND INDUSTRY

### Virginia Apprenticeship Council

**September 18, 1997 - 10 a.m.** -- Open Meeting  
Valley Vocational Technical Center, Highway 250,  
Fishersville, Virginia.  (Interpreter for the deaf provided  
upon request)

A regular quarterly meeting.

**Contact:** Fred T. Yontz, Apprenticeship Program Manager,  
Department of Labor and Industry, Powers-Taylor Bldg., 13  
S. 13th St., Richmond, VA 23219, telephone (804) 371-0295,  
FAX (804) 786-8418 or (804) 786-2376/TDD 

### Migrant and Seasonal Farmworkers Board

**September 10, 1997 - 1:30 p.m.** -- Open Meeting  
Danville Community College, 1008 South Main Street,  
Temple Building, Auditorium, Danville, Virginia.  (Interpreter for  
the deaf provided upon request)

A regular meeting of the board.

**Contact:** Patti C. Bell, Board Administrator, Department of  
Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St.,  
Richmond, VA 23219, telephone (804) 225-3083, FAX (804)  
786-8418 or (804) 786-2376/TDD 

### Safety and Health Codes Board

**† September 29, 1997 - 10 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, House  
Room C, Richmond, Virginia.  (Interpreter for the deaf  
provided upon request)

A regular meeting with tentative agenda items to include:

1. Emergency regulation, Boiler and Pressure Vessel  
Regulations, 16 VAC 25-50-60.
2. Abatement Verification, Part 1903.
3. Longshoring and Marine Terminals, Final Rules, Parts  
1910, 1917 and 1918.
4. Air Contaminants, General Industry; Corrections, 16  
VAC 25-90-1910.1000.
5. Regulatory review.

**Contact:** Regina P. Cobb, Agency Management Analyst  
Senior, Department of Labor and Industry, Powers-Taylor  
Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804)  
786-0610, FAX (804) 786-8418, or (804) 786-2376/TDD 

## STATE LAND EVALUATION ADVISORY COUNCIL

**September 23, 1997 - 10 a.m.** -- Open Meeting  
Department of Taxation, 2220 West Broad Street, Richmond,  
Virginia. 

A meeting to adopt suggested ranges of values for  
agricultural, horticultural, forest and open-space land use  
and the use-value assessment program.

**Contact:** H. Keith Mawyer, Property Tax Manager,  
Department of Taxation, Office of Customer Services,  
Property Tax Unit, 2220 W. Broad St., Richmond, VA 23220,  
telephone (804) 367-8020.

## LIBRARY BOARD

**† September 8, 1997 - 12:30 p.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond,  
Virginia. 

A meeting to discuss matters related to The Library of  
Virginia and its board.

**Contact:** Jean H. Taylor, Secretary to the State Librarian,  
The Library of Virginia, 800 E. Broad St., Richmond, VA  
23219, telephone (804) 692-3535.

## Archival and Information Services Committee

**† September 8, 1997 - 10 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond,  
Virginia. 

A meeting to discuss matters pertaining to archival and  
information services.

**Contact:** Jean H. Taylor, Secretary to the State Librarian,  
The Library of Virginia, 800 E. Broad St., Richmond, VA  
23219, telephone (804) 692-3535.

## Automation and Networking Committee

**† September 8, 1997 - 10:30 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond,  
Virginia. 

A meeting to discuss automation and networking  
matters.

**Contact:** Jean H. Taylor, Secretary to the State Librarian,  
The Library of Virginia, 800 E. Broad St., Richmond, VA  
23219, telephone (804) 692-2332.

## Facilities Committee

**† September 8, 1997 - 8:30 p.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond,  
Virginia. 

A meeting to discuss matters pertaining to the facilities of  
the library.

**Contact:** Jean H. Taylor, Secretary to the State Librarian,  
The Library of Virginia, 800 E. Broad St., Richmond, VA  
23219, telephone (804) 692-3535.

## Legislative and Finance Committee

† **September 8, 1997 - 11:30 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to legislative issues and finances.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219, telephone (804) 692-3535.

## State Networking Users Advisory Board

† **September 5, 1997 - 11 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Conference Room C, Richmond, Virginia. ♿

A meeting to discuss matters related to networking.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219, telephone (804) 692-3535.

## Public Library Development Committee

† **September 8, 1997 - 11 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to public library development.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219, telephone (804) 692-3535.

## Publications and Educational Services Committee

† **September 8, 1997 - 9:30 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to publications and educational services.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219, telephone (804) 692-3535.

## Records Management Committee

† **September 8, 1997 - 9 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to records management.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219, telephone (804) 692-2332.

## COMMISSION ON LOCAL GOVERNMENT

**September 2, 1997 - 10 a.m.** -- Open Meeting  
Richmond, Virginia area. Site to be determined.

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

**Contact:** Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ♿

## MATERNAL AND CHILD HEALTH COUNCIL

† **September 17, 1997 - 1 p.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, Speaker's Conference Room, 6th Floor, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A meeting to focus on improving the health of the Commonwealth's mothers and children by promoting and improving programs and service delivery systems related to maternal and child health, including prenatal care, school health, and teenage pregnancy.

**Contact:** Janice M. Hicks, Policy Analyst, Department of Health, Office of Family Health Services, 1500 E. Main St., Room 104, Richmond, VA 23219, telephone (804) 371-0478 or FAX (804) 692-0184.

## BOARD OF MEDICAL ASSISTANCE SERVICES

**September 16, 1997 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Richmond, Virginia. ♿

The board will discuss matters of policy relating to the Medicaid program.

**Contact:** Cynthia Klisz Morton, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**October 17, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration,**

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and Scope of Medical and Remedial Care and Services and 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality Care. The purpose of the proposed amendments is to make permanent the agency's temporary requirements regarding the prior authorization of all inpatient hospital services.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until October 17, 1997, to Cindy Tyler, Division of Client Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

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October 17, 1997 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: 12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care and Services, 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality Care, 12 VAC 30-120-10 et seq. Waivered Services, and 12 VAC 30-130-10 et seq. Amount Duration and Scope of Selected Services. The purpose of the proposed amendments is to recommend changes to the permanent regulations controlling rehabilitation services, specifically community mental retardation services. The expansion of these services creates a payment source for the local community service boards in support of a wider range of mental services to Medicaid eligible persons, which draws on federal funding.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until October 17, 1997, to Ann Cook, Division of Policy and Budget, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 371-4981.

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October 17, 1997 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: 12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care and Services, 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality Care, and 12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services. The purpose of this proposal is to recommend changes to the permanent regulations controlling rehabilitation services, i.e., community mental health and mental retardation services. The expansion of these services creates a payment source for the local community services boards, in support of a wider range of mental health services to Medicaid eligible persons, which draws on federal funding thereby reducing the demand for General Fund and local dollars. The purpose of this proposed regulation is to make permanent the provisions of the emergency regulations while also addressing issues raised by the Health Care Financing Administration in response to DMAS' State Plan amendment. A description of the expansion services follows:

1. Mental Health Intensive Community Treatment provides outpatient mental health services outside the traditional clinic setting. It is designed to bring services to individuals who will not or cannot be served in the clinic setting.
2. Mental Health Crisis Stabilization Services provide direct mental health care to individuals experiencing acute crisis of a psychiatric nature that may jeopardize their current community living situation. It will provide less medical mental health services independently of or in conjunction with Intensive Community Treatment.
3. Mental Health Support Services provide training and support services to enable individuals to achieve and maintain community stability and independence in the most appropriate, least restrictive environment.

Used singly or as a package, these services will provide comprehensive treatment and support services to persons with serious and persistent mental illness.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until October 17, 1997, to Ann Cook, Division of Policy and Budget, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 371-4981.

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**October 17, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to **amend** regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care and Services, 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality Care, and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates; Other Types of Care.** The purpose of the proposed amendments is to establish policies for Medicaid coverage of licensed clinical psychologists, licensed clinical social workers and licensed professional counselors.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until October 17, 1997, to Sally Rice, Program Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

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**October 17, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to **amend** regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care and Services, 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality Care, and 12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services.** The purpose of the proposed amendments is to provide for substance abuse treatment for pregnant women.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until October 17, 1997, to Ann Cook, Division of Policy and Budget, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 371-4981.

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**† October 31, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to **amend** regulations entitled: **12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services.** The purpose of the proposed amendments is to improve program operations through modification of the current regulations for the Client medical Management Program by restricting specific recipients and providers who have demonstrated habits of overutilization services at excessive costs to Medicaid.

Statutory Authority: § 32.1-325 of the Code of Virginia.

**Contact:** Victoria P. Simmons or Roberta J. Jonas, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

## Virginia Medicaid Drug Utilization Review Board

**† September 18, 1997 - 2 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

A quarterly meeting to conduct routine business including the review and possible revision of the bylaws of the board.

**Contact:** Marianne R. Rollings, R.Ph., Pharmacy Services Unit, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8056.

## Pharmacy Liaison Committee

**September 22, 1997 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business and consider pharmacy issues relative to Medicaid and industry communication.

**Contact:** David Shepherd, R.Ph., Supervisor, Pharmacy Unit, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219, telephone (804) 225-2773.

## HJR 630 Special Task Force

**September 17, 1997 - 8:30 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ☎

A meeting to study the effects of therapeutic interchange on the health care of Virginians. Therapeutic interchange is the use of chemically dissimilar

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pharmacological products as contrasted against generic substitution (use of the same chemically active ingredient made by different manufacturers).

**Contact:** David Shepherd, R.Ph., Pharmacy Supervisor, Pharmacy Unit, Division of Program Operations, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2773.

### BOARD OF MEDICINE

**September 4, 1997 - 9 a.m.** -- Open Meeting  
Patrick Henry Hotel, 617 South Jefferson Street, Roanoke, Virginia.

A panel of the board will convene, pursuant to §§ 54.1-2400 and 9-6.14:12 of the Code of Virginia, to inquire into allegations that certain practitioners may have violated laws governing the practice of medicine. The panel will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

**Contact:** Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### Advisory Committee on Acupuncturists

**September 10, 1997 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the committee to discuss regulatory review of 18 VAC 85-110-10 et seq., Licensed Acupuncturists, and such other issues which may be presented. The committee will entertain public comments during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### EMG Task Force Subcommittee

† **September 19, 1997 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the subcommittee in open session to discuss the qualifications for performing EMGs on patients. The chairman will entertain public comments on agenda items for 15 minutes following adoption of the agenda.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

### Informal Conference Committee

**September 16, 1997 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Informal Conference Committee, composed of three members of the board, will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

**Contact:** Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### Legislative Committee

† **September 26, 1997 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to (i) discuss legislative issues related to board activities and regulation, (ii) review any pending regulations pursuant to regulatory review or legislative action, and (iii) consider any other information that may come before the committee. The committee will entertain public comments during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### Advisory Board on Occupational Therapy

**September 11, 1997 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of 18 VAC 85-80-10 et seq., Regulations for Certification of Occupational Therapists, and such other issues which may be presented. The board will entertain public comment during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## Advisory Board on Physical Therapy

**September 12, 1997 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of 18 VAC 85-30-10 et seq., Regulations Governing the Practice of Physical Therapy, and such other issues which may be presented. The board will entertain public comment during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## Advisory Committee on Physician Assistants

**September 10, 1997 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-50-10 et seq. Regulations Governing the Practice of Physician Assistants, and such other issues which may be presented. The committee will entertain public comment during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## Advisory Committee on Radiologic Technologists

**September 5, 1997 - 2 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of 18 VAC 85-101-10 et seq., Regulations Governing the Practice of Radiologic Technologist Practitioners and Radiologic Technologist-Limited, and such other issues which may be presented.

The board will entertain public comment during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## Advisory Board on Respiratory Therapy

**September 11, 1997 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of 18 VAC 85-40-10 et seq., Regulations Governing the Practice of Respiratory Therapy Practitioners, and such other issues which may be presented. The board will entertain public comment during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## DEPARTMENT OF MINES, MINERALS AND ENERGY

**October 8, 1997 - 10 a.m.** -- Public Hearing  
Department of Mines, Minerals and Energy, Keen Mountain Office, Route 460, Keen Mountain, Virginia.

**October 24, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled: **4 VAC 25-150-10 et seq. Virginia Gas and Oil Regulation.** The purpose of the proposed amendment is to oversee the permitting, operations, plugging, and site restoration of gas and oil exploration and development wells, gathering pipelines, and associated facilities.

Statutory Authority: §§ 45.1-361.27 and 45.1-161.3 of the Code of Virginia.

**Contact:** B. Thomas Fulmer, Division Director, Division of Gas and Oil, Department of Mines, Minerals and Energy, 230 Charwood Dr., P.O. Box 1416, Abingdon, VA 24212, telephone (540) 676-5423, FAX (540) 676-5459, or toll-free 1-800-828-1120 (VA Relay Center).

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## MOTOR VEHICLE DEALER BOARD

† **September 16, 1997 - 10 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia. (Interpreter for the deaf  
provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**Contact:** Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## Advertising Committee

† **September 15, 1997 - 3 p.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia. (Interpreter for the deaf  
provided upon request)

A meeting to conduct general business of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**Contact:** Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## Dealer Practices Committee

† **September 15, 1997 - 1:30 p.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia. (Interpreter for the deaf  
provided upon request)

A meeting to conduct general business of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made.

The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**Contact:** Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## Finance Committee

† **September 16, 1997 - 9 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia. (Interpreter for the deaf  
provided upon request)

A meeting to conduct general business of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**Contact:** Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## Franchise Review and Advisory Committee

† **September 16, 1997 - 9 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, 7th  
Floor, Executive Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general business of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**Contact:** Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## Licensing Committee

† **September 15, 1997 - 10:30 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia. (Interpreter for the deaf  
provided upon request)

A meeting to conduct general business of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**Contact:** Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## Transaction Recovery Fund Committee

† **September 15, 1997 - 9 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia. (Interpreter for the deaf  
provided upon request)

A meeting to conduct general business of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**Contact:** Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## VIRGINIA MUSEUM OF FINE ARTS

**September 18, 1997 - 12:30 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue,  
Auditorium, Richmond, Virginia.

The first meeting of the season to receive reports from the director and staff, conduct budget review, and approve art acquisitions recommended by the Collections Committee. Public comment will not be received.

**Contact:** Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

## Finance Committee

**September 18, 1997 - 11 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue,  
Conference Room, Richmond, Virginia.

A meeting to review the budget. Public comment will not be received.

**Contact:** Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

## BOARD FOR OPTICIANS

† **September 10, 1997 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 5 W, Richmond,  
Virginia.

The board and invited subject matter experts will conduct an exam workshop. A public comment period will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A 11 of the Code of Virginia due to the confidential nature of the examination. The public will not be admitted to the closed executive session.

**Contact:** George O. Bridewell, Examination Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8572 or (804) 367-9753/TDD.

## GOVERNOR'S COMMISSION ON PHYSICAL FITNESS AND SPORTS

**September 4, 1997 - 10 a.m.** -- Open Meeting  
Department of Social Services, Theater Row Building, 730  
East Broad Street, Lower Level Conference Room,  
Richmond, Virginia. (Interpreter for the deaf provided upon  
request)

The second meeting of the commission created by Governor's Executive Order No. 75 (97).

**Contact:** Loretta Petty, Special Assistant for Community Affairs, Office of the Governor, State Capitol, 3rd Floor, Richmond, VA 23219, telephone (804) 786-2211.

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# Calendar of Events

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## POLYGRAPH EXAMINERS ADVISORY BOARD

† **September 16, 1997 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action. The Polygraph Examiners Licensing Examination will be administered to eligible polygraph examiner interns. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act. Contact the board for confirmation of meeting date and time.

**Contact:** Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or (804) 367-9753/TDD ☎

## BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

† **September 26, 1997 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
Conference Room 1, Richmond, Virginia. ☎

A formal administrative hearing to be held pursuant to § 9-6.14:12 of the Code of Virginia. Public comment will not be received.

**Contact:** Evelyn Brown, Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967 or FAX (804) 662-9943.

## BOARD OF PSYCHOLOGY

**September 23, 1997 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia. ☎

A regular meeting to discuss general board business, establish meeting dates for 1998, and make committee assignments. Proposed amendments to the Regulations Governing the Practice of Psychology pursuant to Executive Order 15 (94) will be adopted. Public comment will be received at the beginning of the meeting.

**Contact:** Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th

Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

## Examination Committee

† **September 12, 1997 - 10:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 2, Richmond, Virginia. ☎

A meeting to review examinations to be administered on October 8, 1997. Public comment will be received at the beginning of the meeting.

**Contact:** LaDonna Duncan, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9913, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

## VIRGINIA RACING COMMISSION

**September 17, 1997 - 9:30 a.m.** -- Public Hearing  
Tyler Building, 1300 East Main Street, Richmond, Virginia.

**October 17, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to **amend** regulations entitled: **11 VAC 10-130-10 et seq. Virginia Breeders Fund**. The purpose of the amendment is to establish the operating procedures for the distribution of awards and incentives from the Virginia Breeders Fund to horse owners and breeders of racehorses.

Statutory Authority: § 59.1-369 of the Code of Virginia.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-4200.

## REAL ESTATE BOARD

† **September 18, 1997 - 9 a.m.** -- Open Meeting  
Hotel Roanoke, 110 Shenandoah Avenue, Pocahontas  
Room, Roanoke, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

## Education Committee

† **September 18, 1997 - 8 a.m.** -- Open Meeting  
Hotel Roanoke, 110 Shenandoah Avenue, Pocahontas Room, Roanoke, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

## Fair Housing Committee

† **September 18, 1997 - 8 a.m.** -- Open Meeting  
Hotel Roanoke, 110 Shenandoah Avenue, Pocahontas Room, Roanoke, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

## BOARD OF REHABILITATIVE SERVICES

**September 25, 1997 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.

A quarterly business meeting of the board.

**Contact:** John R. Vaughn, Commissioner, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019/TDD and Voice or (804) 662-9040/TDD ☎

## RICHMOND HOSPITAL AUTHORITY

### Board of Commissioners

† **September 25, 1997 - 5 p.m.** -- Open Meeting  
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor, Classroom, Richmond, Virginia. ☎

A monthly board meeting to discuss nursing home operations and related matters.

**Contact:** Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, 700 E. Main St., Suite 904, Richmond, VA 23219-0548, telephone (804) 782-1938.

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

### Loan Committee

**September 23, 1997 - 10 a.m.** -- Open Meeting  
Department of Business Assistance, 901 East Byrd Street, 19th Floor, Main Board Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review applications for loans submitted to the authority for approval. Meeting time is subject to change.

**Contact:** Cathleen M. Surface, Executive Director, Virginia Small Business Financing Authority, 901 E. Byrd St., 19th Floor, Richmond, VA 23219, telephone (804) 371-8254, FAX (804) 225-3384, or (804) 371-0327/TDD ☎

## STATE BOARD OF SOCIAL SERVICES

**September 5, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to **amend** regulations entitled: **22 VAC 40-680-10 et seq. Virginia Energy Assistance Program.** The proposed amendments contain several clarifications, add the phrase "energy burden" to the list of factors used in determining the benefit amount for fuel assistance, add the purchase of primary fuel to the crisis assistance component, and delete the requirement of meeting 100% energy burden for weatherization assistance.

Statutory Authority: § 63.1-25 of the Code of Virginia.

**Contact:** Charlene H. Chapman, Program Manager, Energy and Emergency Assistance, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1751 or FAX (804) 692-1709.

## VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **September 18, 1997 - 9 a.m.** -- Open Meeting  
Department of Conservation and Recreation, 203 Governor Street, Suite 200, Richmond, Virginia.

A regular bimonthly business meeting.

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## Calendar of Events

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**Contact:** Linda J. Cox, Administrative Staff Assistant, Virginia Soil and Water Conservation Board, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2123 or FAX (804) 786-6141.

### TRANSPORTATION SAFETY BOARD

**September 25, 1997 - 9 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

A quarterly meeting to discuss and review transportation safety issues in Virginia.

**Contact:** Angelisa C. Jennings, Senior Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23269, telephone (804) 367-2026.

### COMMONWEALTH TRANSPORTATION BOARD

† **September 17, 1997 - 2 p.m.** -- Open Meeting  
United States Capitol, Room SC-6, Washington, DC. ☎ (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff, and a briefing on the reauthorization of ISTEA.

**Contact:** Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

† **September 18, 1997 - 10 a.m.** -- Open Meeting  
Traffic Management Systems Center, 1426 Columbia Pike, Arlington, Virginia ☎ (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

**Contact:** Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

### TREASURY BOARD

**September 17, 1997 - 9 a.m.** -- Open Meeting  
**October 15, 1997 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ☎

A regular business meeting.

**Contact:** Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

### VIRGINIA VETERANS CARE CENTER

#### Board of Trustees

† **September 26, 1997 - 1:30 p.m.** -- Open Meeting  
Virginia Veterans Care Center, 4550 Shenandoah Avenue, Roanoke, Virginia. ☎

The annual meeting of the board to review operations.

**Contact:** Duane A. Kavka, Executive Director, P.O. Box 6334, Roanoke, VA 24017-0334, telephone (540) 857-6974, FAX (540) 857-6954, toll-free 1-800-220-8387, or (540) 342-8810/TDD ☎

### DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD FOR)

**October 22, 1997 - 1:30 p.m.** -- Open Meeting  
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The board is responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budgets and requests for appropriations for the department. At this regular quarterly meeting, the board members will receive information regarding department activities and operations, review expenditures from the board's institutional fund, and discuss other issues raised by board members.

**Contact:** Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD ☎

**Vocational Rehabilitation Advisory Council**

**September 13, 1997 - 10 a.m.**-- Open Meeting  
 Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly business meeting to discuss matters related to vocational rehabilitation services for blind and visually impaired citizens of the Commonwealth. Recommendations to the Department for the Visually Handicapped will be made if appropriate.

**Contact:** James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, toll-free 1-800-622-2155, or (804) 371-3140/TDD

**VIRGINIA VOLUNTARY FORMULARY BOARD**

**September 4, 1997 - 10:30 a.m.** -- Open Meeting  
 Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A meeting to review public hearing records and product data for products being considered for inclusion in the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

**VIRGINIA WAR MEMORIAL FOUNDATION**

**Board of Trustees**

† **September 10, 1997 - Noon** -- Open Meeting  
 Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The annual meeting of the board to elect officers for 1997-98.

**Contact:** Sandra H. Williams, Administrative Assistant, Division of Engineering and Buildings, Department of General Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TDD

**STATE WATER CONTROL BOARD**

**September 4, 1997 - 1 p.m.** -- Open Meeting  
 Department of Environmental Quality, 629 East Main Street, 1st Floor Training Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board published the final regulation for 9 VAC 25-193-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Ready-Mixed

Concrete Plants, in the Virginia Register, pages 2423-2443 of Volume 13, Issue 19 on June 9, 1997. Requests from more than 25 persons for an opportunity to submit oral and written comments on the changes made to the proposed regulation have been received by the board. In accordance with § 9-6.14:7.1 K of the Administrative Process Act, the board is now seeking additional public comments. The Department of Environmental Quality staff will convene an informal public meeting to receive comments. Written comments must be received no later than 4 p.m. on September 8, 1997, and should be submitted to Lily Choi.

**Contact:** Lily Choi, Environmental Engineer Senior, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4054.

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**September 23, 1997 - 7 p.m.** -- Public Hearing  
 Arcadia High School Auditorium, 8210 Lankford Highway, Oak Hall, Virginia.

**October 17, 1997** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to **amend** regulations entitled: **9 VAC 25-260-10 et seq. Water Quality Standards**. The purpose of the proposed amendment is to establish a site-specific ammonia standard for Sandy Bottom Branch.

Statutory Authority: §§ 62.1-44.15(3a) and 62.1-44.15(10) of the Code of Virginia.

**Contact:** Alex Barron, Environmental Program Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4119 or FAX (804) 698-4522.

**BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS**

† **September 18, 1997 - 9:30 a.m.** -- Open Meeting  
 † **September 19, 1997 - 9:30 a.m.** -- Open Meeting  
 Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4 W, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board and invited subject matter experts will conduct an exam workshop. A public comment period will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A 11 of the Code of Virginia due to the confidential nature of the examination. The public will not be admitted to the closed executive session.

**Contact:** George O. Bridewell, Examination Administrator, Department of Professional and Occupational Regulation,

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## Calendar of Events

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3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572 or (804) 367-9753/TDD ☎

### INDEPENDENT

#### STATE LOTTERY BOARD

† September 24, 1997 - 9:30 a.m. -- Open Meeting  
State Lottery Department, 900 East Main Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the board. Public comment will be received at the beginning of the meeting.

**Contact:** Barbara L. Robertson, Board, Legislative, and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774 or FAX (804) 692-7775.

### LEGISLATIVE

#### ADMINISTRATIVE LAW ADVISORY COMMITTEE

† September 10, 1997 - 11 a.m. -- Open Meeting  
† November 12, 1997 - 11 a.m. -- Open Meeting  
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general business meeting to discuss progress of the committee's studies.

**Contact:** Lyn Hammond Coughlin, Program Coordinator, Administrative Law Advisory Committee, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 692-0625.

#### JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† September 8, 1997 - 9:30 a.m. -- Open Meeting  
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☎

Staff briefings on the Year 2000 Computer System Compliance and Identifying Hazardous Roadway Sites.

**Contact:** Phillip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

#### JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

† September 24, 1997 - 1:30 p.m. -- Open Meeting  
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to receive reports from advisory committees, information about universal service fund/federal telecommunications act, technology demonstration, and an update on the commission's webpage (<http://legis.state.va.us/agencies.htm>).

**Contact:** Diane E. Horvath, Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169 or e-mail [DHorvath@leg.state.va.us](mailto:DHorvath@leg.state.va.us).

### CHRONOLOGICAL LIST

#### OPEN MEETINGS

##### September 2

Economic Development Partnership, Virginia  
- Board of Directors  
Hopewell Industrial Safety Council  
Local Government, Commission on

##### September 3

Alcoholic Beverage Control Board  
† At-Risk Youth and Their Families, Comprehensive Services for  
- State Management Team  
Emergency Planning Committee, Local - Winchester  
Environmental Quality, Department of  
† Higher Education for Virginia, State Council of

##### September 4

† At-Risk Youth and Their Families, Comprehensive Services for  
- State Management Team  
Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
Education, Board of  
Environmental Quality, Department of  
† Higher Education for Virginia, State Council of  
Medicine, Board of  
Physical Fitness and Sports, Governor's Commission on  
Voluntary Formulary Board, Virginia  
Water Control Board, State

##### September 5

† Conservation and Recreation, Department of  
- Chippokes Plantation Farm Foundation  
† Higher Education for Virginia, State Council of  
† Library Board  
- State Networking Users Advisory Board  
Medicine, Board of  
- Advisory Committee on Radiologic Technologists

## September 8

- Agriculture and Consumer Services, Department of
  - Virginia Irish Potato Board
- Cosmetology, Board for
- † Environmental Quality, Department of
  - Small Business Environmental Compliance Advisory Board
- Hearing Aid Specialists, Board for
- † Legislative Audit and Review Commission, Joint
- † Library Board
  - Archival and Information Services Committee
  - Automation and Networking Committee
  - Facilities Committee
  - Legislative and Finance Committee
  - Public Library Development Committee
  - Publications and Educational Services Committee
  - Records Management Committee

## September 9

- † Air Pollution, State Advisory Board on
- Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
  - Board for Landscape Architects
- † Corrections, Board of
  - Correctional Services Committee
- † Forestry, Department of
  - Reforestation of Timberlands Board
- Funeral Directors and Embalmers, Board of

## September 10

- † Administrative Law Advisory Committee
- † Community Colleges, State Board for
- † Community Colleges, State Board for, and the State Council of Higher Education for Virginia
- † Community Service and Volunteers, Governor's Commission on
- Contractors, Board for
  - Recovery Fund Committee
- † Corrections, Board of
  - Administration Committee
- Emergency Planning Committee, Local - Alexandria
- Funeral Directors and Embalmers, Board of
- † Higher Education for Virginia, State Council of
- Interagency Coordinating Council, Virginia
- Labor and Industry, Department of
  - Migrant and Seasonal Farmworkers Board
- Medicine, Board of
  - Advisory Committee on Acupuncturists
  - Advisory Committee on Physician Assistants
- † Opticians, Board for
- † War Memorial Foundation, Virginia
  - Board of Trustees

## September 11

- † Auctioneers Board
- † Child Day-Care Council
- † Community Colleges, State Board for
- † Community Colleges, State Board for, and the State Council of Higher Education for Virginia
- † Corrections, Board of

- Liaison Committee
- † Higher Education for Virginia, State Council of
- Medicine, Board of
  - Advisory Board on Occupational Therapy
  - Advisory Board on Respiratory Therapy

## September 12

- † Conservation and Recreation, Department of
  - Board on Conservation and Development of Public Beaches
  - Goose Creek Scenic River Advisory Board
- † Dentistry, Board of
  - Ad Hoc Committee
  - Special Conference Committee
- Medicine, Board of
  - Advisory Board on Physical Therapy
- † Psychology, Board of
  - Examination Committee

## September 13

- Visually Handicapped, Department for the
  - Vocational Rehabilitation Advisory Council

## September 15

- Alcoholic Beverage Control Board
- † Chesapeake Bay Local Assistance Board
- † Motor Vehicle Dealer Board
  - Advertising Committee
  - Dealer Practices Committee
  - Licensing Committee
  - Transaction Recovery Fund Committee

## September 16

- Environmental Quality, Department of
  - Virginia Groundwater Protection Steering Committee
- † Health Professions, Board of
  - Ad Hoc Committee on Criteria
  - Nominating Committee
  - Practitioner Self-Referral Committee
  - Regulatory Research Committee
- Medical Assistance Services, Board of
- Medicine, Board of
  - Informal Conference Committee
- † Motor Vehicle Dealer Board
  - Finance Committee
  - Franchise Review and Advisory Committee
- † Polygraph Examiners Advisory Board

## September 17

- Conservation and Recreation, Department of
  - Fall River Renaissance Committee
- † Health, State Board of
  - Subcommittee on Teen Pregnancy Prevention
- † Historic Resources, Department of
  - State Review Board and Historic Resources Board
- † Maternal and Child Health Council
- Medical Assistance Services, Department of
  - HJR 630 Special Task Force
- † Transportation Board, Commonwealth
- Treasury Board

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## Calendar of Events

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### September 18

- Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
  - Board for Land Surveyors
- Labor and Industry, Department of
  - Virginia Apprenticeship Council
- † Medical Assistance Services, Department of
  - Virginia Medicaid Drug Utilization Review Board
- Museum of Fine Arts, Virginia
  - Finance Committee
  - Board of Trustees
- † Real Estate Board
  - Education Committee
  - Fair Housing Subcommittee
- † Soil and Water Conservation Board, Virginia
- † Transportation Board, Commonwealth
- † Waterworks and Wastewater Works Operators, Board for

### September 19

- † Correctional Education, Board of
- † Dentistry, Board of
- Family and Children's Trust Fund
- † Medicine, Board of
  - EMG Task Force Subcommittee
- † Waterworks and Wastewater Works Operators, Board for

### September 22

- Medical Assistance Services, Department of
  - Pharmacy Liaison Committee

### September 23

- Land Evaluation Advisory Council, State
- Psychology, Board of
- Small Business Financing Authority, Virginia
  - Loan Committee

### September 24

- George Mason University
  - Board of Visitors
- † Hazardous Materials Training Advisory Committee, State
- Lottery Board, State
- † Technology and Science, Joint Commission on

### September 25

- Agriculture and Consumer Services, Department of
  - Pesticide Control Board
- Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
  - Board for Interior Designers
- † Asbestos and Lead, Virginia Board for Compensation Board
- † Dentistry, Board of
  - Advertising Committee
- Rehabilitative Services, Board of
- † Richmond Hospital Authority Board
  - Board of Commissioners
- Transportation Safety Board

### September 26

- † Dentistry, Board of
  - Legislative/Regulatory Committee
- † Medicine, Board of
  - Legislative Committee
- † Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of Licensed
- † Veterans Care Center
  - Board of Trustees

### September 29

- Alcoholic Beverage Control Board
- Conservation and Recreation, Department of
- † Labor and Industry, Department of
  - Safety and Health Codes Board
- Virginia Code Commission
  - Board of Trustees

### September 30

- † Agriculture and Consumer Services, Board of

### October 1

- † Air Pollution, State Advisory Board on

### October 6

- † Barbers, Board for

### October 7

- Hopewell Industrial Safety Council

### October 14

- Disability Services Council

### October 15

- Alcoholic Beverage Control Board
- † Asbestos and Lead, Virginia Board for Conservation and Recreation, Department of
  - Fall River Renaissance Committee
- Treasury Board

### October 22

- Visually Handicapped, Board for the

### October 23

- Fire Services Board, Virginia
  - Fire Prevention and Control Committee
  - Fire/EMS Education and Training Committee
  - Legislative/Liaison Committee

### October 24

- Fire Services Board, Virginia

### October 27

- Alcoholic Beverage Control Board

### October 29

- † Agriculture and Consumer Services, Department of
  - Virginia Winegrowers Advisory Board

### November 12

- † Administrative Law Advisory Committee

**PUBLIC HEARINGS**

**September 4**

Conservation and Recreation, Board of

**September 9**

Charitable Gaming Commission  
Conservation and Recreation, Board of

**September 10**

Conservation and Recreation, Board of

**September 11**

Conservation and Recreation, Board of

**September 17**

Charitable Gaming Commission  
† Education, Board of  
Racing Commission, Virginia

**September 23**

Charitable Gaming Commission  
Water Control Board, State

**October 8**

Mines, Minerals and Energy, Department of

**October 14**

† Criminal Justice Services Board

**November 5**

† Criminal Justice Services Board

**December 11**

Agriculture and Consumer Services, Board of

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