

**VSBPE**

**Date: Aug. 13, 2019**

**Item: Provisional License Language**

**ITEM:** Should the AOE develop proposed language to clarify intent for the VSBPE to consider for future rule revision?

**AGENCY RECOMMENDED ACTION:**

**Direct the AOE to clarify language regarding the status of provisional licenses when an educator leaves the Supervisory Union/District that applied for the provisional license.**

**BACKGROUND:** There is a lack of clarity in rules regarding the status of a provisional license when an educator leaves the Supervisory Union/District that applied for the provisional license. 5351 clarifies that a provisional can only be granted “on the application of a superintendent, director, headmaster of an independent school, or Career Technical Director....” Rule 5356 states that “[a]n educator who holds a Provisional License may be employed by any school district during the life of the Provisional License if the employing district shows need in accord with Section 5351 (above) of these rules.”

We have encountered two questions regarding this language. First, the AOE has interpreted headmaster of an independent school to be the headmaster of an **approved** independent school. Though this is not expressly stated in the rules, we believe that this is the intent of the rule. Second, we have encountered situations where an educator has left a district after the first year of a provisional to take a position at an early childhood center. It has been our interpretation that provisional license is no longer valid unless there is a superintendent willing to sponsor the provisional license.

**INFORMATION:** We are asking the VSBPE for guidance in drafting language in addressing these two limitations of the existing rule.