



8 VAC 20-210-10	<i>Classification of Expenditures</i>
8 VAC 20-240-10 et seq.	<i>Regulations Governing School Activity Funds</i>
8 VAC 20-250-10	<i>Regulations Governing Testing Sight and Hearing of Pupils</i>
8 VAC 20-310-10	<i>Rules Governing Instruction Concerning Drugs and Substance Abuse</i>
8 VAC 20-320-10	<i>Regulations Governing Physical and Health Education</i>
8 VAC 20-390-10 et seq.	<i>Rules Governing Division Superintendent of Schools</i>
8 VAC 20-410-10	<i>Rules Governing Allowable Credit for Teaching Experience</i>
8 VAC 20-420-10	<i>Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards</i>
8 VAC 20-460-10 et seq.	<i>Regulations Governing Sick Leave Plan for Teachers</i>
8 VAC 20-490-10 et seq.	<i>Regulations Governing School Boards Local</i>
8 VAC 20-565-10 et seq.	<i>Regulations for the Protection of Students as Participants in Human Research</i>

The purpose of this proposal is to consolidate them in such a way that school divisions will be able to access and implement them more effectively and efficiently for the management of the public schools in Virginia, thus better serving the students and their families.

There are no new requirements imposed on school divisions by these proposed regulations. Some of the provisions of the current regulations are not included in the consolidated regulation because they are out-of-date or otherwise no longer applicable. Additionally, some of the very detailed requirements in the current regulations have been streamlined in the new regulation in order to give local school divisions more flexibility in the development of their own plans and procedures.

There are several revisions recommended to the proposed regulations:

- In the definitions section, 8 VAC 20-720-10, the definitions of “instructional materials,” “instructional personnel,” and “teacher” would be deleted for clarity.
  - ✓ The definition of “instructional materials” is more appropriately found in the regulations governing textbooks and instructional materials, which are being revised in separate Board actions.
  - ✓ The definition of “instructional personnel” is not found elsewhere in these regulations.
  - ✓ The definition of “teacher” could be misunderstood in light of the Board’s work on the Standards of Quality in defining instructional and support services positions.
- A new section would be added, 8 VAC 20-720-180, to permit the Board to waive any provision of these regulations upon the request of the division superintendent and the chairman of the local school board, unless the provisions are otherwise required by state or federal law or federal regulations. In view of the budget reductions school divisions

are facing, permitting the waiver of regulations could serve to reduce the administrative burden on school divisions.

When these 13 regulations have been consolidated into the *Regulation Governing Local School Boards and School Divisions*, the current individual regulations will be repealed simultaneously with the promulgation of the new regulation.

**Superintendent's Recommendation:** The Superintendent of Public Instruction recommends that the Board of Education adopt the attached *Regulations Governing Local School Boards and School Divisions* and authorize the Department of Education staff to proceed with the requirements of the Administrative Process Act.

**Impact on Resources:** The administrative impact for the review and revision of these regulations is not expected to be burdensome on the Department of Education and is expected to have a minimal to no fiscal or administrative impact on the local school divisions.

**Timetable for Further Review/Action:** The timetable for further action will be governed by the requirements of the Administrative Process Act.

**REGULATIONS TO BE REPEALED AND THEN ADDRESSED IN  
REGULATIONS GOVERNING LOCAL SCHOOL BOARDS AND  
SCHOOL DIVISIONS  
8 VAC 20-720-10 et seq.**

**REGULATIONS GOVERNING MANAGEMENT OF THE STUDENT'S SCHOLASTIC  
RECORD IN THE PUBLIC SCHOOLS OF VIRGINIA  
8 VAC 20-150-10 et seq.**

**~~8VAC20-150-10. Definitions.~~**

~~The terms used in this chapter, except as otherwise defined herein, shall be in accord with the definitions contained in the Family Educational Rights and Privacy Act, 20 USC §1232g, 34 CFR 99; the Individuals with Disabilities Education Act, 20 USC §§1400-1485, 34 CFR 300; and §22.1-289 of the *Code of Virginia*.~~

**~~8VAC20-150-20. Management of scholastic record.~~**

- ~~A. Local education agencies shall manage the scholastic records of all students in compliance with applicable law, including the Family Educational Rights and Privacy Act of 1974, 20 USC §1232g, 34 CFR 99; the Individuals with Disabilities Education Act, 20 USC §§1400-1485, 34 CFR 300; and §§2.1-377 through 2.1-386, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-3.1, 22.1-270, 22.1-271.2, 22.1-287, 22.1-287.1, 22.1-288, 22.1-288.2, 22.1-289, 32.1-36.1 and 42.1-76 through 42.1-91.~~
- ~~B. Every notice of adjudication or conviction received by a local superintendent, and information contained in the notice, which is not a disciplinary record, shall be maintained by him and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the school board takes disciplinary action against the student based upon an incident which formed the basis for the adjudication or conviction, the notice shall become a part of the student's disciplinary record. As used herein, "disciplinary record" means a record which is directly related to a student and any disciplinary action taken against that student for violation of school rules or policies occurring on school property or at school-sponsored events.~~

**~~8VAC20-150-30. Access.~~**

~~A parent, guardian or other person having control or charge of a student shall be notified of his right to review, and to request an amendment of, the student's scholastic record in accordance with the procedures set forth in 34 CFR 99.~~

**REGULATIONS GOVERNING SCHOOL COMMUNITY PROGRAMS  
8VAC20-180-10**

**~~8VAC20-180-10. School improvement plan.~~**

~~Each school division shall involve the staff and community in revising and extending biennially a six-year school improvement plan. This plan shall be reviewed and approved by the local school board and submitted by January 15 of each odd-numbered year to the Superintendent of Public Instruction for approval in accordance with criteria of the Board of Education. The plan shall include:~~

- ~~1. The objectives of the school division which can be measured by outcomes related to pupil performance, whenever possible;~~
- ~~2. An assessment of the extent to which the objectives are being achieved, including evidence from follow-up studies of former students;~~
- ~~3. Strategies for achieving the objectives of the school division; and~~
- ~~4. Evidence of community participation in the development of the six-year plan.~~

~~A report shall be made by November 1 of each year to the local school board and to the public on the extent to which the measurable objectives of the preceding two school years were achieved. Deviations from the plan shall be explained.~~

**CLASSIFICATION OF EXPENDITURES**  
**8VAC20-210-10**

**~~8VAC20-210-10. Classification of expenditures.~~**

~~The following major classification of expenditures is prescribed for use by local school boards when the division superintendent, with the approval of the school board, prepares the estimate of moneys needed for public schools.~~

- ~~1. Instruction;~~
- ~~2. Administration, attendance and health;~~
- ~~3. Pupil transportation;~~
- ~~4. Operation and maintenance;~~
- ~~5. School food services and other noninstructional operations;~~
- ~~6. Facilities;~~
- ~~7. Debt and fund transfers; and~~
- ~~8. Contingency reserves.~~

**REGULATIONS GOVERNING SCHOOL ACTIVITY FUNDS**  
**8VAC20-240-10 et seq.**

**~~8VAC20-240-10. Classification; responsibility for administration of regulations, exclusion of specific funds.~~**

~~All funds derived from extracurricular school activities, such as entertainment, athletic contest, cafeteria, club dues, etc., and from any and all activities of the school involving personnel, students, or property are by this chapter classified as school activity funds (internal accounts). The local school boards shall be responsible for the administration of this chapter in the schools under their control and may determine which funds in any school may be excluded from those subject to this chapter. (Funds defined by law as public funds are not subject to this chapter and are to be handled as provided by law.)~~

**~~8VAC20-240-20. Records, school finance officer, bonds.~~**

~~Each school shall keep an accurate record of all receipts and disbursements so that a clear and concise statement of the condition of each fund may be determined at all times. It shall be the duty of each principal to see that such records are maintained in accordance with this chapter and rules promulgated by the local school board. The principal or person designated by him shall perform the duties of school finance officer or central treasurer. The school finance officer shall be bonded, and the local school board shall prescribe rules governing such bonds for employees who are responsible for these funds.~~

**~~8VAC20-240-30. Forms.~~**

~~The use of forms prescribed by the Board of Education is not mandatory but the basic information required by the uniform system must be incorporated in any system substituted for that designed by the Board of Education.~~

**~~8VAC20-240-40. Audits; monthly and annual reports.~~**

~~School activity funds (internal accounts) shall be audited at least once a year by a duly qualified accountant or accounting firm approved by the local school board and a copy of the audit report shall be filed in the office of the division superintendent. Monthly reports of such funds shall be prepared and filed in the principal's office, and annual reports shall be filed in the office of the principal or division superintendent. The cost of such an audit is a proper charge against the school operating fund or school activity funds.~~

**~~8VAC20-240-50. Interpretation of regulations and forms.~~**

~~Nothing in this chapter or suggested forms shall be construed as superseding or modifying the federal state plan for operation of cafeterias under the National School Lunch Act, 42 USC § 1751 et seq.~~

**REGULATIONS GOVERNING TESTING SIGHT AND HEARING OF PUPILS**  
**8VAC20-250-10**

**~~8VAC20-250-10. Testing of sight and hearing; monitoring.~~**

~~That sight and hearing of pupils in grades K, 3, 7, and 10 be screened within 60 administrative working days of the opening of school. Whenever a pupil is found to have any defect of vision or hearing or a disease of the eyes or ears, the principal shall notify the parent or guardian in writing, of such defect or disease. This screening of pupils will be monitored through the administrative review process.~~

**RULES GOVERNING INSTRUCTION CONCERNING  
DRUGS AND SUBSTANCE ABUSE  
8VAC20-310-10**

**~~8VAC20-310-10. Health education program.~~**

~~The Board of Education recognizes that the illegal and inappropriate use of certain substances constitutes a hazard to the development of students. Elementary and secondary schools shall include in the health education program instruction in drugs and drug abuse.~~

~~Therefore, the public schools of the Commonwealth shall:~~

- ~~1. Be concerned with education and prevention in all areas of substance use and abuse.~~
- ~~2. Establish and maintain a realistic, meaningful substance abuse prevention and education program that shall be developed and incorporated in the total education program.~~
- ~~3. Establish and maintain an ongoing in-service substance abuse prevention program for all school personnel.~~
- ~~4. Cooperate with government and approved private agencies involved with health of students relating to the abuse of substances.~~
- ~~5. Encourage and support pupil-run organizations and activities that will develop a positive peer influence in the area of substance abuse.~~
- ~~6. Create a climate whereby students may seek and receive counseling about substance abuse and related problems without fear of reprisal.~~

**REGULATIONS GOVERNING PHYSICAL AND HEALTH EDUCATION  
8VAC20-320-10**

**~~8VAC20-320-10. Health education program.~~**

~~Elementary and secondary schools shall present a comprehensive health education program which focuses on instruction related to alcohol and drug abuse, smoking and health, personal growth and personal health, nutrition, prevention and control of disease, physical fitness, accident prevention, personal and family survival, environmental health, mental health, and consumer education. These shall be developed in accordance with procedures outlined in the Curriculum Guide for Health Education.~~

**RULES GOVERNING DIVISION SUPERINTENDENT OF SCHOOLS**  
**8VAC20-390-10 et seq.**

**~~8VAC20-390-10. Qualifications.~~**

Division superintendents of county, town, and city school systems are required by law to be appointed from a list of eligible persons approved by the State Board of Education. To be placed on the list of eligibles, applicants must meet the following qualifications:

- ~~1. Personal qualities. Eligibility shall be limited to individuals whose records attest to good character and demonstrated ability as an educational administrator.~~
- ~~2. Education. The applicant shall have earned 60 semester hours of graduate work from an institution of higher learning accredited by the state accrediting agency and shall hold the Master's degree or be pursuing a doctoral program approved by any such accredited institution.~~
- ~~3. The applicant shall have completed graduate work in the following areas: history or philosophy of education, courses designed to develop competence in supervision and curriculum development, administration, finance, law, plant, personnel management or school community relations, research, or statistical methods.~~
- ~~4. Experience. The applicant shall have had at least five years of satisfactory and full-time experience in administration or supervision, or both, in public schools.\* This experience shall have been acquired in the principalships or positions, or both, within the central administrative offices of the school division. A maximum of two years of this requirement may be met through full-time experience in the assistant principalship. Certification as to whether the applicant has served satisfactorily in full-time positions of administration or supervision, or both, must be mailed directly to the Department of Education by the division superintendent.~~
- ~~5. Recency of professional education or experience, or both, and status report. A portion of either professional education or experience, or both, shall have been within a period of four years immediately prior to the application. An individual not serving as a division superintendent is required to complete a status report every four years. The report should include current information about the individual, such as current position, professional growth activities, and other pertinent data. The Department of Education will request the status report early in the school year prior to commencement of the new term for the division superintendents.~~
- ~~6. Conditions. Superintendents in office in Virginia as of November 1, 1967, shall not be required to meet these qualifications as long as they serve continuously in such positions in the state.~~

Persons on the eligible list as of November 1, 1967, who did not meet the education requirement effective that day shall submit to the department official transcripts of graduate work in support

of at least six semester hours beyond the master's degree each two years thereafter until such time as they meet the new academic requirement. Any person who does not comply with this requirement will be removed from the eligible list.

~~\*Comparable experience in accredited private schools or other educational systems may be accepted upon the recommendation of the Superintendent of Public Instruction and the approval of the Board of Education.~~

**~~8VAC20-390-20. Part-time service as school principal.~~**

~~The division superintendent of schools, on a part-time basis, may with the consent of the Board of Education serve as school principal.~~

**~~8VAC20-390-30. Acting superintendents.~~**

~~In case of a vacancy occurring during the regular four-year term of office of the division superintendent, an acting superintendent shall be designated by the school board or boards to serve until the newly appointed superintendent assumes office. The local school board or boards may compensate such acting superintendent from local funds and such board or boards may provide necessary traveling expenses.~~

**~~8VAC20-390-40. Observing regulations; making annual and special reports.~~**

~~It shall be the duty of each division superintendent to observe such directions and regulations as the Superintendent of Public Instruction or Board of Education may prescribe and to make special reports to the Superintendent whenever required.~~

**~~8VAC20-390-50. School accounts.~~**

~~It shall be the duty of the division superintendent to inspect the accounts of the clerk of the school board from time to time during the year and see that such accounts are kept correctly and that all school funds are properly applied.~~

**~~8VAC20-390-60. Distribution of state reports, forms, laws, and regulations.~~**

~~Superintendents shall distribute promptly all reports, forms, laws, and regulations which may be received from the Superintendent of Public Instruction, in accordance with his directions.~~

**~~8VAC20-390-70. Explanation of school system; enforcement of school laws, regulations, etc.~~**

~~Superintendents shall explain the school system and give information about it on all suitable occasions, and shall make certain that all school laws and regulations are strictly enforced and that the decisions of the Superintendent of Public Instruction and of the Board of Education are complied with. When such decisions are not complied with, the division superintendent shall inform the Superintendent of Public Instruction.~~

**~~8VAC20-390-80. Inspection and supervision of schools.~~**

~~It shall be the duty of the division superintendent to visit and inspect each school in his division. He shall inquire into all matters relating to the management of the school, the course of study, method of instruction, and use of textbooks, and shall give particular attention to the conditions of the school buildings.~~

**~~8VAC20-390-90. Supervision of teachers.~~**

~~The division superintendent shall see to it that teachers discharge faithfully the duties assigned to them, and any neglect or violation by teachers of any of the laws or regulations shall be promptly reported to the school board with recommendations for appropriate action.~~

**~~8VAC20-390-100. Condemnation of school buildings.~~**

~~The superintendent shall have authority to condemn school buildings, as provided by law, when such school buildings are not safe and may endanger the health of pupils.~~

**~~8VAC20-390-110. Promotion of improvement and efficiency of school personnel; promotion of appreciation, etc. of education.~~**

~~It shall be the duty of superintendents to promote the improvement and efficiency of teachers and other school personnel by all appropriate methods. They shall also endeavor by all appropriate means to promote an appreciation and desire for education among the people.~~

**RULES GOVERNING ALLOWABLE CREDIT FOR TEACHING EXPERIENCE**  
**8VAC20-410-10**

**~~8VAC20-410-10. Teaching experience credit.~~**

~~Credit for teaching experience may be allowed:~~

- ~~1. For teaching in public schools in the state and out of the state.~~
- ~~2. For teaching in accredited institutions of higher learning in and out of the state.~~
- ~~3. For teaching in schools operated in military installations, supported by federal tax funds, and for which academic credit is accepted for admission to the public schools of Virginia.~~
- ~~4. For teaching in public resident schools, such as the Virginia School for the Deaf and Blind.~~
- ~~5. For teaching in accredited private schools and in private schools for which teachers receive credit under the provisions of the Virginia Retirement System.~~

~~Teachers in the field of vocational education, where the requirement calls for occupational work experience beyond the apprenticeship level, may be allowed credit for one year of teaching experience for each two years of work experience.~~

**REGULATIONS GOVERNING PERSONNEL IN PUBLIC SCHOOL LIBRARIES  
OPERATED UNDER JOINT CONTRACT UNDER CONTROL OF  
LOCAL SCHOOL BOARD OR BOARDS  
8VAC20-420-10**

**~~8VAC20-420-10. Library personnel.~~**

~~All such persons employed in any public school library or any library operated under joint contract between a school board or boards and the trustees of a county or regional library system shall be under the direction, supervision, and control of the local school board or boards.~~

**REGULATIONS GOVERNING SICK LEAVE PLAN FOR TEACHERS**  
**8VAC20-460-10 et seq.**

**~~8VAC20-460-10. Allowances.~~**

Allowances shall be as follows:

- ~~1. Each full-time teacher in the public free schools shall earn a minimum of 10 days each year.~~
- ~~2. Earnings for less than a full year of full-time employment shall be at the rate of one day per month, or major fraction thereof. This provision applies to teachers who do not begin teaching at the start of the school term and to those who do not complete the full year.~~
- ~~3. A teacher cannot claim any portion of earned leave unless he or she has actually reported for duty for the regular school term in accordance with the terms of the teacher's contract. If a teacher is unable, because of illness, to begin teaching when school opens in the fall, such teacher may be allowed to use accumulated leave not to exceed the balance credited to him or her as of June 30 of the immediate preceding school year.~~
- ~~4. School boards may, by resolution, permit teachers to anticipate sick leave earnings for the current school year, provided adequate provision is made for a refund in the event the teacher terminates employment before such credit is earned.~~

**~~8VAC20-460-20. Accumulating sick leave.~~**

~~Sick leave, if not used, may accumulate to a minimum of 90 days.~~

**~~8VAC20-460-30. When substitute employed.~~**

~~When a substitute has to be employed, such leave shall be allowed for personal illness, including quarantine, or illness or death in the immediate family requiring the attendance of the employee for not more than three days in any one case, unless the local school board by resolution wishes to allow an extension.~~

**~~8VAC20-460-40. "Immediate family" defined.~~**

~~The "immediate family" of an employee shall be interpreted to include natural parents, adoptive parents, foster parents, stepmother, stepfather, wife, husband, children, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and any other relative living in the household of the teacher ("any other relative living in a household of a teacher" is limited only in that the relative, however distant, must live in the household of a teacher).~~

**~~8VAC20-460-50. Termination of accumulative sick leave; transfer of sick leave; when teacher presumed to have left teaching profession.~~**

~~All accumulated sick leave shall terminate, except as defined below, upon the expiration of employment as a teacher. A teacher may transfer from one school system to another in Virginia and also may transfer any accumulated leave if the school board of the system to which the transfer is being made signifies its willingness to accept such transfer.~~

~~A teacher will be presumed to have left the teaching profession if he or she accepts employment other than in the public school system of Virginia, or is unable to teach in the public schools of Virginia for a period of three consecutive years because of illness or physical disability or family responsibilities. Teachers who leave the teaching profession to enter the armed services do not forfeit accumulated earnings unless they fail to return to the teaching profession immediately upon discharge from an original tour of duty in the armed services.~~

~~**8VAC20-460-60. Local supplementary regulations.**~~

~~Local school boards may adopt supplementary rules and regulations, not in conflict with this chapter, and, in the discretion of the local board, such local regulations may provide for the submission of a doctor's certificate in case of absence due to illness.~~

**REGULATIONS GOVERNING SCHOOL BOARDS LOCAL  
8VAC20-490-10 et seq.**

**~~8VAC20-490-10. Familiarity with and implementation of school laws and regulations.~~**

~~It is the duty of all school officials to acquaint themselves with the school laws and regulations and to see that they are implemented.~~

**~~8VAC20-490-20. Teacher contracts.~~**

~~The school board shall enter into written agreements with teachers before they begin their duties, but no teacher may be employed or paid from public funds who is not certified to teach in the public schools of Virginia. Contracts with teachers shall be executed on behalf of the board by the chairman and the clerk.~~

**~~8VAC20-490-30. Length of the school day.~~**

~~The time for opening and closing schools shall be prescribed by the local school board upon recommendation of the division superintendent, provided that the daily program for students in grades 1 through 12 shall average at least 5 ½ hours, not including meal intermissions. If the required program length is maintained, the local school board may approve occasional shortened days for staff development, conferences, planning, and other activities designed to improve the instructional program, provided that no more than one day in each five-day week may be shortened to no less than four hours. The daily program for kindergarten shall be at least three hours, not including meal intermissions. The student day here described shall be considered a minimum day rather than an optimum day; a longer student day is encouraged to accommodate the instructional program and student needs.~~

~~When exceptions in the length of the daily program are necessary for special education, alternative education, double shifts, and scheduling or other unusual situations, the local board shall request approval by the Superintendent of Public Instruction of the exceptions by August 1 preceding the school year for which they are applicable. The affected programs must be in compliance with such other regulations as may apply to them.~~

~~The length of the work day for employees shall be determined by the local school board. It shall be of sufficient length to allow for the daily program for students and additional time as may be necessary for such activities as planning, preparation, meetings, workshops, conferences, meal intermissions, or other contractual obligations.~~

**~~8VAC20-490-40. Textbooks.~~**

~~School officers and teachers shall require all children who apply for admission into the public free schools to be provided with such books as have been duly approved under the regulations of the Board of Education. In the case of children whose parents or guardians are financially unable to furnish them, school boards shall provide, free of charge, such textbooks and workbooks required for courses of instruction.~~

~~There shall be kept in every school a copy of the list of textbooks prescribed for use in that division.~~

**~~8VAC20-490-50. Policy manual.~~**

~~Each local school board shall maintain an up-to-date policy manual which shall include:~~

- ~~1. The grievance procedure prescribed by the Board of Education;~~
- ~~2. A system of communication between the local school board and its employees in order that views of all school employees may be received in an orderly and constructive manner in matters of concern to them; and~~
- ~~3. A cooperatively developed procedure for personnel evaluation.~~

~~An up-to-date copy of the local school board policy manual shall be kept in the library of each school in that division, and shall be available to employees and to the public.~~

**~~8VAC20-490-60. Annual report.~~**

~~With the assistance of the division superintendent, each school board shall make a report on or before the first day of August of each year, covering the work of the schools for the year ending the 30th day of the preceding June. The report shall be made to the Board of Education on forms supplied by the Superintendent of Public Instruction. The Superintendent of Public Instruction may grant, for good cause, an extension of time not to exceed 15 days for making such report.~~

**REGULATIONS FOR THE PROTECTION OF STUDENTS AS  
PARTICIPANTS IN HUMAN RESEARCH  
8VAC20-565-10 et seq.**

**~~8VAC20-565-10. Definitions.~~**

~~The terms in this chapter, except as otherwise defined herein, shall be in accord with the definitions contained in Chapter 5.1 (§[32.1-162.16](#) et seq.) of Title 32.1 of the *Code of Virginia* entitled "Human Research."~~

**~~8VAC20-565-20. Scope.~~**

~~No human research involving students shall be conducted or authorized by the Virginia Department of Education or any public school of the Commonwealth, including the Virginia Schools for the Deaf and Blind, or any proprietary schools certified by the Board of Education, unless in compliance with this chapter and other applicable law, including 45 CFR 46.~~

**~~8VAC20-565-30. Informed consent.~~**

~~No such research shall be conducted or authorized unless the student and the student's parents or legally authorized representative give their informed consent. Such informed consent shall be evidenced by a signed and witnessed informed consent form. Such form shall comply with [§32.1-162.18](#) A of the *Code of Virginia*.~~

**~~8VAC20-565-40. Research committee.~~**

~~Any such research shall be approved and conducted under the review of a human research committee, which shall be established by the agency or school conducting or authorizing the research. Any such committee shall comply with the provisions of [§32.1-162.19](#) of the *Code of Virginia*. Each committee shall submit to the Governor, the General Assembly, and the Superintendent of Public Instruction or his designee at least annually a report on the student projects reviewed and approved by the committee, which shall state significant deviations from the proposals as approved.~~

**~~8VAC20-565-50. Exemptions.~~**

~~There shall be excluded from the operation of this chapter those categories of research as set forth in [§32.1-162.17](#) of the *Code of Virginia* which exempts "Research or student learning outcomes assessments conducted in educational settings involving regular or special education instructional strategies, the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods, or the use of educational tests, whether cognitive, diagnostic, aptitude, or achievement, if the data from such tests are recorded in a manner so that subjects cannot be identified, directly or through identifiers linked to the subjects. . . ."~~

**VIRGINIA BOARD OF EDUCATION**  
**Promulgate regulation; consolidate other select regulations related to local school boards**

**REGULATIONS GOVERNING LOCAL BOARDS AND SCHOOL DIVISIONS**  
**8VAC 20-720-10 et seq.**

**8VAC20-720-10. Definitions.**

The following words and terms when used in this chapter shall have the meanings indicated, unless the context clearly implies otherwise:

“Administrative working day” means any day that the relevant school board office is open.

"Board" means the Virginia Board of Education.

"Days" mean calendar days unless a different meaning is clearly expressed. Whenever any period of time fixed by this chapter shall expire on a Saturday, Sunday, or legal holiday, the period of time for taking action under this chapter shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.

"Department" means the Virginia Department of Education.

"Facilities fees" means any fees charged by a school board or an individual school for the use of its school buildings or grounds.

**~~["Instructional materials" means all materials, other than textbooks, used to support instruction in the classroom, including, but not limited to, books, workbooks, electronic media, maps, charts and games.]~~**

**~~["Instructional personnel" means all school personnel regularly employed by the local school board or paid from public funds who are required to hold a license issued by the Virginia Board of Education.]~~**

"School activity funds (internal accounts)" means all funds derived from extracurricular school activities, including, but not limited to, entertainment, athletic contests, facilities fees, club dues, vending machine proceeds that are not deposited in the school nutrition program account and from any and all activities of the school involving personnel, students, or property.

"Standards of Learning (SOL)" means the educational objectives established by the Virginia Board of Education which form the core of Virginia's educational program.

**~~["Teacher" means a person (i) who is regularly employed full time as a teacher, visiting teacher/school social worker, guidance counselor, or librarian, and (ii) who holds a valid teaching license.]~~**

"Teaching day" means a standard school day, as required by the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8VAC20-131-50, when the school is in regular session for the instruction of pupils.

## **Part I** **Administration**

### **8VAC20-720-20. Policy manual.**

Each local school board shall maintain and follow up-to-date policies in accordance with the Standards of Quality, § 22.1-253.13:7 of the *Code of Virginia*.

### **8VAC20-720-30. Reports.**

- A. Each local school board, division superintendent or both, shall submit all reports and certifications required by the Virginia Department of Education, by the dates requested.
- B. Failure to submit the required reports in a timely manner may result in reporting such failure to the Board of Education for the public record.
- C. The reports shall be submitted not later than the due date; however, the Superintendent of Public Instruction may grant, for good cause, an extension of time not to exceed 15 calendar days for making such reports.

### **8VAC20-720-40. Divisionwide plan.**

- A. Each local school board shall develop a divisionwide, comprehensive, unified, long-range plan in accordance with the Standards of Quality, § 22.1-253.13:6 of the *Code of Virginia*.
- B. The local board shall review such plan biennially and adopt any necessary revisions.
- C. Prior to the adoption of the plan, or any revisions to the plan, each local school board shall notify the public of the adoption or revision, post the plan or revisions on its Web site if practicable, make a hard copy available for public inspection and copying, and conduct at least one public hearing to solicit comments.

### **8VAC20-720-50. School laws and regulations.**

- A. All school board employees shall be familiar with the school laws and regulations related to their duties and responsibilities and ensure that they are implemented.
- B. In addition to this chapter, local school divisions and school boards shall adhere to Title 22.1 of the *Code of Virginia* and the applicable Board of Education regulations in Volume 8, Section 20 of the *Virginia Administrative Code*.

**Part II**  
**Finance**

**8VAC20-720-60. Classification of expenditures.**

A. Pursuant to § 22.1-115 of the Code of Virginia, local school boards shall use the following major classifications of expenditures when the division superintendent, with the approval of the local school board, prepares the estimate of funds needed for public schools:

1. Instruction;
2. Administration, attendance and health;
3. Pupil transportation;
4. Operation and maintenance;
5. School food services and other noninstructional operations;
6. Facilities;
7. Debt and fund transfers;
8. Technology;
9. Contingency reserves.

B. Nothing in this regulation shall prohibit the preparation and use of line item budgeting within these categories.

**8VAC20-720-70. School activity funds.**

A. Local school boards shall be responsible for the administration of this subsection in the schools under their control.

B. Records and bonds

1. Each school shall keep an accurate record of all receipts and disbursements so that a clear and concise statement of the condition of each fund may be determined at all times.
2. It shall be the duty of the school division official designated by the local school board to perform such duties to ensure that such records are maintained in accordance with this subsection and rules promulgated by the local school board.

3. The designated school division official shall perform the duties prescribed by this subsection of this regulation.
  4. The designated school division official shall be bonded, and the local school board shall prescribe rules governing such funds for employees who are responsible for these funds.
  5. All records shall be subject to public disclosure in accordance with the *Virginia Freedom of Information Act*, §§ 2.2-3700 through 2.2-3714 of the *Code of Virginia*.
- C. The basic information required by the accounting principles for governmental accounting and reporting established by the Governmental Accounting Standards Board must be incorporated into any system used by the local school division.
- D. Audit, examination or review; monthly and annual reports
1. At least once a year, a duly qualified accountant, accounting firm, or internal auditor shall perform an audit, examination, or review of school activity funds to ensure funds are being managed in accordance with these regulations and all funds are properly accounted for. The type of engagement (audit, examination, or review) and the accountant, accounting firm, or internal auditor, shall be approved by the local school board.
  2. A copy of the report resulting from the audit, examination or review (and the completed corrective action plan, if suggestions for improvement are made) shall be reviewed by the division superintendent and the local school board, and filed in the office of the clerk of the school board, the division superintendent, and the principal.
  3. The cost of such an audit, examination or review may be paid from the school operating fund or school activity funds.
  4. Monthly reports of such funds shall be prepared by the designated school division official and filed in the principal's office.
- E. Nothing in this chapter shall be construed as superseding or modifying the federal-state plan for operation of cafeterias under the *Richard B. Russell National School Lunch Act*, 42 USC § 1751 et seq., as amended effective October 1, 2008, and the *Child Nutrition Act of 1966*, 42 USC § 1771 et seq., as amended effective October 1, 2008.

**8VAC20-720-80. Reserved.**

**Part III**  
**Instruction**

**8VAC20-720-90. Health education program.**

- A. Elementary, middle, and secondary schools shall provide a comprehensive health education program focusing on instruction related to alcohol and drug abuse, smoking and health, personal growth and personal health, nutrition, prevention and control of disease, physical fitness, accident prevention, personal and family survival, environmental health, mental health, and consumer education.
- B. The health education program shall include instruction in drugs and substance abuse prevention. As part of the program, school divisions shall:
  - 1. Encourage and support organizations and activities that will develop a positive peer influence concerning substance abuse.
  - 2. Create a climate whereby students may seek and receive counseling about substance abuse and related problems without fear or reprisal.
- C. The health education program shall be developed in accordance with the Board of Education's *Health Education Standards of Learning for Virginia Public Schools*.

**Part IV**  
**Personnel**

**8VAC20-720-100. Division superintendent of schools.**

- A. In order to be appointed a division superintendent, applicants must hold an active Virginia division superintendent's license prescribed by the Board of Education's *Licensure Regulations for School Personnel*, 8VAC20-22-10 et seq.
- B. In case of a division superintendent vacancy, the local school board shall appoint a new superintendent in accordance with § 22.1-60 of the *Code of Virginia*.
- C. If a new superintendent is not appointed within the time prescribed by § 22.1-60, the Virginia Board of Education shall appoint the superintendent in accordance with the *Board's Procedure for Appointment of a School Division Superintendent by the Virginia Board of Education*.
- D. The division superintendent shall perform such duties as may be prescribed by law, by the local school board, and by the Board of Education. In addition, the division superintendent shall:

1. Observe such directions and regulations as the Superintendent of Public Instruction or Board of Education may prescribe and make special reports whenever required.
2. Ensure strict enforcement of all school laws and regulations and compliance with the decisions of the Superintendent of Public Instruction and Board of Education.
3. Visit and cause to be inspected each school on a regular basis and inquire into all matters relating to the management of the school, the course of study, method of instruction, use of textbooks, and condition of the school buildings.
4. Ensure that teachers faithfully discharge the duties assigned to them, and report promptly to the local school board any neglect or violation of any of the laws or regulations by teachers along with recommendations for appropriate action.
5. Close public school buildings that appear to be unfit for occupancy in accordance with § 22.1-136 of the *Code of Virginia*.
6. ~~[Ensuring Ensure]~~ timely submission of all reports and certifications required by the Virginia Department of Education by the dates requested.

**8VAC20-720-110. Teacher contracts and licenses.**

- A. All teachers shall be licensed and endorsed in accordance with the Board of Education's *Virginia Licensure Regulations for School Personnel*, 8VAC20-21-10 et seq.
- B. No teacher shall be regularly employed by a local school board or paid from public funds unless such teacher holds a license issued by the Board of Education or a three-year local eligibility license issued by a local school board pursuant to § 22.1-299.3 of the *Code of Virginia*.
- C. The local school board shall enter into written contracts with teachers prior to the commencement of their duties. Such contracts shall be executed on behalf of the local school board by the chairman and the clerk.
- D. Such contracts shall be in accordance with the *Code of Virginia* and the Board of Education's *Regulations Governing the Employment of Professional Personnel*, 8VAC20-440-10 et seq.

**8VAC20-720-120. Sick leave plan for teachers.**

- A. Allowances
  1. Each full-time teacher in the public schools shall earn a minimum of 10 days of sick leave each year.

2. Earnings for sick leave for less than a full year of full-time employment shall be at the rate of one day per month, or major fraction thereof. This provision applies to teachers who do not begin employment at the start of the school term and to those who do not complete the full year.
3. A teacher cannot claim any portion of earned sick leave unless he has actually reported for duty for the regular school term in accordance with the terms of the teacher's contract. If a teacher is unable, because of illness, to begin employment when school opens in the fall, such teacher may be allowed to use accumulated leave not to exceed the balance credited to him as of June 30 of the immediate preceding school year.
4. School boards may, by resolution, permit teachers to anticipate sick leave earnings for the current school year, provided adequate provision is made for a refund in the event the teacher terminates employment before such credit is earned.
5. Teachers who leave the profession to enter military service, or who are activated or deployed for military service, do not forfeit accumulated leave earnings unless they fail to return to the teaching profession immediately upon discharge from military service or return from deployment or activation.

#### B. Local policies

1. Each local school board shall adopt policies providing for the accumulation, termination and transfer of sick leave.
2. Each local school board shall adopt policies providing for leave without pay for school board employees with debilitating or life-threatening illness or injury, without regard to the employee's length of service with the school board.

### Part V Student Records

#### 8VAC20-720-130. Management of student records.

Local education agencies shall manage the scholastic records of all students in compliance with applicable law and regulations, including the *Family Educational Rights and Privacy Act* and regulations, 20 USC § 1232g and 34 CFR 99; the *Protection of Pupil Rights Amendment* and regulations, 20 USC §1232h and 34 CFR 98; the *Individuals with Disabilities Education Improvement Act* and regulations, 30 USC §§1400-1485 and 34 CFR 300; the *No Child Left Behind Act of 2001* and regulations, P.L. 107-110 and 34 CFR Part 200; and the *Code of Virginia*.

**Part VI**  
**Students**

**8VAC20-720-140. Students as participants in human research.**

- A. No human research involving students shall be conducted or authorized by the Virginia Department of Education or any public school of the Commonwealth, unless in compliance with this chapter and other applicable law.
- B. No such research shall be conducted or authorized unless the student and the student's parents or legally authorized representative give their informed consent. Such informed consent shall be evidenced by a signed and witnessed informed consent form that complies with § 32.1-162.18 of the *Code of Virginia*.
- C. Any such research shall be approved and conducted under the review of a human research committee, which shall be established by the agency or school conducting or authorizing the research. Any such committee shall comply with the provisions of § 32.1-162.19 of the *Code of Virginia*. The committee shall submit to the Governor, the General Assembly, and the Superintendent of Public Instruction or his designee at least annually a report on the student projects reviewed and approved by the committee, which shall state the significant deviations from the proposals as approved.
- D. There shall be excluded from the operations of this chapter those categories of research as set forth in § 32.1-162.17 of the *Code of Virginia*.
- E. Research shall be conducted in accordance with the provisions of the Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h, and its implementing regulations, 34 CFR Part 98.

**8VAC20-720-150. Testing sight and hearing of students.**

- A. The sight and hearing of students in grades K, 3, 7, and 10 shall be screened within 60 administrative working days of the opening of school in accordance with the requirements of § 22.1-273 of the *Code of Virginia*.
- B. Whenever a student is found to have any impairment of vision or hearing or a disease of the eyes or ears, the principal shall notify the parent or guardian in writing, of such impairment or disease.
- C. This screening of all students shall be monitored through the Department of Education's review of special education and related services in local school divisions.

**Part VII**  
**Instructional Materials and Textbooks.**

**8VAC20-720-160. Reserved.**

**8VAC20-720-170. Reserved.**

**[Part VIII**  
**Waivers**

**8VAC20-720-180. Waivers.**

***Waivers of some of the requirements of these regulations may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board, provided that the requirements are not mandated by state or federal law or federal regulations. The request shall include documentation of the need for the waiver.***