



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: F

Date: December 12, 2023

Title: First Review of Regular Review of Board of Education Guidance Documents

Presenter: Jim Chapman, Director of Board Relations

Purpose of Presentation

Action required by state or federal law or regulation.

Executive Summary

VDOE staff have found certain guidance documents upon which the agency should no longer qualify as current operative guidance documents and for which the Department no longer relies. Staff have also identified certain documents previously listed as guidance documents upon which the agency relied. These documents identified do not meet the definition of a guidance document.

This action will remove the following documents from the list of guidance documents that the agency certifies as its currently operative guidance documents and make the list available for public inspection. This will allow for greater utility and for the Department to make available for public inspection of the full texts of all applicable guidance documents to the extent inspection is permitted by law, and upon request, make copies of such lists or guidance documents available without charge, at cost, or upon payment of a reasonable fee. Board members now can review and make recommendations as to which documents are obsolete and no longer meet the definition of a guidance document, or those documents that are exempt, no longer inform the public, do not remain currently operative, and should no longer be maintained by the Department as guidance documents.

Action Requested

Action will be requested at the January 25, 2024, meeting.

Superintendent's Recommendation

The Superintendent of Public Instruction recommends that the Board receive this item for first review.

Previous Review or Action

No previous review or action.

Background Information and Statutory Authority

Section [2.2-4103.1](#)(B) of the Code of Virginia states, in part, that “every agency must (i) maintain a complete list of all of its currently operative guidance documents and make the list available for public inspection, (ii) make available for public inspection the full texts of all guidance documents to the extent inspection is permitted by law, and (iii) upon request, make copies of such lists or guidance documents available without charge, at cost, or upon payment of a reasonable fee.”

A [guidance document](#) is any document developed by a state agency that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations. This definition explicitly excludes agency minutes and documents that pertain only to the internal management of the agency. While regulations have the force of law and bind regulated entities (i.e., entities that flout regulations can be punished) and the regulator (i.e., the agency/board must follow its rules, or the courts will order the agency/board to do so). Guidance documents, on the other hand, may sometimes bind the regulator but do not bind their regulated entities.

This regulatory action will remove the obsolete guidance documents to ensure consistency with the current Code of Virginia and Virginia Administrative Code. VDOE staff is asking the Board to remove the following guidance documents from the Virginia Town Hall:

1. [Virginia License Renewal Manual](#). The Virginia individualized renewal system was implemented statewide in 1990. The renewal process ensures that school personnel continually update their professional knowledge and skills. The Virginia License Renewal Manual outlines guidance to aid license holders in the implementation of the renewal requirements. The changes made to this document in August 2021 included revisions to the Virginia Licensure Renewal Manual. This manual is for individuals who hold a five-year renewable license. **This manual provides instructions for the renewal of a license required by law and so is exempt as license guide under [2.2-4002](#)(B)(12).**

2. [Hiring of Retired Public School Teachers and Administrators for Critical Shortage Areas](#). During the 2001 legislative session, the General Assembly passed [HB 252](#) which provided that retired persons who are members of the Virginia Retirement System may be hired as teachers or administrative personnel without interrupting their retirement benefits under the following conditions: (i) the person's retirement allowance is based on his service as a licensed instructional or administrative employee; (ii) the person has been receiving such retirement allowance for a minimum period of time to be determined by VRS and JLARC; (iii) the person had not retired pursuant to an early retirement incentive; and (iv) the person is to be employed to fill the critical shortage identified by the Superintendent of Public Instruction. The General Assembly also passed [HB 1589](#) which provided that retired persons who are members of the Virginia Retirement System may be hired as teachers or administrative personnel without interrupting their retirement benefits under the following conditions: (i) the person's retirement allowance is based on his service as a licensed instructional or administrative employee; (ii) the person has been receiving such retirement allowance for a minimum period of time to be determined by VRS and JLARC; (iii) the person had not retired pursuant to an early retirement incentive; and (iv) the person is to be employed to fill the critical shortage identified by the Superintendent of Public Instruction. The provisions of both of these acts were effective from their passage but the provisions of both of these acts expired on July 1, 2006. **This document is a legislative summary that provided an explanation of the requirements of the legislation, and § [51.1-155](#), and so is excluded under [2.2-4002.1\(A\)](#).**

3. [Virginia's High Objective Uniform State Standard of Evaluation \(HOUSSE\) for Experienced Teachers](#). The [No Child Left Behind \(NCLB\) Act of 2001](#) required all states and school divisions to ensure that all teachers of the core academic subjects be "highly qualified" by the end of the 2005-2006 school year. The law applied to teachers in core academic areas that include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. In 2012, the U.S. Department of Education began granting flexibility to states regarding specific requirements of the [No Child Left Behind \(NCLB\) Act of 2001](#) in exchange for rigorous and comprehensive state- developed plans designed to close achievement gaps, increase equity, improve the quality of instruction, and increase outcomes for all students. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**

4. [Virginia High Objective Uniform State Standard of Evaluation \(HOUSSE\) for Visiting International Faculty \(VIF\) Cultural Exchange Teachers](#). As approved by the Board of Education, this document specified the HOUSSE requirements for cultural exchange

teachers placed in Virginia. When this document was first published March 30, 2007, Visiting International Faculty (VIF) was the largest cultural exchange program in the United States for teachers and schools, with teachers from 50 nations. "Highly qualified" and experienced teachers work in a number of states. Designated as an official sponsor in the U.S. State Department's Exchange Visitor Program, VIF selected highly qualified teachers and matches them with United States' schools and provides comprehensive support to help ensure a rewarding experience. VIF provided teachers the professional development experience of teaching in the United States for up to three years before returning home to serve as goodwill ambassadors for the United States. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § 2.2-4101.**

5. [Criteria for Implementing Experiential Learning Credits for Alternate Route Applicants Seeking Initial Licensure](#). As adopted by the Virginia Board of Education, and as under the requirements of the [No Child Left Behind Act of 2001](#), individuals applying for an initial license through the alternate route as prescribed by the Board of Education needed to meet the criteria specified in this document to be eligible to request experiential learning credits in lieu of the coursework for the endorsement (teaching) content area. This document is no longer applicable as [8VAC20-23-90\(E\)](#) lists these regulations but has reduced the amount of years required in subparagraph 2 from five years to three years. Individuals applying for an initial teaching license through the alternate route as prescribed by the Virginia Board of Education needed meet certain criteria to be eligible to request that their experiential learning should satisfy the coursework for the endorsement (teaching) content area: Experiential learning did not apply to those individuals seeking special education and preK-3 and preK-6 endorsements or endorsements in which there is no Virginia Board of Education - prescribed content or subject assessment. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § 2.2-4101.**
6. [Advancing Virginia's Leadership Agenda Guidance Document: Standards and Indicators for School Leaders and Documentation for the Principal of Distinction \(Level II\) The Administration and Supervision Endorsement](#). On February 23, 2012, the Board revised and approved the [Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals](#). On September 27, 2012, the Board approved revisions and the development of the [Advancing Virginia's Leadership Agenda Guidance Document: Standards and Indicators for School Leaders and Documentation for the Principal of Distinction \(Level II\) Administration and Supervision Endorsement](#). As approved by the Board of Education, this document was revised to align with the [2012 Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals](#). As written, this document references

outdated regulations. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**

7. [Recertification Guidance Document for Virginia Career Switcher Programs](#). The Virginia Department of Education developed this document for the Career Switcher Alternative Route to Licensure Program. This program was originally created in response to [Senate Joint Resolution 384](#) and the 1999 Appropriation Act (Item [127.D](#) and [129.Q](#)). This legislation requested the Board of Education to consider the pioneering alternative licensure programs and models in Texas and New Jersey in its study and development of alternative teacher licensure programs pursuant to [129.Q](#) as a means of attracting qualified persons, such as college professors, retired military personnel, persons in the business community, persons starting second careers, former government officials, older Virginians with expertise in the critical teacher shortage areas (such as math, science, foreign language, computer science and technology, and special education) into the public school classrooms who might otherwise be excluded from teaching positions because they do not have a license to teach. The Board of Education approved conducting a pilot program for the career switcher program for military personnel during the summer of 2000. An amendment to the Licensure Regulations for School Personnel to establish an initial "Career Switcher" Alternative Route to Licensure Program for military personnel was approved by the Board during the fall of 2000. The Career Switcher Alternative Route to Licensure Pilot Program for Military Personnel for the 2000-2001 academic year, concluded on June 30, 2001. On November 30, 2000, the Board approved expanding the program to other professions. On November 27, 2001, the Board of Education approved the Licensure Regulations for School Personnel [8VAC 20-21](#) et. seq. [[Repealed](#)] – Establishing a Career Switcher Alternative Route to Licensure. Those regulations became effective February 13, 2002. Current regulations related to Alternate Routes to Licensure can be found in [8VAC-20-23-90](#). Career Switcher Program providers must go through a rigorous application process and be certified by the Virginia Department of Education for their program completers to be issued a Virginia teaching license. Programs are required to meet the requirements outlined in the regulations to be certified by the Department of Education. There are currently five certified programs in Virginia offered through institutions of higher education, including Shenandoah University, Regent University, Old Dominion University, Virginia Commonwealth University, and Educate Virginia (Virginia Community College System). Certified career switcher programs are certified for five years after the first year of program services. Subsequent reviews are conducted on a five-year cycle, or as deemed necessary. In addition, each certified program must submit an Annual Report for review. The Recertification Guidance Document for Career Switcher Programs (July 2021) outlines the recertification process and the information needed from certified career switcher programs to be recertified by the

Virginia Department of Education. **This document provides instructions for the renewal of a license required by law and so this document is exempt as a license guide under § [2.2-4002\(B\)\(12\)](#).**

8. [Virginia Teacher Performance Evaluation System Handbook](#). The Department of Education developed the technical handbook: [The Virginia Teacher Performance Evaluation System \(TPES\) Handbook](#) to conform to all aspects of the updated and approved [Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers](#) to be implemented in the 2022-2023 academic school year. The Department intended for this handbook to be used as a practical tool to aid school divisions in implementing the Guidelines. School divisions may use this handbook “as is” or change it using the guidance included in the handbook. Additionally, throughout the handbook there are specific annotations where the system can be tailored. The Handbook highlighted key points and a series of tips that school divisions and administrators might wish to consider have been provided. The modifications, highlights, and tips were identified with grey arrows to the right side of the text. School divisions are encouraged to thoughtfully review these areas and tailor this handbook to “make it their own.” The Virginia Department of Education made training available on this document in the spring of 2022. This handbook was only intended as a practical tool to aid school divisions. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**
9. [Use of Literary Fund Proceeds](#). During the 2007 legislative session, the General Assembly passed HB 2350 which provided that a school board's application to the Board of Education for a loan from the Literary Fund must be authorized by the governing body and the school board. The Board may not disburse any proceeds of any approved loan before its receipt of the concurrent approval of the governing body at the time of initial disbursement and an acceptable opinion of bond counsel obtained by the local governing body as to the validity of the loan. The bill also repeals §§ [22.1-154 through 22.1-157](#), that provide for: (i) the examination of title to property on application for loan, (ii) the certificate of the clerk of court or copy of lease on the application for a loan, and (iii) the submission of the application and certificate of title to the Attorney General. The purpose of this document was to summarize some of the requirements so local school divisions could take the action necessary to preserve the tax exemption of the Loan Note. **This document is a legislative summary and is exempt under § [2.2-4002.1\(A\)](#), and it is also exempt as pertaining to granting of funds under § [2.2-4002\(B\)\(4\)](#).**
10. [Guidelines for Establishing Joint or Regional Continuation High Schools or Programs](#). As adopted by the Virginia Board of Education this document was developed with the

provisions in § [22.1-26](#).B of the Code of Virginia, as amended by the [2004 General Assembly](#), authorized school boards to create joint or regional schools offering a specialized curriculum leading to a high school diploma and a postsecondary credential, such as industry certification, career certificate, or degree. The school boards may, by agreement, establish alternative school day and year schedules for the delivery of instruction, subject to any necessary Board of Education waivers. Such school boards may contract with an accredited institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education, as the case may be, to deliver such instruction. **This document is exempt as license guide under § [2.2-4002\(B\)\(12\)](#).**

11. [Eligibility Criteria and Procedures for Supplemental Funding for School Divisions in the Commonwealth of Virginia That Enter into Cost-Saving or Service-Sharing Agreements](#). The 2008 General Assembly approved [HB 936](#) and [SB 559](#). [HB 936](#) increased from 350 to 1,100 the maximum number of students allowed for a school division to qualify to have its state share of aid adjusted, based on a cost-sharing agreement with a neighboring school division. In addition, only those school divisions located in a locality with a composite index of .6000 or greater that has at least 65 percent of its local taxes coming from real estate taxes would qualify. The bill provided that no additional supplemental basic aid payments shall be made prior to July 1, 2010, and the sum of the basic aid payment and any supplemental basic aid payment would not exceed the basic aid payment appropriated to the locality by the 2007 session of the General Assembly. [SB 559](#) also increased from 350 to 1,100 the maximum number of students allowed for a school division to qualify to have its state share of aid adjusted, based on a cost-sharing agreement with a neighboring school division. In addition, only those school divisions located in a locality with a composite index of .6000 or greater that has at least 65 percent of its local taxes coming from real estate taxes, would qualify. The bill provided that no additional supplemental basic aid payments shall be made prior to July 1, 2010, and the sum of the basic aid payment and any supplemental basic aid payment would not exceed the basic aid payment appropriated to the locality by the 2007 Session of the General Assembly. Section [22.1-98.2](#), directed the Board of Education to develop eligibility criteria for cost-saving and service-sharing agreements for school divisions that enter into such agreements with contiguous school divisions. **This document is exempt under § [2.2-4002\(B\)\(4\)](#) as it pertains to the granting of funds.**
12. [Criteria for Making Distributions from the Public Charter School Fund](#). During the 2007 legislative session, the General Assembly pass [HB 2311](#) which established the Public Charter School Fund for the purposes of establishing or supporting public charter schools in the

Commonwealth. The Board of Education was required to establish criteria for making distributions from the Fund to a public charter school requesting moneys from the Fund. Section [22.1-212.5:1](#) of the Code of Virginia, created in the treasury a special nonreverting public charter school fund. The purpose of the Fund is to establish a mechanism whereby any gifts, grants, bequests, or donations from public or private sources can be paid into the state treasury and credited to the Fund. Interest earned on moneys remain in the Fund and at the end of each fiscal year shall not revert to the general fund but remain in the Fund. Moneys in the Fund are to be used solely for the purposes of establishing or supporting public charter schools in the Commonwealth that stimulate the development of alternative public education programs. On January 10, 2008, the Virginia Board of Education adopted criteria for making distributions from the Fund to a public charter school requesting moneys. **This document is exempt as it pertains to the granting of funds under § [2.2-4002\(B\)\(4\)](#).**

13. [Guidelines for Providing Loan Interest Rate Subsidy Grant Payments for the Virginia Public School Authority Pooled Bond Program \(Revised - September 2019\)](#). During the 2019 legislative session, the General Assembly passed [SB 1093](#) and codified as Section [22.1-146.1](#), Code of Virginia required the Board of Education to create a program in which monies from the Literary Fund would be used to subsidize interest payments by local governing bodies and school boards on certain loans from the Virginia Public School Authority for school construction and modernization. Only school divisions with a composite index of local ability-to-pay less than 0.4000 would be eligible to participate in the interest payment program. The bill limits the aggregate amount of loans for each fiscal year to an amount to be specified in the general appropriation act. At its July 25, 2019, meeting, the Board of Education approved program guidelines based on the initial interpretation of the underlying legislation in SB 1093. Following the July Board meeting, Department of Education staff consulted with legislative and Virginia Public School Authority staff on a revised interpretation of [SB 1093](#) which better conformed to the specific language in the bill and that would provide a more favorable subsidy grant payment to school divisions. With concurrence on the revised interpretation, the program guidelines were revised accordingly. Further, Item 136, Paragraph C.11.b. of the 2019 Appropriation Act ([Chapter 854](#)), required the Virginia Public School Authority to provide an interest rate subsidy program in fiscal year 2020 for projects that are on the Board of Education's First Priority Waiting List, and which shall only use the subsidy funding and associated VPSA borrowing by localities as original financing for the projects and not to refinance any prior debt on the projects. Up to \$5.0 million from the Literary Fund is authorized to pay the cost of the interest rate subsidy program in fiscal year 2020 for subsidy grant payments and related issuance costs, with the program subject to the provisions of Section [22.1-146.1](#). Under this

program, eligible Literary Fund projects are financed with a loan through the VPSA Pooled Bond Program at a market rate of interest but also receive an interest rate subsidy grant from the Literary Fund (at a 50 or 100 percent rate) applied to a portion of the market interest rate and the project cost, reducing the principal amount borrowed. Depending on the market interest rate, the combination of the VPSA loan and subsidy grant may result in a debt service cost lower than that paid on a direct Literary Fund loan. The program is targeted to school divisions with lower composite indices that may have less ability to pay for school construction and renovation. This financing approach is in lieu of the project receiving a direct construction loan from the Literary Fund. **This document is exempt as it pertains to the grant of funds under § [2.2-4002\(B\)\(4\)](#).**

14. [Guidelines for the K-3 Record for Reading and Mathematics](#). Board regulation [8VAC20-131-80.B](#) requires schools to maintain an early skills and knowledge achievement record in reading and mathematics for each student in grades kindergarten through 3 to monitor student progress and to promote successful achievement on the third grade SOL tests. This record shall be included with the student's records if the student transfers to a new school. **This document does not meet definition of guidance document under § [2.2-4002.1\(A\)](#) because it is a form.**
15. [Curriculum and Administrative Guide for Driver Education in Virginia](#). As required by § [22.1-205](#) of the Code of Virginia, the Department of Education in cooperation with the Virginia Department of Motor Vehicles has established a standardized program of driver education for public, private, and commercial schools. The Curriculum and Administrative Guide prescribes the content and administrative requirements of a state-approved driver education program. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**
16. [Guidelines for Banking-In-School Demonstration Partnership Programs](#). The guidelines intended to provide guidance in areas that should be addressed as new banking-at-school partnerships were developed by the Department and approved by the Board. The provisions of these guidelines expired on July 1, 2006. The current information concerning this topic is now found online here: <https://www.doe.virginia.gov/teaching-learning-assessment/instruction/economics-personal-finance>. This document expired as of 7/1/2006 and is exempt as SOL. **This document does not interpret a current statute or regulation, pursuant to definition of "guidance document" in § [2.2-4101](#).**
17. [Procedures for Initiating Academic Year Governor's Schools](#). The board passed, in 1998, Procedures for Initiating Academic-Year Governor's Schools to direct the actions of regional

planning groups because the Virginia Board of Education must approve proposals for new or expanding Governor's Schools. This document was superseded by the [Establishing Guidelines for Establishing Joint or Regional Continuation High Schools or Programs](#) which also should be removed. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § 2.2-4101.**

18. [World-Class Instructional Design and Assessment \(WIDA\) English Language Proficiency \(ELP\) Standards](#). The WIDA ELP standards support the English language development of English Language Learners (ELLs). The goal of the standards is to provide the foundation to enable ELLs to achieve academically in all content areas. This document details the framework for teaching SOL content areas and is not a guidance document. **This document does not meet definition of guidance document under § 2.2-4002.1(A).**
19. [Virginia Public Charter School Application Process](#). The Code of Virginia (§ 22.1-212.8) requires all applications for public charter schools to be submitted to the Virginia Board of Education for review prior to the submission of the application to the local school board, unless the school is initiated by one or more local school boards. The Board must review, comment, and decide as to whether the application meets approval criteria developed by the Board. Furthermore, all applications must address a list of elements required by the Code of Virginia, Section 22.1-212.8. **This document does not meet definition of guidance document under § 2.2-4002.1(A) because it is a "form or instruction."**
20. [Application for College Partnership Laboratory Schools and the Procedures for Receiving, Reviewing, and Ruling on College Partnership Laboratory School Applications](#). Section 23-299.B of the Code of Virginia defines a "college partnership laboratory school" as a public, nonsectarian, nonreligious school established by a public or private institution of higher education that operates a teacher education program approved by the Board of Education. Section § 22.1-349.1 now defines a "college partnership laboratory school" as a public, nonsectarian, nonreligious school in the Commonwealth established by a public institution of higher education; public higher education center, institute, or authority; or an eligible institution as defined in § 23.1-628. Notwithstanding the provisions of § 22.1-349.5, a public institution of higher education; a public higher education center, institute, or authority; or an eligible institution as defined in § 23.1-628 may submit an application for formation of a college partnership laboratory school. This document details the procedures for the Board to receive, review, and rule on College Partnership Laboratory School Applications. **This document does not meet definition of guidance document under § 2.2-4002.1(A) because it is a "form or instruction."**

21. [Guidelines and Standards of Learning for Family Life Education](#). During the 2017 legislative session, the General Assembly passed [HB 2257](#) and [SB 1475](#). [HB 2257](#) provided that any high school family life education curriculum offered by a local school division may incorporate age-appropriate elements of effective and evidence-based programs on the law and meaning of consent. [SB 1475](#) made changes to family life education curriculum guidelines and curricula, including requiring family life education curriculum guidelines to include instruction as appropriate for the age of the student in the value of family relationships and permitting the age-appropriate elements of effective and evidence-based programs on the prevention of sexual violence that are required to be incorporated into any high school family life education curriculum offered by a local school division to include instruction that increases student awareness of the fact that consent is required before sexual activity. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**

22. [Guidelines for Local Textbook Approval](#). During the 2008 legislative session, the General Assembly passed [HB 137](#), [HB 354](#), and [SB 356](#). [HB 137](#) permits local school boards to enter into contracts with publishers for the purchase of textbooks. The bill expands the definition of textbook to include print and electronic media. The bill reorganizes the textbook purchasing process and repeals several sections of outdated code. The bill also provides that if consumable materials are sold to students, the local school board must provide those materials at a reduced price, or free of charge, to students who are unable to afford them. This bill is identical to [SB 356](#). Pursuant to Virginia Constitution, [Article VIII, § 5](#) (d) and Code of Virginia, § [22.1-238](#). On September 22, 2011, the Board of Education adopted [Guidelines for Local Textbook Approval](#) to aid school divisions as they review and approve textbooks at the local level. The guidelines encourage local school boards that opt to use a textbook that has not been approved by the Board of Education to conduct a local textbook review that includes components similar to the state level review. Revisions to the Regulations Governing Local School Boards and School Divisions include provisions of the Board of Education's Guidelines for Local Textbook Approval, thus changing them from optional guidelines to required regulations. Amending the regulations will affect public welfare in that textbooks not approved by the Board of Education will now undergo a similar review to ensure quality and accurate information. The amendments will have no impact on public health and safety. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**

23. [Guidelines for Academic and Career Plans](#). The Board of Education included in its 2009 revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia, ([8VAC-20-131](#) et seq) provisions for each middle and high school student to have a personal

learning plan that aligns academic and career goals with the student's course of study. On February 19, 2009, the Board adopted the revised Regulations, also known as the [Standards of Accreditation](#). **As written these [Guidelines for Academic and Career Plans](#) reference outdated regulations and therefore do not meet definition of guidance document under §§ [2.2-4002.1](#) or [2.2-4101](#).**

24. [Physical Education and Physical Activity Program Guidelines for Public Elementary and Middle Schools](#). The 2012 General Assembly approved [HB 1092](#) and required the Board of Education to promulgate regulations governing physical education requirements in public schools. This bill required the Board to promulgate the regulations to be effective beginning with the 2015 - 2016 school year. The 2016 General Assembly approved [HB 357](#) and its identical [SB 211](#) which required at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement became effective beginning with the 2018-2019 school year. The current requirement for a program of physical activity available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year is not changed.

As written, these guidelines pertain to physical education, which should not be confused with physical activity. Physical education is a planned, sequential, quality instructional program that helps students learn the skills necessary for performing a variety of physical activities and understand the benefits of achieving and maintaining a physically active lifestyle. By contrast, physical activity is any bodily movement that is any bodily movement that is produced by the contraction of skeletal muscles that increases energy expenditure. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**

25. [High School to Work Partnerships Guidelines and Model Liability Waiver](#). During the 2013 legislative session, the General Assembly passed [SB 1248](#) which directed the Board of Education to develop guidelines for the establishment of High School to Work Partnerships between public high schools and local businesses to create apprenticeships, internships, and job shadow programs in a variety of trades and skilled labor positions. The bill also provides that local school boards may encourage the local school division's career and technical education administrator to work with the guidance counselor office of each public high school to establish such partnerships. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**
26. [Guidelines for Graduation Requirements: Local Alternative Paths to Standard Units of Credit \(Alternatives to the 140- Clock-hour Requirement\)](#). During the 2015 legislative session, the

General Assembly passed [HB 1675](#) which required the Board of Education, in establishing course and credit requirements for a high school diploma, to permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction to earn a standard unit of credit upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning. This bill was identical to [SB 982](#). Pursuant to [HB 1675](#) and [SB 982](#) (2015), and effective with students enrolled in the 2015-2016 school year and beyond, school divisions may waive the requirement that a student receives 140 clock hours of instruction to earn a standard unit of credit. School divisions that choose to exercise this option may issue waivers for qualified students under the conditions outlined in the guidelines. [Regulatory changes](#) were made in response to the underlying legislation of the guidance. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**

27. [Virginia Public Charter School Application](#). The Virginia Public Charter School Application, as approved by the Virginia Board of Education, became effective September 22, 2016. The Board established the [Virginia Public Charter School application](#) must be submitted to the Board of Education. The exception to this requirement was limited to when a local school board intending to open a new charter school or to convert an existing school to a charter. In either of those cases, the application would need to be submitted to the local school board without state board review. **This document does not meet the definition of guidance document under § [2.2-4002.1\(A\)](#) as it is a "form or instruction."**
28. [Criteria Checklist for Virginia Public Charter School Applications](#). The Criteria Checklist for Virginia Public Charter School Applications, as approved by the Virginia Board of Education, became effective September 22, 2016. **This document as a "form or instruction" does not meet the definition of guidance document under § [2.2-4002.1\(A\)](#).**
29. [STEM Competition Team Grant Initiative: Guidance for Submission of Application](#). During the 2016 legislative session, the General Assembly pass [SB 246](#) which established a grant program administered by the Board of Education beginning in 2017 to establish STEM competition teams at qualified schools. The bill defines qualified schools as those public secondary schools at which at least 40 percent of the students qualify for free or reduced lunch. Grants are capped at \$10,000 per school per year. The bill has an expiration date of July 1, 2018. The STEM Competition Team Grants added \$100,000 GF the first year and \$200,000 GF the second year for grants of up to \$5,000 each for science, technology, engineering, and mathematics education competition teams at qualified schools, pursuant to Chapter 761 of the 2016 Acts of Assembly ([SB 246](#)). In subsequent years, allocations to

further support the STEM Competition Team Grants have appeared in the following Virginia budgets:

- **2016 Session**

- Office of Education » [Item 138](#)

- *Y. Out of this appropriation, \$100,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.*

- **2017 Session**

- Office of Education » [Item 138](#)

- *Y. Out of this appropriation, \$100,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.*

- **2018 Special Session I**

- Office of Education » [Item 135](#)

- *X. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.*

- **2019 Session**

- Office of Education » [Item 135](#)

- *X. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.*

- **2020 Session**

- Office of Education » [Item 144](#)

- *W. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.*

- **2020 Special Session I**

- Office of Education » [Item 144](#)

- *W. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.*

- **2021 Special Session I**

- Office of Education » [Item 144](#)

- *W. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.*

- **2022 Special Session I**

- Office of Education » [Item 136](#)

- *U. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Grants may not exceed \$5,000 each.*

Although [SB 246](#) contained a sunset clause that provided an expiration of the bill on July 1, 2018, no further action to extend the legislation was taken by the 2019 General Assembly. Yet, subsequent Appropriation Acts continues to provide general funds the for STEM Competition Team Grants. At this time, the language of the most recent Appropriations Act does not include the limitations found within [SB 246](#). Because of this new scope, the Department has new flexibility and it continues to allows the Department to review current guidelines and propose new guidelines that align with the needs of schools in Virginia. At the June 2019 Board Meeting, the Board of Education adopted new guidelines for schools making STEM Competition Team funds available to all K-12 schools, not just high schools, where at least 40 percent of the student population qualifies for free or reduced lunch and allow for new teams to meet either before school, after school, or during the school day. **This document is exempt as it pertains to the granting of funds under § [2.2-4002\(B\)\(4\)](#).**

30. [Guidance for Successful Virtual Learning](#). During the 2021 legislative session, the General Assembly passed [SB1303](#). This bill required each school board to offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill contained certain exceptions to the above mentioned requirement. The bill required each school board to provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies for early childhood care and education programs and elementary and secondary schools to reduce the transmission of COVID-19 that have been provided by the federal Centers for Disease Control and Prevention. The bill required the Department of Education to establish benchmarks for successful virtual learning and guidelines for providing interventions to students who fail to meet such benchmarks and for transitioning such

students back to in-person instruction. The bill also required all teachers and school staff to be offered access to receive an approved COVID-19 vaccination through their relevant local health district. **The bill included an expiration date of August 1, 2022. This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**

31. [Guidelines for Honorary High School Diplomas for Veterans of World War II, The Korean War, and the Vietnam War](#). During the 2001 legislative session, the General Assembly passed [SB1210](#) where it establishes the first full week in September, i.e., the week that was the first full official week of peace in 1945 (the war was officially over on September 2, 1945, upon the formal surrender of Japan aboard the United States battleship, Missouri) as the Virginia World War II Veterans Appreciation Week and provides for the application for and award of honorary state high school diplomas by the Board of Education if the veteran served in any branch of the United States Armed Forces during the years between 1939 and 1945; the veteran was drafted or did enlist while still enrolled as a secondary school student in any school in any state or territory of the United States or any school located on or associated with a United States military base or embassy; and the veteran was unable to resume his secondary education upon returning to civilian life.
During the 2002 legislative session, the General Assembly passed [SB365](#) where it established the first full week in November as the Virginia Korean War Veterans Appreciation Week and provides for the application for and award of honorary state high school diplomas by the Board of Education if the veteran served in any branch of the United States Armed Forces during the years between 1950 and 1953, the veteran was drafted or did enlist while still enrolled as a secondary school student in any school in any state or territory of the United States or any school located on or associated with a United States military base or embassy and the veteran was unable to resume his secondary education upon returning to civilian life. Upon filing the required application, the Board of Education will award the veteran a Commonwealth of Virginia Korean War Veteran Honorary High School Diploma during the appreciation week.
During the 2009 legislative session, the General Assembly pass [HB1767](#) which required that the Board of Education award an honorary high school diploma to veterans of the Vietnam War who, as secondary school students, enlisted or were drafted to serve in any branch of the United States Armed Forces during the war between 1959 and 1975, were subsequently honorably discharged, and were unable to complete their secondary education upon return to civilian life. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**

32. [Guidance for Accommodating Children with Special Dietary Needs in School Nutrition Programs](#). This Superintendents Memo is prepared as an update to Superintendents Memo No. 185, dated December 22, 1994. Although federal regulations have not changed, the memo has been updated to reflect current terminology, to clarify the school nutrition programs responsibility, and to reiterate the importance of accommodating children with special dietary needs in the National School Lunch (NSLP), School Breakfast (SBP), Afterschool Snack (ASP), and Special Milk (SMP) programs. As a summary of the United States Department of Agriculture (USDA) guidance document entitled, [Accommodating Children with Special Dietary Needs in the School Nutrition Programs](#), this bulletin is excluded under § [2.2-4002.1](#)(A). **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**
33. [Guidelines for Management of the Student's Scholastic Record](#). This resource manual, was developed for school officials, teachers, and parents to assist in implementing the Board's regulations and to offer school divisions practices to ensure protection of private information from unauthorized disclosure. It was the intention that this manual, with other applicable information on student scholastic records, to be used for professional development and training with school staffs, parents, and other interested parties. These guidelines offer school divisions suggested practices to ensure protection of confidential information from unauthorized disclosure. The revised document includes the added protections and responsibilities afforded to parents, students, and local educational agencies regarding scholastic records. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**
34. [Elementary School Gun Safety Guidelines and Curriculum](#). During the 2010 legislative session, the General Assembly passed [HB 1217](#) which allowed local school boards to offer firearm safety education programs in the elementary grades. To assist local school boards opting to provide such instruction, the Board of Education must establish a standardized program of firearm safety education for students in the elementary school grades to promote the protection and safety of children. The bill requires that the program objectives incorporate, among other principles of firearm safety, accident prevention and the rules of the National Rifle Association's Eddie Eagle Gunsafe Program. Local school boards offering the program must comply with Board curriculum guidelines and integrate the instruction in appropriate subject areas, if feasible, to ensure that every elementary school student receives instruction in firearm safety education. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**

35. [Resource Document for Local Screening Requirements in Virginia's Public Schools](#). Screening children in various areas has long been a responsibility of Virginia's public schools. In the past, the requirements were included in the special education regulations, the Regulations Governing Special Education Programs for Children with Disabilities in Virginia ([8VAC20-80 \[Repealed\]](#)). The current regulations ([8VAC20-81](#)), which became effective July 7, 2009, do not provide the specificity included in prior regulations, since some of the screening regulations are promulgated separately and may change from time to time. **This resource document is classified as a bulletin, and as a bulletin it is excluded under § [2.2-4002.1\(A\)](#). This document also does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**
36. [Guidelines for Recognition and Treatment of Anaphylaxis in the School Setting](#). During the 2012 legislative session, the General Assembly passed [HB 1107](#) which required local school boards to adopt and implement policies for the possession and administration of epinephrine in every school. The school nurse or a school board employee may administer the epinephrine to any student believed to be having an anaphylactic reaction. The bill also requires the Department of Health, in conjunction with the Department of Education and the Department of Health Professions to develop and implement policies for the [recognition and treatment of anaphylaxis in the school setting](#). This bill is identical to [SB 656](#). These revisions were incorporated into the existing "[Virginia School Health Guidelines](#)" published by VDH in consultation with VDOE. **This document does not appear to be a VDOE document.**
37. [Guidelines on Exemplar School Recognition](#). Subsection B of [8VAC20-131-410](#) became effective January 11, 2018, and was derived from the Virginia Register [VOL. 34 ISS. 8](#) – published December 11, 2017. Those regulations were as follows:
- Schools and divisions may be designated and recognized by the board for exemplar performance in accordance with criteria and guidelines it shall establish for top achievement in one or more school quality indicators, and the board may include recognition for high performing schools in specific peer categories, such as schools with high levels of poverty.
- As published in the Virginia Register [VOL. 36 ISS. 3](#) - September 30, 2019, and effective October 30, 2019, subsection [8VAC20-131-410\(B\)](#) was removed. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**

38. [Educational Interpreting Services](#). This pamphlet details information regarding educational interpreting services. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**
39. [Policy Regarding Medication Recommendation by School Personnel](#). During the 2012 legislative session, the General Assembly passed [HB 90](#) which required the Board of Education to develop and implement policies prohibiting school personnel from recommending the use of psychotropic medications for any student. During the 2002 legislative session, the General Assembly passed [HB 90](#) which required the Board of Education to develop and implement policies prohibiting school personnel from recommending the use of psychotropic medications for any student. The policies will not prohibit school health staff from recommending that a student be evaluated by an appropriate medical practitioner, or prohibit school personnel from consulting with such practitioner, with the written consent of the student's parent. For the purposes of § [22.1-274.3](#), "psychotropic medications" means those medications the prescribed intention of which is to alter mental activity or state, including, but not limited to, antipsychotic, antidepressant, and anxiolytic medication and behavior-altering medication. Medications such as Ritalin (methylphenidate), Prozac (fluoxetine), and Paxil (paroxetine) would be included in this classification. [HB 754](#) was incorporated in this bill. To comply with this legislation, the Board of Education approved a policy to become effective on July 1, 2002. This document advised local school board to review their policies and procedures to ensure compliance with this policy, and advise instructional personnel of the Board of Education's policy. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**
40. [Accountability Measurement of Partnerships and Collaborations Based on PreK-12 School Needs Required by the Regulations Governing the Review and Approval of Education Programs in Virginia](#). Section [8VAC20-542-40](#) [[Repealed](#)] - Standards for biennial approval of education programs of the Regulations Governing the Review and Approval of Education Programs in Virginia require that approved education programs in Virginia shall have national accreditation or be accredited by a process approved by the Board of Education and demonstrate achievement biennially of the accountability measures specified in this document. This document was superseded by [Recertification Guidance Document for Virginia Career Switcher Programs](#). **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**
41. [Definitions of At-Risk of Becoming Low-Performing and Low-Performing Institutions of Higher Education in Virginia as Required by Title II of the Higher Education Act \(HEA\)](#). The

Regulations Governing the Review and Approval of Education Programs in Virginia, effective September 21, 2007, and amended January 19, 2011, define the standards that must be met and the review options available for the accreditation of professional education programs required. In July 2013, the National Council for the Accreditation of Teacher Education (NCATE) and the Teacher Education Accreditation Council (TEAC) created the Council for the Accreditation of Educator Preparation (CAEP). Based on Virginia’s 2016 signed partnership agreement with CAEP, and changes made to accreditation program review decision designations by CAEP, the definitions for “at-risk of becoming low-performing” and “low-performing” institutions of higher education in Virginia need to be realigned. This document has been superseded by [Recertification Guidance Document for Virginia Career Switcher Programs](#). Moreover, these definitions do not appear to impose regulatory requirements. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § 2.2-4101.**

42. [Criteria for Identifying Alternative Routes to Teacher Licensure as “Low Performing” or “At Risk of Becoming Low Performing” Required by Title II of the Higher Education Opportunity Act](#). This document has been superseded by [Recertification Guidance Document for Virginia Career Switcher Programs](#). **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § 2.2-4101.**

43. [Guidelines for Implementing New Appropriation Act Provisions for Literary Fund School Construction Loans in the 2022-2024 Biennium](#). The Literary Fund is authorized under Article VIII, [Section 8](#) of the Constitution of Virginia as a permanent and perpetual school fund to be used for public school purposes. Title 22.1, [Chapter 10](#), Code of Virginia, [Chapter 100](#) of the Virginia Administrative Code, and provisions in the state appropriation act [2022 Special Session I, [Part I, Item 137](#)] further govern the Literary Fund and its uses. The Board of Education (“Board”) is responsible for administering the Literary Fund; the Department of the Treasury serves as accountant for the Fund. **This document is exempt under § 2.2-4002(B)(4) as it pertains to the granting of funds.**

Stakeholder Engagement

This action does not involved stakeholder engagement.

Implementation and Communication

Once approved by this Board, the documents in this item will be removed from the Virginia Town Hall.

Impact on Fiscal and Human Resources

There is no fiscal impact of this action. Existing VDOE staff will remove the guidance documents from the Virginia Town Hall in accordance with the Administrative Process Act.