



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: E

Date: January 25, 2024

Title: Second 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

Virginia Department of Education (“VDOE”) staff have identified certain guidance documents upon which the agency no longer relies, as well as documents that fall outside the definition of a “guidance document.”

This action will remove documents from the list of guidance documents that the agency certifies as currently operative and makes available for public inspection on the Virginia Town Hall. By doing so, the agency will better serve stakeholders—including students, parents, teachers, and schools—and ensure that the Board's guidance is accurate and up-to-date and will avoid confusion about how statutes and regulations are interpreted and implemented.

Since first review, VDOE staff have engaged in a thorough review of all guidance documents identified for removal. This review was performed with the Office of the Attorney General (“OAG”) in order to ensure that all identified documents may be removed.

Four items have been removed from the list since first review in order to consider further action:

- [Virginia License Renewal Manual](#);
- [High School to Work Partnerships Guidelines and Model Liability Waiver](#);
- [Physical Education and Physical Activity Program Guidelines for Public Elementary and Middle Schools](#);
- [Guidelines for Management of the Student’s Scholastic Record](#); and
- [Policy Regarding Medication Recommendation by School Personnel](#).

Action Requested

Final action.

Superintendent's Recommendation

The Superintendent of Public Instruction recommends that the Board approve this item and remove the guidance documents identified from Town Hall.

Previous Review or Action

Date: December 12, 2023

Action: [Item F First Review of Regular Review of Board of Education Guidance Documents](#)

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.”

Section [2.2-4002](#)(B) states, in part, that agency action relating to the following subjects shall be exempted from the Administrative Process Act: Grants of state or federal funds or property and instructions for application or renewal of a license, certificate, or registration required by law.

Section [2.2-4002.1](#)(A) states, in part, that “[g]uidance documents do not include agency (i) rulings and advisory opinions, (ii) forms and instructions, (iii) bulletins and legislative summaries, (iv) studies and reports, and (v) internal manuals and memoranda.”

Section [2.2-4101](#) defines a guidance document as “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, excluding agency minutes or documents that pertain only to the internal management of agencies.”

Section [22.1-253.13:1](#)(B) states in part, “[t]he Standards of Learning (“SOLs”) shall not be construed to be regulations as defined in § [2.2-4001](#).” Therefore, because documents concerning SOLs do not interpret or implement the agency's regulations, these documents should not be included within the list of Guidance Documents that the agency must certify as currently operative and available for public inspection.

To ensure consistency with the Code of Virginia, VDOE staff, in consultation with the Office of the Attorney General, is recommending the following documents for removal from the list previously certified as operative guidance documents:

1. [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 acts were effective from their passage. However, the provisions of both acts expired on July 1, 2006. **This document is a legislative summary of the law and provides a simplified explanation of the requirements of the legislation that expires July 1, 2028. It also attempts to explain an older version of § [51.1-155](#). Since it does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations, this document does not meet the definition of a "guidance document" under § [2.2-4101](#).**

2. [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. The [No Child Left Behind \(NCLB\) Act of 2001](#) was replaced by the [Every Student Succeeds Act](#) in 2015. **This document interprets an outdated federal law. Since it does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations, this document does not meet the definition of a "guidance document" under § [2.2-4101](#).**

3. [Virginia High Objective Uniform State Standard of Evaluation \(HOUSSE\) for Visiting International Faculty \(VIF\) Cultural Exchange Teachers](#). As approved by the Board on March 29, 2007, this document specified the HOUSSE requirements for cultural exchange teachers placed in Virginia. When this document was first published, Visiting International Faculty (VIF) was the largest cultural exchange program in the United States for teachers and schools, with teachers from fifty nations. VIF provided teachers with 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 interprets an outdated federal law. Since it does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations, this document does not meet the definition of a "guidance document" under § [2.2-4101](#).**

4. [Criteria for Implementing Experiential Learning Credits for Alternate Route Applicants Seeking Initial Licensure](#). As adopted by the Board, 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, 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\(E\)](#) now lists the current requirements. Additionally, the number of years needed in subparagraph two has been reduced from five years to three years. Individuals applying for an initial teaching license through the alternate route as prescribed by the Board needed to meet specific 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 is instructions for the application or renewal of a license, certificate, or registration required by law, and so is exempt from the guidance document requirements found under § [2.2-4002](#). Furthermore, it does not provide information or guidance of general applicability to the staff or public to interpret or**

implement current statutes or the current statutes or regulations and so does not meet the definition of a "guidance document" under § [2.2-4101](#).

5. [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, this document was revised to align with the [2012 Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals](#). The current criteria are listed in [8VAC20-23-620\(F\)](#). **This document does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations and so does not meet the definition of a "guidance document" under § [2.2-4101](#).**

6. [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 in July 2021. This program was initially created in response to [Senate Joint Resolution 384](#) and the 1999 Appropriation Act (Item [127.D](#) and [129.Q](#)). This legislation requested the Board to consider the pioneering alternative licensure programs and models used 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 had 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 approved conducting a pilot program for the career switcher program for military personnel during the summer of 2000. In the fall of 2000, the Board approved an amendment to the Licensure Regulations for School Personnel to establish an initial “Career Switcher” Alternative Route to Licensure Program for military personnel. 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 approved the Licensure Regulations for School Personnel [8VAC20-21](#) et. seq. [[Repealed](#)] –

Establishing a Career Switcher Alternative Route to Licensure. Those regulations became effective on February 13, 2002. As of August 23, 2018, the 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 the Virginia Department of Education must certify the program for completers to be issued a Virginia teaching license. Programs must meet the requirements outlined in the regulations to be certified by the Department of Education. 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 considered 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 is an instruction for the issuance of a license and so is exempt from the APA under § [2.2-4002\(B\)\(12\)](#). The document will be maintained on the [VDOE website](#).**

7. [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 local school divisions in implementing the Guidelines. Local 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 highlights key points and a series of tips that school divisions and administrators might wish to consider for their use. Local school divisions were 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. The Board intended that this handbook be used as a practical tool to aid local 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](#). This document will continue to be maintained on the [VDOE website](#).**
8. [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 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](#), which provide for (i) the examination of title to the property on the application for a 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 the requirements so local school divisions could act to preserve the tax exemption of the Loan Note. **This document is a legislative summary and is exempt under § [2.2-4002.1\(A\)](#). It is also exempt as pertaining to grants of funds under § [2.2-4002\(B\)\(4\)](#).**

9. [Guidelines for Establishing Joint or Regional Continuation High Schools or Programs](#). As adopted by the Board, this document was developed pursuant to the provisions in § [22.1-26.B](#) of the Code of Virginia, as amended by the [2004 General Assembly](#). This piece of legislation 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 waivers. Such school boards may contract with an accredited institution of higher education or other postsecondary school licensed or certified by the Board or the State Council of Higher Education to deliver such instruction. This document was adopted by the Board on April 28, 2004, as a further interpretation of the Agency's regulations 8VAC20-280-10 and 8VAC20-280-20. These regulations were repealed on October 19, 2009. **This document interprets an outdated regulation. Since it does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations, it does not meet the definition of a "guidance document" under § [2.2-4101](#).**
10. [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 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 pertains to the grant of state or federal funds and so it is exempt under § [2.2-4002\(B\)\(4\)](#).**

11. [Criteria for Making Distributions from the Public Charter School Fund](#). During the 2007 legislative session, the General Assembly passed [HB 2311](#), which established the Public Charter School Fund for the purposes of establishing or supporting public charter schools in the Commonwealth. The Board had to establish criteria for making distributions from the Fund to a public charter school requesting money from the Fund. Section [22.1-212.5:1](#) of the Code of Virginia created a special nonreverting public charter school fund in the treasury. 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 money remaining in the Fund and at the end of each fiscal year shall not revert to the general fund but remain in the Fund. Money in the Fund is 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 Board adopted criteria for making distributions from the Fund to a public charter school requesting money. **This document pertains to the grant of state or federal funds and so it is exempt under § [2.2-4002\(B\)\(4\)](#). This document will be maintained on [the VDOE website](#).**

12. [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 § [22.1-146.1](#). This required the Board 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 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'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 pertains to the grant of state or federal funds and so it is exempt under § [2.2-4002\(B\)\(4\)](#).**

13. [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 is a form and instruction, it is exempt pursuant to § [2.2-4002.1\(A\)](#).**
14. [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 is a [document incorporated by reference](#) into the [Regulations Governing Driver Education \(8VAC20-340\)](#).**

15. [Guidelines for Banking-In-School Demonstration Partnership Programs](https://www.doe.virginia.gov/teaching-learning-assessment/instruction/economics-personal-finance). These guidelines were 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 can now be found online here: <https://www.doe.virginia.gov/teaching-learning-assessment/instruction/economics-personal-finance>. This document expired as of July 1, 2006, and is exempt as SOL. **This document is considered a Standards of Learning guide and does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § 2.2-4101.**
16. [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 Board must approve proposals for new or expanding Academic Year Governor's Schools. **This document does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § 2.2-4101.**
17. [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 was 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 is considered a Standards of Learning guide and does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § 2.2-4101.**
18. [Virginia Public Charter School Application Process](#). Section [22.1-212.8](#) requires all applications for public charter schools to be submitted to the Board 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 the 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 is a form and instruction, it is exempt pursuant to § 2.2-4002.1(A). This document will be maintained on [the VDOE website](#).**
19. [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. 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 the 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 is a form and instruction, it is exempt pursuant to § [2.2-4002.1\(A\)](#). This document will be maintained on [the VDOE website](#).**

20. [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 is considered a Standards of Learning guide and does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § [2.2-4101](#).**
21. [Guidelines for Local Textbook Approval](#). During the 2008 legislative session, the General Assembly passed [HB 137](#), [HB 354](#), and [SB 356](#). [HB 137](#) allows local school boards to enter into contracts with publishers for the purchase of textbooks. The bill expands the definition of a 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 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 to conduct a local textbook review that includes components like the state-level review. Revisions to the Regulations Governing Local School Boards and School Divisions include provisions of the Board'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 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 has been superseded by subsequent regulation. Since it does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations, it does not meet the definition of a "guidance document" under § [2.2-4101](#).**

22. [Guidelines for Academic and Career Plans](#). The Board 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](#). **This document interprets an outdated regulation. Since it does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations, it does not meet the definition of a "guidance document" under § [2.2-4101](#).**

23. [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, 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 interprets an outdated regulation. Since it does not provide information or guidance of general applicability to the staff or public to interpret or**

implement current statutes or the agency's current rules or regulations, it does not meet the definition of a "guidance document" under § [2.2-4101](#).

24. [Virginia Public Charter School Application](#). The Virginia Public Charter School Application, as approved by the Virginia Board, became effective September 22, 2016. The Board established that the [Virginia Public Charter School application](#) must be submitted to the Board. The exception to this requirement was limited to when a local school board intended 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 is a form and instructions, it is exempt under § [2.2-4002.1](#). This document will be maintained on [the VDOE website](#).**

25. [Criteria Checklist for Virginia Public Charter School Applications](#). The Criteria Checklist for Virginia Public Charter School Applications, as approved by the Virginia Board, became effective September 22, 2016. **This document is a form and instructions, it is exempt under § [2.2-4002.1](#). This document will be maintained on [the VDOE website](#).**

26. [STEM Competition Team Grant Initiative: Guidance for Submission of Application](#). During the 2016 legislative session, the General Assembly passed [SB 246](#), which established a grant program administered by the Board 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](#)). Although [SB 246](#) contained a sunset clause that provided an expiration of the bill on July 1, 2018, further action to extend the legislation still needed to be taken by the 2019 General Assembly. Yet, subsequent Appropriation Acts continue to provide general funds 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 allow 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 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 and any successor**

documents pertains to the grant of state or federal funds and so are is exempt under § [2.2-4002\(B\)\(4\)](#).

27. [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 interprets or implements an outdated law or regulation. Since it does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations, it does not meet the definition of a "guidance document" under § [2.2-4101](#).**
28. [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](#), which established 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 an award of honorary state high school diplomas by the Board 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](#), which established

the first full week in November as the Virginia Korean War Veterans Appreciation Week and provides for the application for an award of honorary state high school diplomas by the Board 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 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 passed [HB1767](#), which required that the Board 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 provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations and so does not meet the definition of a "guidance document" under § 2.2-4101. The VDOE will continue to administer the program.**

29. [Guidance for Accommodating Children with Special Dietary Needs in School Nutrition Programs](#). This Superintendent Memo is prepared as an update to Superintendent Memo No. 185, dated December 22, 1994. 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 is a bulletin or legislative summary that is excluded under § 2.2-4002.1(A).**
30. [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 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 is considered a Standards of**

Learning guide. Since it does not interpret a law or regulation, it does not meet the definition of a "guidance document" in § 2.2-4101.

31. [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 a bulletin and is exempt under § 2.2-4002.1(A), it does not interpret a law or regulation and so does not meet the definition of a "guidance document" in § 2.2-4101.**

32. [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. The Department of Health (VDH), in conjunction with the Departments of Education (DOE) and Health Professions, established a stakeholder workgroup that developed revised guidelines for the recognition and treatment of anaphylaxis in the school setting. These revisions were incorporated into the existing "Virginia School Health Guidelines" published by VDH in consultation with DOE. As such, this is not a VDOE guidance document. **This document does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations and so does not meet the definition of a "guidance document" under § 2.2-4101.**

33. [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. In 2019, subsection B of [8VAC20-131-410](#) was removed. This guidance has been updated in the [Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia](#). **This document interprets or implements an outdated law or regulation. Since it does not provide**

information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations, it does not meet the definition of a "guidance document" under § [2.2-4101](#).

34. [Educational Interpreting Services](#). This pamphlet details information about educational interpreting services. **This document is a form and instruction and so it is exempt pursuant to § [2.2-4002.1\(A\)](#).**

35. [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 and demonstrate achievement biennially of the accountability measures specified in this document. This document was superseded by the [Recertification Guidance Document for Virginia Career Switcher Programs](#). **This document does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations and so does not meet the definition of a "guidance document" under § [2.2-4101](#).**

36. [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 the [Recertification Guidance Document for Virginia Career Switcher Programs](#). Moreover, these definitions do not appear to impose regulatory requirements. **This document does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations and so does not meet the definition of a "guidance document" under § [2.2-4101](#).**

37. [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 the [Recertification Guidance Document for Virginia Career Switcher Programs](#). **This document does not provide information or guidance of general applicability to the staff or public to interpret or implement current statutes or the agency's current rules or regulations and so does not meet the definition of a "guidance document" under § [2.2-4101](#).**
38. [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 is responsible for administering the Literary Fund, the Department of the Treasury serves as an accountant for the Fund. **This document pertains to the grant of state or federal funds and so it is exempt under § [2.2-4002\(B\)\(4\)](#). It will be maintained on the VDOE website.**

Stakeholder Engagement

VDOE staff has consulted with the OAG to ensure that documents may be removed.

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.