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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-11
VAC Chapter title(s)	Regulations Governing Public Participation
Date this document prepared	April 29, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“Board” means the Virginia Board of Education.

“Department” means the Virginia Department of Education.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The State Board of Education amends this chapter pursuant to §22.1-16 of the Code of Virginia which authorizes the State Board of Education to “adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions” of title 22.1 of the Code of Virginia.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no practical alternatives to this regulation. The purpose of this chapter is to promote public involvement in the development, amendment, or repeal of the regulations of the Board of Education. This chapter does not apply to regulations, guidelines, or other documents exempted or excluded from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
none	none	none

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This chapter is necessary for the protection of public health, safety, and welfare by ensuring public participation according to the DPB model policies. The regulations are clearly written and easily understandable.

[RIS2]

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

While the periodic review found that the regulations were reasonably consistent with the statutory requirements, the promulgating agency intends to amend the regulations to align with the DPB Model Public Participation Guide.

Small Business Impact

[RIS3]

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for the regulation. There have been no documented complaints or comments received by VDOE regarding this chapter. The complexities identified result from the regulation needing to be consistent with applicable law and pursuant to §§ 2.2-4007.02 and 22.1-16 of the Code of Virginia. Section 2.2-4007.02 requires that the agency develop and adopt public participation guidelines. The guidelines must set out the methods for the identification and notification of interested parties and the specific means of seeking input from interested persons or groups that the agency intends to use in addition to the Notice of Intended Regulatory Action. The guidelines must set out a general policy for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency. Moreover, any such policy must also address the circumstances in which the agency considers the panels or consultation appropriate and how the agency intends to make use of the panels or consultation. The promulgation of chapter 8VAC20-11 was completed and became effective on March 19, 2009. This was the last time since the regulation was evaluated.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-180
VAC Chapter title(s)	Regulations Governing School Community Programs
Date this document prepared	April 29, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"Board" means Virginia Board of Education

"Department" means Virginia Department of Education

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the

promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Board's overall regulatory authority is found in § 22.1-16 of the Code of Virginia, which states that "[t]he Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [Title 22.1 of the Code of Virginia]."

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

The alternative for achieving the purpose of the regulation is through data collection through the Standards of Quality Report as required by 22.1-253.13:6(B).

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
none	none	none

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

Chapter 8VAC20-180 is not necessary for the protection of public health, safety, and welfare, and it does not comport with the current statutory requirements. The chapter was promulgated in 1980, and it appears that the statutory environment in which it originally grew has changed.

Section 22.1-253.13:6 has not required a "six-year school improvement plan" since 2004, and since 2005 the section has required a "six-year divisionwide comprehensive, unified, long-range plan." Section 22.1-253.13:6(B) further requires that the plan include the following elements:

- i. the objectives of the school division, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement;
- ii. an assessment of the extent to which these objectives are being achieved;
- iii. a forecast of enrollment changes;
- iv. a plan for projecting and managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations;
- v. an evaluation of the appropriateness of establishing regional programs and services in cooperation with neighboring school divisions;

- vi.a plan for implementing such regional programs and services when appropriate;
- vii.a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with, or as a part of, the comprehensive technology plan for Virginia adopted by the Board of Education;
- viii.an assessment of the needs of the school division and evidence of community participation, including parental participation, in the development of the plan;
- ix.any corrective action plan required pursuant to § 22.1-253.13:3; and
- x.a plan for parent and family involvement to include building successful school and parent partnerships that shall be developed with staff and community involvement, including participation by parents.”

The current regulatory framework for 8VAC20-180 uses the old term “six-year school improvement plan” and it does not capture the minimum statutory requirements for the “six-year divisionwide comprehensive, unified, long-range plan.” More importantly, in its current form, 8VAC20-180 conflicts with the statutory requirements. 8VAC20-180 serves no beneficial purpose if it will merely repeat the statutory requirements and ought to be repealed.

[RIS2]
Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The periodic review found Chapter 8VAC20-180 no longer accurately reflects the statutory requirements and does no more than repeat old requirements. The chapter should be repealed.

Small Business Impact

[RIS3]

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There is no longer a continued need for this regulation. The VDOE has not received any complaints or comments concerning the regulation. The regulatory chapter was found to be outdated and conflicts with state law as the “six-year school improvement plan” was replaced by the “six-year divisionwide comprehensive, unified, long-range plan.”

8VAC20-180 was completed and became effective on September 1, 1980. The chapter has not been evaluated since that time. Removing chapter 8VAC20-180 from the Virginia Administrative Code should minimize any identifiable economic impact of the regulations on small businesses.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-23
VAC Chapter title(s)	Licensure Regulations for School Personnel
Date this document prepared	February 8, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"Board" means the Virginia Board of Education.

"VDOE" means the Virginia Department of Education.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Board's overall regulatory authority is found in § [22.1-16](#) of the *Code of Virginia*, which states that "[t]he Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [Title 22.1 of the Code of Virginia]."

The Board's regulatory authority over licensing requirements for school personnel is found in § 22.1-253.13:2 A of the Code of Virginia, which states that "[t]he Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel." See also § 22.1-298.1 B (stating, in part, that "[t]he Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license.").

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no practical alternatives to this regulation. Section [22.1-298.1](#) requires that the Board of Education to "prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license."

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
N/A	N/A	N/A

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

As long as the Commonwealth requires teachers and other school personnel to hold a license, there is a continued need for the regulation. The regulation sets requirements for the licensing of teachers and other school personnel, as well as for the grounds and procedures for discipline and suspension of the license when a teacher or other public school employee, whether full-time or part-time, permanent, or temporary, may be suspended for good and just cause when the safety or welfare of the school division or the students therein is threatened or when the teacher or school employee has been charged by summons, warrant, indictment or information with the commission of a felony; a misdemeanor involving (i) sexual assault as established in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (ii) obscenity and related offenses as established in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, (iii) drugs as established in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state.

[RIS2]

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The periodic review found that the regulations were consistent with the statutory requirements. No comments were received during the periodic review.

Small Business Impact

[RIS3]

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for this regulation. There have been no complaints or comments received concerning the regulation. 8VAC20-23 is a complex chapter that sets requirements for numerous teaching disciplines and guarantees minimum competency of licensed school personnel. The promulgation of chapter 8VAC20-23 was completed and became effective on August 23, 2018. Since that time multiple fast-track actions and exempt actions have made technical edits to certain sections of the chapter. In that time, this chapter has not been evaluated to identify any regulatory overlaps, duplications, or conflicts with federal or state law or regulations. Changes in technology and economic conditions have not diminished the need for the competencies outlined in the chapter.



Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-25
VAC Chapter title(s)	Technology Standards for Instructional Personnel
Date this document prepared	April 30, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Board – Virginia Board of Education

Department – Virginia Department of Education

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Board's overall regulatory authority is found in § 22.1-16 of the Code of Virginia, which states that "[t]he Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [Title 22.1 of the Code of Virginia]."

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

The viable alternative for this regulation is to remove chapter 8VAC20-25 from the Virginia Administrative Code and return local control to the local school divisions to evaluate and apply their own technology standards for local instructional personnel.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
N/A	N/A	N/A

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation is no longer necessary for the protection of public health, safety, and welfare.

[RIS2]

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The periodic review found that chapter 8VAC20-25 is no longer needed and should be repealed.

The promulgation of chapter 8VAC20-25 was completed and became effective on March 4, 1998. Since that time, this chapter has not been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

There is no longer a continued need for the regulation. Section 8VAC20-23-40 of the Virginia Administrative Code previously required individuals seeking initial licensure to demonstrate proficiency in the use of educational technology for instruction. The standards for such proficiency were set by 8VAC20-25. The requirement in 8VAC20-23-40 was removed from the regulation on [April 15, 2021](#). Additionally, the role of technology in daily life, as well as education, has changed significantly since the chapter was originally promulgated. The chapter was designed to facilitate technological proficiency in an era before the current expansion of technology into daily life and education (through smart phones, the internet, social media, learning management systems, etc.). The delivery of education today is far more dependent on technology than when these regulations were promulgated, and school divisions have responded appropriately.

While this regulation does not appear to overlap, duplicate, or conflict with federal or state law or regulation, it is no longer required by federal or state law or regulation.

Small Business Impact

[RIS3]

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

The promulgation of chapter 8VAC20-25 was completed and became effective on March 4, 1998. Since that time, this chapter has not been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

There is no longer a continued need for the regulation. Section 8VAC20-23-40 of the Virginia Administrative Code previously required individuals seeking initial licensure to demonstrate proficiency in the use of educational technology for instruction. This requirement was removed from the regulation on [April 15, 2021](#). While this regulation does not appear to overlap, duplicate, or conflict with federal or state law or regulation, this regulation is no longer required by federal or state law or regulation.

Chapter 8VAC20-25 should be repealed, and local control should be returned to the local school divisions to evaluate and apply their own technology standards for local instructional personnel.



Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-30
VAC Chapter title(s)	Regulations Governing Adult High School Programs
Date this document prepared	February 8, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"Board" means Virginia Board of Education

"VDOE" means Virginia Department of Education

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The general regulatory authority for the State Board of Education is found in § 22.1-16 of the Code of Virginia, which authorizes the State Board of Education to "adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions" of title 22.1 of the Code of Virginia.

Section 22.1-224 requires, in part, that the Board "[r]equire the development of adult education programs in every school division" and "[p]romulgate appropriate standards and guidelines for adult education programs."

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no practical alternatives to this regulation. The Board is required by statute to have regulations governing adult high school programs. Chapter 8VAC20-30 requires local school officials to be responsible for evaluating and awarding credit for educational achievement.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
N/A	N/A	N/A

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation is necessary, for the protection of public health, safety and welfare, and it is clearly written and easily understandable.

[RIS2]

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

While the periodic review found that the regulations were reasonably consistent with the statutory requirements, it is the promulgating agency's decision is to amend the regulations to make the regulations more easily understandable. The agency will also amend the regulation to reduce regulatory requirements in 8VAC20-30-20.

Small Business Impact

[RIS3]

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for this regulation. The agency has not received any complaints or comments concerning this regulation. This regulation is not overly complex, nor does it appear that this regulation overlaps, duplicates, or conflicts with federal or state law or regulation. The promulgation of chapter 8VAC20-30 was completed and became effective on June 27, 1985. Since that time, amendments for consistency with the Code of Virginia were made on August 15, 2005, and updates to comport with legislative changes were made on February 10, 2016. The agency has found and decided that there is a continued need for the regulation, and the regulation is consistent with applicable law. [RIS4]



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-420
VAC Chapter title(s)	Regulations Governing Personnel in Public School Libraries Operated under Joint Contract under Control of Local School Board or Boards
Date this document prepared	April 30, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Board – Virginia Board of Education
Department – Virginia Department of Education

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The State Board of Education amends this chapter pursuant to §22.1-16 of the Code of Virginia which authorizes the State Board of Education to "adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions" of title 22.1 of the Code of Virginia.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no practical alternatives to this regulation. Chapter 8VAC20-420 requires all such persons employed in any public school library or any library operated under joint contract between a school board or boards and the trustees of a county or regional library system shall be under the direction, supervision, and control of the local school board or boards.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
N/A	N/A	N/A

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

Pursuant to § 22.1-131 A of the Code of Virginia, "a school board may permit the use, upon such terms and conditions as it deems proper, of such school property as will not impair the efficiency of the schools. ... Permitted uses of buildings may include, but are not limited to, ... operation of a local or regional library pursuant to an agreement between the school board and a library board created as provided in § 42.1-35."

[RIS2]

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

There remains a continued need for the regulation. The agency has not received any complaints or comments concerning this regulation. The regulation stems from the statutory requirements found in Title 22.1 of the Code of Virginia and Title 42.1 of the Code of Virginia. There are no apparent overlaps, duplications, or conflicts with federal or state or regulation. The promulgation of chapter 8VAC20-420 was completed and it became effective on September 1, 1980. The chapter does not appear to have been affected by changes to technology, economic conditions, or other conditions. The agency has found that the chapter might be consolidated into another chapter of regulations related to local school boards (e.g., 8VAC20-720).

The periodic review found that the regulations are consistent with statutory requirements, and the agency's decision is to retain the regulation.

Small Business Impact

[RIS3]

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There remains a continued need for the regulation. The agency has not received any complaints or comments concerning this regulation. The regulation stems from the statutory requirements found in Title 22.1 of the Code of Virginia and Title 42.1 of the Code of Virginia. There are no apparent overlaps, duplications, or conflicts with federal or state or regulation. The promulgation of chapter 8VAC20-420 was completed and it became effective on September 1, 1980. The chapter does not appear to have been affected by changes to technology, economic conditions, or other conditions. The agency has found that the chapter might be consolidated into another chapter of regulations related to local school boards (e.g., 8VAC20-720).



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-543

VAC Chapter title(s)	Regulations Governing the Review and Approval of Education Programs in Virginia
Date this document prepared	April 30, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“Board” means the Virginia Board of Education.

“Department” means the Virginia Department of Education.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The Board’s overall regulatory authority is found in § 22.1-16 of the Code of Virginia, which states that “[t]he Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [Title 22.1 of the Code of Virginia].”

The Board’s regulatory authority over regulations governing education preparation programs is found in § 22.1-298.2 B of the Code of Virginia, which states that the “[e]ducation preparation programs shall meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations.” See also § 22.1-298.2 F that “[t]he Board shall review and amend its regulations governing general education teacher preparation programs for kindergarten through twelfth grade to ensure graduates are required to demonstrate proficiency in (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.”

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no practical alternatives to this regulation. The purpose of this chapter is to provide the regulations governing the review and approval of education programs in Virginia pursuant to § 22.1-298.2 of the Code of Virginia.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Anonymous	<p>The education standards should be revised to ensure they promote a comprehensive understanding of history and critical thinking skills.</p> <p>The current history and social studies competency criteria neglect important issues such as slavery and Jim Crow, which are crucial for students in Virginia, a state with deep historical ties to the Confederacy. A curriculum is needed that not only covers past injustices like segregation and redlining but also addresses contemporary topics like the Gulf Wars and the economic policies of modern America to better prepare students for the racial and economic realities they will face.</p>	<p>The Board thanks the commenter and acknowledges the comment. These issues may be considered by the Advisory Board on Teacher Education and Licensure during its next review.</p>

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation is required by statute and is necessary to ensure the preparation of teachers by colleges and universities according to standards outlined by the Board. The regulations set standards for curriculum to ensure high-quality teachers across the Commonwealth.

[RIS2]

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The periodic review found that the regulations were reasonable and consistent with the statutory requirements, and all prior revisions continue to align with the regulations governing the review and approval of education programs in Virginia.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for the regulation. The agency received one comment concerning the regulation during the periodic review. The Advisory Board for Teacher Education and Licensure may consider the comment during its next review. While this regulation is complex, there does not appear to be any overlap, duplication, or conflict with federal or state law or regulation. The promulgation of chapter 8VAC20-543 was completed and became effective on August 23, 2018. The chapter does not appear to have been affected by changes in technology, economic conditions, or other factors. The agency finds that there remains a continued need for the regulation is consistent with applicable law and pursuant to §§ [22.1-16](#) and [22.1-298.2](#) of the Code of Virginia.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-210
VAC Chapter title(s)	Classifications of Expenditures
Date this document prepared	May 9, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“Board” means Virginia Board of Education.

“Department” means Virginia Department of Education

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The Board's overall regulatory authority is found in § 22.1-16 of the Code of Virginia, which states that "[t]he Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [Title 22.1 of the Code of Virginia]."

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There is no alternative for achieving the purpose of the regulation. Section 22.1-115 of the Code of Virginia requires the Board, in conjunction with the Auditor of Public Accounts, to establish and require each school division a modern system of accounting for all school funds. Moreover, the Board is required to prescribe the following major classifications for expenditures of school funds: (i) instruction, (ii) administration, attendance and health, (iii) pupil transportation, (iv) operation and maintenance, (v) school food services and other noninstructional operations, (vi) facilities, (vii) debt and fund transfers, (viii) technology, and (ix) contingency reserves.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
none	none	none

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation is necessary, for the protection of public health, safety and welfare, and it is clearly written and easily understandable.

[RIS2]

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

While the periodic review found that the regulations were reasonably consistent with the statutory requirements, it is the promulgating agency's decision is to amend the regulations to align with the statute and include all major classification for expenditures of school funds pursuant to § 22.1-115 of the Code of Virginia.

Small Business Impact

[RIS3]

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for the regulation. The Board did not receive any complaints or comments concerning the regulation. The regulation is of minimal complexity. This regulation was derived from VR270-01-0020 and became effective on February 1, 1989. The regulation was amended January 1, 2005. The chapter does not appear to have been affected by changes in technology, economic conditions, or other factors.

This regulation was not updated to reflect changes made by the [Chapter 131 of the 2008 Acts of Assembly](#).



Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-240
VAC Chapter title(s)	Regulations Governing School Activity Funds
Date this document prepared	7/11/24

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"Board" means the Virginia Board of Education

"Department" means the Virginia Department of Education

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The general regulatory authority for the State Board of Education is found in § 22.1-16 of the Code of Virginia, which authorizes the State Board of Education to "adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions" of title 22.1 of the Code of Virginia.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No alternatives to this regulation were considered

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
none	none	none

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation is necessary, for the protection of public health, safety and welfare because it ensures the proper accounting of public funds. It is clearly written and easily understandable.

[RIS2]

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The regulation will be retained. However, it will be revised to include certain minor amendments.

Small Business Impact

[RIS3]

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for the regulation, as public funds still require proper accounting. No complaints or comments were received concerning the regulation. The regulation is not overly complex. There is no overlap, duplication, or conflict with federal or state law or regulation. The chapter does not appear to have been affected by changes to technology, economic conditions, or other factors. The

regulation has not been amended since it became effective in 1980. There is no impact on small business from this regulation.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-490
VAC Chapter title(s)	Regulations Governing School Boards Local
Date this document prepared	May 13, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“Board” means the Virginia Board of Education

“Department” means the Virginia Department of Education

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The general regulatory authority for the State Board of Education is found in § 22.1-16 of the Code of Virginia, which authorizes the State Board of Education to “adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions” of title 22.1 of the Code of Virginia.

Additionally, the chapter specifically references §§ 22.1-17, 22.1-81, 22.1-253.13:1 through 22.1-253.13:8, 22.1-299, and 22.1-302 of the Code of Virginia.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No alternatives were considered.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
none	none	none

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation is necessary, for the protection of public health, safety and welfare because it ensures that local school boards are implementing practices approved by the Board in order to achieve the best outcomes for students. It is clearly written and easily understandable. Some sections appear duplicative of current state law.

[RIS2]

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The agency will consider eliminating sections that are duplicative of statutory requirements. The agency will further consider consolidating the chapter with another regulatory chapter governing school divisions (e.g., 8VAC20-720).

Small Business Impact

[RIS3]

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for some of the sections in the regulation. No complaints or comments were received concerning the regulation. The regulation is not overly complexity.

There is overlap between some of the sections and current state law. For example, 8VAC20-490-20 appears duplicative of §§ 22.1-299 and 302; 8VAC20-490-50 appears duplicative of § 22.1-253.13.7(C)(1), (7), and (8); and 8VAC20-490-60 overlaps with § 22.1-81.

Other parts of the chapter do not appear to have been affected by changes in technology, economic conditions or other factors. There is no impact on small business from this regulation.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-720
VAC Chapter title(s)	Regulations Governing Local School Boards and School Divisions
Date this document prepared	May 10, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"Board" means the Virginia Board of Education

"Department" means the Virginia Department of Education

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The general regulatory authority for the State Board of Education is found in § 22.1-16 of the Code of Virginia, which authorizes the State Board of Education to "adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions" of title 22.1 of the Code of Virginia.

Additionally, the chapter specifically references §§ 22.1-253.13:7, 22.1-1, 22.1-1, 22.1-4, 22.1-243, 22.1-205, 22.1-176, 22.1-6, 22.1-239, and 22.1-241 of the Code of Virginia

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No alternatives to this regulation were considered by the agency as part of the periodic review.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
none	none	none

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation is effective. It is necessary for the protection of public health, safety and welfare because it ensures that local school boards are implementing practices approved by the Board in order to achieve the best outcomes for students. It is clearly written and easily understandable.

[RIS2]

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The agency will retain the regulation.

Small Business Impact

[RIS3]

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for this regulation. The agency is not currently aware of any complaints or comments concerning the regulation. The regulation is not overly complex. It appears that there is little to no overlap, duplication, or conflict with federal law, state law, or other regulations. 8VAC20-720-170 was amended in 2014 to correct errata. The remainder of the chapter has not been amended since it became effective in 2012. The agency's decision is expected to have little to no economic impact on small businesses.



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**Periodic Review and
Small Business Impact Review Report of Findings**

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-521
VAC Chapter title(s)	Regulations Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Teaching Hours
Date this document prepared	May 8, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"Board" means the Virginia Board of Education.

"Department" means the Virginia Department of Education

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Board's overall regulatory authority is found in § 22.1-16 of the Code of Virginia, which states that "[t]he Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [Title 22.1 of the Code of Virginia]."

§ 22.1-98 of the Code of Virginia provides a specific mandate concerning the reduction of state aid when school terms drop below 180 teaching days or 990 teaching hours.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No alternatives to regulation were considered. However, the regulation appears largely duplicative of § 22.1-98.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
none	none	none

Effectiveness

[RIS1]

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation is not necessary for the protection of public health, safety, and welfare because it essentially is a duplicate of § 22.1-98. With this being said, fails to reflect the 2021 changes to the statute. Specifically, the current regulation fails to include the language in § 22.1-98 which provides that when severe weather or other emergency situations result in a school closure a school division may elect to have an unscheduled remote learning day as an option to make up time. The statute further states that school divisions may schedule no more than 10 unscheduled remote learning days a school year unless the Superintendent of Public Instruction grants an extension, which is provided in 8VAC20-521-40(E). This subsection could be moved to 8VAC20-510-10.

[RIS2]

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The regulation should be repealed as duplicative of § 22.1-98, and the authorization provided in 8VAC20-521-40(E) could be moved to 8VAC20-510-10. The periodic review found that 8VAC20-521 no longer reflects the current statutory framework and simply repeats the requirements found in the prior iteration of the code section.

Small Business Impact

[RIS3]

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There is no longer a continued need for the regulation. The department is currently unaware of any complaints or comments concerning the regulation. The regulation is fairly complicated and may confuse regulated parties. The regulation essentially duplicates § 22.1-98, but fails to include the 2021 language concerning unscheduled remote school days. 8VAC20-521-10, 8VAC20-521-20, and 8VAC20-521-30 all appear to not have been amended since they became effective in 2006. 8VAC20-521-40 and 8VAC20-521-50 were last amended in 2019. 8VAC20-521-60 was last amended in 2009. The agency's decision will likely have little to no economic impact on small businesses.

