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

<b>Agency name</b>	State Board of Education
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	8VAC20-110
<b>VAC Chapter title(s)</b>	Regulations Governing Pupil Accounting Records
<b>Date this document prepared</b>	August 28, 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].”

Further, § 22.1-259 of the Code of Virginia specifically provides that “Every teacher in every school in the Commonwealth shall keep an accurate daily record of attendance of all children in accordance with regulations prescribed by the Board of Education.” Additionally, § 22.1-20 of the Code of Virginia authorizes the Board to “promulgate regulations governing the retention of pupil personnel records in public schools.”

### 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 which allow for an accurate daily record of attendance of children to be kept. Chapter 8VAC20-110 serves this statutory mandate.

### 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

*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. The regulation is required by statute and seeks to address the recording of student attendance, enrollment, and withdrawal. It is clearly written and easily understandable

### 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 as is.

### 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 due to the statutory mandate. The department is not aware of any complaints regarding this chapter and received no comments during the periodic review. The regulation can be understood by regulated parties. The promulgation of chapter 8VAC20-110 occurred in 1988. Sections 8VAC 20-110-20, 8VAC 20-110-60, and 8VAC 20-110-140 were repealed in 2001. It appears that the rest of the chapter has not been revised since it was promulgated in 1988.



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

<b>Agency name</b>	State Board of Education
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	8VAC20-250
<b>VAC Chapter title(s)</b>	Regulations Governing the Testing of Sight and Hearing of Pupils
<b>Date this document prepared</b>	August 28, 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].”

§ 22.1-273 of the Code of Virginia specifically requires that the Board promulgate regulations which provide for the testing of vision and hearing of students within the criteria described in the statute.

### 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 which provide for students to have their vision and hearing tested. Chapter 8VAC20-250 serves this statutory mandate.

### 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

*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 in that it seeks to ensure that any defects in hearing or vision is detected in students are detected, and that parents are notified of any defect that is discovered. Further, it is clearly written and easily understandable.

### 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, the Board will consider moving the underlying policy and merging the content with [8VAC20-690](#), as both chapters share the same end users.

### 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.*

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The regulation is required by the Code of Virginia, thus demonstrating a continued need for it. There are no known complaints or comments concerning the regulation. There are no known conflicts with federal or state law or regulations. The regulation was last amended in 2021. The agency's decision to combine the chapter with 8VAC20-690 will not have any impact on small business.



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

<b>Agency name</b>	State Board of Education
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	8 VAC20-290
<b>VAC Chapter title(s)</b>	Regulations Governing School Lunch Sale of Food Items
<b>Date this document prepared</b>	August 28, 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.

### 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 is to repeal the regulation as no longer necessary to protect the health, safety, and welfare of citizens of the Commonwealth.

### 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
Benjamin	Benjamin stated that it was in the best interest to make school lunches free for all public schools. His rationale was that students should not worry about having to pay for school lunch since students are required to attend school and that they deserve a well-balanced meal.	<p>VDOE thanks Benjamin for his feedback concerning this periodic review of 8VAC20-290. This chapter establishes that the sale of food items in school during the lunch period shall be limited to those items recognized as being components of the school lunch program's Type A lunch and breakfast in keeping with federal requirements that existed when this regulation was first enacted. This chapter is not related to the fee or a student's school lunch account. The comments received are outside the scope of the regulation undergoing periodic review.</p> <p>Please note, CHAPTER 586 of the 2024 Acts of the Virginia General Assembly has directed the Superintendent of Public Instruction, in coordination with the Secretary of Education, to convene a stakeholder work group to (i) study the estimated impact of offering free school meals to students statewide, (ii) identify options to reduce or eliminate student and school meal debt, and (iii) make recommendations regarding options to leverage other programs funded at the state and federal levels for student school meals. This work group will report its findings and recommendations to the Joint Subcommittee on Elementary and Secondary Education Funding by November 1, 2024.</p>



### Effectiveness

*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.*

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

### 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.*

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The periodic review found that the regulations are outdated, and the promulgating agency's decision is to repeal the regulation.

### 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.*

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There is no longer a continued need for this regulation because it is outdated. One comment was received during the periodic review, the substance of which was outside the scope of the periodic review. The regulation is not overly complex. The regulation does not appear to have been amended since it became effective on September 1, 1980, and contains references to outdated law and terminology. It is not expected that the agency's decision to repeal the chapter will have an impact on small businesses.

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