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Fast-Track Regulation Agency Background Document

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| 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 |
| Action title | Repeal of Regulations Following Periodic Review |
| Date this document prepared | 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The periodic review found that chapter 8VAC20-25 is no longer needed and should be repealed.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 then, this chapter has not evaluated 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 using 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, and 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 smartphones, the internet social media, learning management systems, etc.). Today's education delivery 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.

Acronyms and Definitions

Define all acronyms used in this form, 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

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On August 28, 2024, the State Board of Education approved the repeal of 8VAC20-25 (Technology Standards for Instructional Personnel).

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

This Fast Track regulatory action was initiated following a Periodic Review of the chapter. This regulatory action is intended to implement the Board's decision in the chapter's most recent periodic review.

Chapter 8VAC20-25 is not necessary to protect public health, safety, and welfare and it does not comport with the current statutory requirements.

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 and 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]."

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

Following a Periodic Review of this chapter, the State Board of Education identified this chapter as unnecessary for public health, safety, and welfare, and it does not comport with the current statutory requirements.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

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

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 using 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 technology standards for local instructional personnel.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage to the public is a reduction in regulatory requirements, as 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 using 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 technology standards for local instructional personnel. There are no disadvantages to the public or the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

None

Localities Particularly Affected

None

Other Entities Particularly Affected

None

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

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| <p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources</p> | <p>No projected economic impact exists on the State Board of Education or the Virginia Department of Education.</p> |
| <p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p> | <p>There is no projected economic impact anticipated for other agencies.</p> |

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| For all agencies: Benefits the regulatory change is designed to produce. | The regulatory repeal will conform to the regulations of the Code of Virginia. |
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Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

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| Projected costs, savings, fees or revenues resulting from the regulatory change. | There are no localities that will be affected by this change. |
| Benefits the regulatory change is designed to produce. | The likely benefit of the repeal of this chapter will be the added clarity and consistency throughout the State Board of Education’s regulations and with the Code. |

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

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| Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect. | There are no other entities that will be affected by this change. |
| Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. | There are no other entities that will be affected by this change. |
| All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements. | There are no other entities that will be affected by this change. |
| Benefits the regulatory change is designed to produce. | The likely benefit of the repeal of this chapter will be the added clarity and consistency throughout the State Board of Education’s regulations and with the Code. |

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

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.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

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 then, 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 using educational technology for instruction. Repealing this chapter will remove unnecessary compliance or reporting requirements. Removing this chapter will remove unnecessary schedules or deadlines for compliance or reporting requirements. Removing this chapter will consolidate and simplify compliance or reporting requirements for all teachers. Removing this chapter will decrease unnecessary operational standards required by the regulation.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The State Board of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall website at: <https://townhall.virginia.gov>. Comments may also be submitted by email to Jim Chapman, Director of Board Relations, at Jim.Chapman@doe.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

| Current chapter-section number | New chapter-section number, if applicable | Current requirements in VAC | Change, intent, rationale, and likely impact of new requirements |
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| 8VAC20-25-10 | | The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise: "Demonstrated proficiency" means a demonstrated level of competence of the technology standards as determined by school administrators. "Electronic technologies" means electronic devices and systems to access and exchange information. "Instructional personnel" means all school personnel | <p>Change: 8VAC20-25-10. Definitions. Repeal of this chapter and section.</p> <p>Intent: Repealing this chapter and section as it is no longer necessary or required by law.</p> <p>Rationale: 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 using educational technology for instruction. This requirement was removed from the regulation on April 15, 2021.</p> |

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| | | <p>required to hold a license issued by the Virginia Board of Education for instructional purposes. "Productivity tools" means computer software tools to enhance student learning and job performance.</p> | <p>Likely Impact: Once Chapter 8VAC20-25 is repealed, local control will be returned to the local school divisions to evaluate and apply their technology standards for local instructional personnel.</p> |
| <p>8VAC20-25-20</p> | | <p>A. School divisions and institutions of higher education shall incorporate the technology standards for instructional personnel into their division-wide technology plans and approved teacher education programs, respectively, by December 1998. B. School divisions and institutions of higher education shall develop implementation plans for pre-service and in-service training for instructional personnel. The implementation plan shall provide the requirements for demonstrated proficiency of the technology standards. C. Waivers shall be considered on a case-by-case basis of the 18-hour professional studies cap placed on teacher preparation programs for institutions requesting additional instruction in educational technology. D. School divisions shall ensure that newly-hired instructional personnel from out of state demonstrate proficiency in the technology standards during the three-year probation period of employment. E. Course work in technology shall satisfy the content requirement for licensure renewal for license holders who do not have a master's degree. F. School divisions shall incorporate the technology standards into their local technology plans and</p> | <p>Change: 8VAC20-25-20. Administration of technology standards. Repeal of this chapter and section.</p> <p>Intent: Repealing this chapter and section as it is no longer necessary or required by law.</p> <p>Rationale: 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 using educational technology for instruction.</p> <p>Likely Impact: Once Chapter 8VAC20-25 is repealed, local control will be returned to the local school divisions to evaluate and apply their technology standards for local instructional personnel.</p> |

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| | | <p>develop strategies to implement the standards by December 1998. G. Institutions of higher education shall incorporate technology standards in their approved program requirements and assess students' demonstrated proficiency of the standards by December 1998.</p> | |
| <p>8VAC20-25-30</p> | | <p>A. Instructional personnel shall be able to demonstrate effective use of a computer system and utilize computer software. B. Instructional personnel shall be able to apply knowledge of terms associated with educational computing and technology. C. Instructional personnel shall be able to apply computer productivity tools for professional use. D. Instructional personnel shall be able to use electronic technologies to access and exchange information. E. Instructional personnel shall be able to identify, locate, evaluate, and use appropriate instructional hardware and software to support Virginia's Standards of Learning and other instructional objectives. F. Instructional personnel shall be able to use educational technologies for data collection, information management, problem solving, decision making, communication, and presentation within the curriculum. G. Instructional personnel shall be able to plan and implement lessons and strategies that integrate technology to meet the diverse needs of learners in a variety of educational settings.</p> | <p>Change: 8VAC20-25-30. Technology standards. Repeal of this chapter and section.</p> <p>Intent: Repealing this chapter and section as it is no longer necessary or required by law.</p> <p>Rationale: 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 using educational technology for instruction.</p> <p>Likely Impact: Once Chapter 8VAC20-25 is repealed, local control will be returned to the local school divisions to evaluate and apply their technology standards for local instructional personnel.</p> |

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| | | H. Instructional personnel shall demonstrate knowledge of ethical and legal issues relating to the use of technology. | |
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If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

| New chapter-section number | New requirements | Other regulations and law that apply | Intent and likely impact of new requirements |
|----------------------------|------------------|--------------------------------------|--|
| N/A | N/A | N/A | N/A |

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

| Emergency chapter-section number | New chapter-section number, if applicable | Current <u>emergency</u> requirement | Change, intent, rationale, and likely impact of new or changed requirements since emergency stage |
|----------------------------------|---|--------------------------------------|---|
| N/A | N/A | N/A | N/A |



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Fast-Track Regulation Agency Background Document

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| 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 |
| Action title | Amend Regulations Following Periodic Review |
| Date this document prepared | 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulatory change is an amendment to an existing regulation. 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.” Chapter 8VAC20-30 requires local school officials to be responsible for evaluating and awarding credit for educational achievement.

However, when an adult high school diploma is awarded to an adult student who demonstrates through full mastery of an applied performance assessment full mastery, there is no longer a need to rely solely upon the January 2013 version (5.0) of the National External Diploma Program Competencies or incorporate the January 2013 version by reference into this regulatory chapter.

The Board will approve the National External Diploma Program to meet the requirements of 8VAC20-30-20(3)(c).

Acronyms and Definitions

Define all acronyms used in this form, 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

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On August 28, 2024, the State Board of Education approved the repeal of 8VAC20-30 (Regulations Governing Adult High School Programs).

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

This Fast Track regulatory action was initiated following a Periodic Review of the Regulations Governing Adult High School Programs.

This regulatory action is intended to implement the Board’s decision in the chapter’s most recent periodic review. This rulemaking is expected to be noncontroversial and, therefore, appropriate for the fast-track rulemaking process because it brings the chapter into conformance with current statutory language, amends incorrect references and corrects outdated information.

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 and 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.

This regulatory change is an amendment to an existing regulation. 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.” 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.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The action is the result of a periodic review. The regulation is being amended to conform with current statutory language and correct outdated information and references.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

There was only one substantive change to 8VAC20-30-20 (1)(c). The general standards that establish the regulations governing adult high school programs pursuant to § 22.1-224 of the Code of Virginia. The change amends the requirement to require an adult high school diploma to be awarded to an adult student who demonstrates through full mastery of an applied performance assessment of a program approved by the Virginia Board of Education.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage to the public and the Commonwealth is that the regulation will be consistent with the current statutory language and provide accurate information and references. There are no disadvantages.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected
None

Localities Particularly Affected
None

Other Entities Particularly Affected
None

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

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| <p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources</p> | <p>No projected economic impact exists on the State Board of Education or the Virginia Department of Education.</p> |
| <p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p> | <p>There is no projected economic impact anticipated for other agencies.</p> |
| <p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p> | <p>The primary benefit is that the regulation will be consistent with the current statutory language and provide accurate information and references.</p> |

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

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| <p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p> | <p>There are no localities that will be affected by this change.</p> |
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| <p>Benefits the regulatory change is designed to produce.</p> | <p>The requirement that an adult high school diploma shall be awarded to an adult student who demonstrates through applied performance assessment full mastery of the <i>National External Diploma Program Competencies, version 5.0, January 2013, a CASAS program, as promulgated by the American Council on Education and validated and endorsed by the U.S. Department of Education</i> is outdated. This regulatory change will benefit local school systems by allowing an updated system.</p> |
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Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

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| <p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p> | <p>There are no other entities that will be affected by this change.</p> |
| <p>Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p> | <p>There are no other entities that will be affected by this change.</p> |
| <p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.</p> | <p>There are no other entities that will be affected by this change.</p> |
| <p>Benefits the regulatory change is designed to produce.</p> | <p>This regulatory change will benefit local school systems by allowing an updated system.</p> |

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

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.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The current regulatory framework for the Regulations Governing Adult High School Programs requires the use of the outdated *National External Diploma Program Competencies, version 5.0, January 2013, a CASAS program, as promulgated by the American Council on Education and validated and endorsed by the U.S. Department of Education*. This chapter outlines the minimum requirements for adult high school programs, qualifications of teachers, library facilities, administration and supervision, guidance services, and responsibilities. The regulation is necessary to define and direct standards that shall be applied uniformly throughout the state to determine the minimum requirements governing adult high school programs.

The Board decided to amend the regulations to bring the chapter into conformance with current statutory language, amend incorrect references and correct outdated information.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The State Board of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall website at: <https://townhall.virginia.gov>. Comments may also be submitted by email to Jim Chapman, Director of Board Relations, at

Jim.Chapman@doe.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

| Current chapter-section number | New chapter-section number, if applicable | Current requirements in VAC | Change, intent, rationale, and likely impact of new requirements |
|--------------------------------|---|---|--|
| 8VAC20-30-20 | | <p>8VAC20-30-20. Minimum requirements for adult high school programs. Adult high school programs are not part of the 9 through 12 high school program and shall meet the following minimum requirements: 3. Diplomas. ... c. An adult high school diploma shall be awarded to an adult student who demonstrates through applied performance assessment full mastery of the National External Diploma Program Competencies, version 5.0, January 2013, a CASAS program, as promulgated by the American Council on Education and validated and endorsed by the U.S. Department of Education.</p> | <p>Change: 8VAC20-30-20. Minimum requirements for adult high school programs. c. An adult high school diploma shall be awarded to an adult student who demonstrates through <u>full mastery of an applied performance assessment</u> full mastery of the National External Diploma Program Competencies, version 5.0, January 2013, a CASAS program, as promulgated by the American Council on Education and validated and endorsed by the U.S. Department of Education of a program that has been approved by the Virginia Board of Education.</p> <p>Intent: Update the requirements for an adult high school diploma, which shall be awarded to an adult student who demonstrates through full mastery of an applied performance assessment of a program approved by the Virginia Board of Education.</p> <p>Rationale: 8VAC20-30-20(3)(c) requires the use of the out-of-date <i>National External Diploma Program Competencies, version 5.0, January 2013, a CASAS program, as promulgated by the American Council on Education and validated and endorsed</i></p> |

| | | | |
|----------------|--|--|---|
| | | | <p>by the U.S. Department of Education. This change will allow using a program approved by the Virginia Board of Education.</p> <p>Likely Impact: Chapter 8VAC20-30 will now require local school officials to be responsible for evaluating and awarding credit for educational achievement by a program that the Virginia Board of Education has approved.</p> |
| 8VAC20-30-9999 | | <p>8VAC20-30-9999 DOCUMENTS INCORPORATED BY REFERENCE (8VAC20-30). <i>National External Diploma Program Competencies, version 5.0, January 2013, a CASAS program, as promulgated by the American Council on Education and validated and endorsed by the U.S. Department of Education</i></p> | <p>Change: 8VAC20-30-9999. DOCUMENTS INCORPORATED BY REFERENCE (8VAC20-30). <i>National External Diploma Program Competencies, version 5.0, January 2013, a CASAS program, as promulgated by the American Council on Education and validated and endorsed by the U.S. Department of Education</i></p> <p>Intent: Removes the outdated document that is incorporated by reference.</p> <p>Rationale: This document is no longer needed under the amendment above.</p> <p>Rationale: 8VAC20-30-20 will now require an adult high school diploma to be awarded to an adult student who demonstrates through full mastery of an applied performance assessment of a program that the Virginia Board of Education has approved.</p> |

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

| New chapter-section number | New requirements | Other regulations and law that apply | Intent and likely impact of new requirements |
|----------------------------|------------------|--------------------------------------|--|
| N/A | N/A | N/A | N/A |

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

| Emergency chapter-section number | New chapter-section number, if applicable | Current <u>emergency</u> requirement | Change, intent, rationale, and likely impact of new or changed requirements since emergency stage |
|----------------------------------|---|--------------------------------------|---|
| N/A | N/A | N/A | N/A |



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Fast-Track Regulation Agency Background Document

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|---|---|
| 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 |
| Action title | Repeal of Regulations Following Periodic Review |
| Date this document prepared | 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulatory action, which follows a Periodic Review, intends to repeal the chapter governing school community programs. Chapter 8VAC20-180 is not necessary to protect public health, safety, and welfare and does not comport with the current statutory requirements. The chapter was promulgated in 1980, and the statutory environment in which it originally grew has changed.

Acronyms and Definitions

Define all acronyms used in this form, 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

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On August 28, 2024, the State Board of Education approved the repeal of 8VAC20-180 (Regulations Governing School Community Programs).

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

This Fast Track regulatory action was initiated following a Periodic Review of the chapter. This regulatory action is intended to implement the Board’s decision in the chapter’s most recent periodic review.

Chapter 8VAC20-180 is not necessary to protect public health, safety, and welfare and does not comport with the current statutory requirements.

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 and 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].”

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

Following a Periodic Review of this chapter, the State Board of Education identified this chapter as unnecessary for public health, safety, and welfare, and it does not comport with the current statutory requirements.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The chapter was promulgated in 1980, and 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 needed a "six-year divisionwide comprehensive, unified, long-range plan."

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

Section 22.1-253.13:6 has not required a "six-year school improvement plan" since 2004, and since 2005 the section has needed a "six-year divisionwide comprehensive, unified, long-range plan." Section 22.1253.13:6(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" 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 provisions and ought to be repealed.

Repealing this chapter involves no disadvantages to the public or the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

None

Localities Particularly Affected

None

Other Entities Particularly Affected

None

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

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| <p><i>For your agency: projected costs, savings, fees or revenues resulting from the regulatory change, including:</i></p> <ul style="list-style-type: none"> a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources | <p>No projected economic impact exists on the State Board of Education or the Virginia Department of Education.</p> |
|--|---|

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| <i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures. | There is no projected economic impact anticipated for other agencies. |
| <i>For all agencies:</i> Benefits the regulatory change is designed to produce. | The regulatory repeal will conform to the regulations of the Code of Virginia. |

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

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| Projected costs, savings, fees or revenues resulting from the regulatory change. | There are no localities that will be affected by this change. |
| Benefits the regulatory change is designed to produce. | Chapter 8VAC20-180 serves no beneficial purpose as it merely repeats the statutory requirements and should be repealed. |

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

| | |
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| Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect. | There are no other entities that will be affected by this change. |
| Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. | There are no other entities that will be affected by this change. |
| All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements. | There are no other entities that will be affected by this change. |
| Benefits the regulatory change is designed to produce. | Chapter 8VAC20-180 serves no beneficial purpose as it merely repeats the statutory requirements and should be repealed. |

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

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).

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The current regulatory framework for 8VAC20-180 uses the old term "six-year school improvement plan" 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 provisions and ought to be repealed.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The State Board of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall website at: <https://townhall.virginia.gov>. Comments may also be submitted by email to Jim Chapman, Director of Board Relations, at Jim.Chapman@doe.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

| Current chapter-section number | New chapter-section number, if applicable | Current requirements in VAC | Change, intent, rationale, and likely impact of new requirements |
|--------------------------------|---|--|---|
| 8VAC20-180-10 | | Each school division shall involve the staff and community in revising and extending biennially a six-year school improvement plan. This plan shall be reviewed and approved by the local school board and submitted by January 15 of each odd-numbered year to the Superintendent of Public Instruction for approval in accordance with criteria of the Board of Education. The plan shall include: 1. The objectives of the school division which can be measured by outcomes | <p>Change: 8VAC20-180-10 School improvement plan. [Repeal] Repeal section 10 of Chapter 180.</p> <p>Intent: Remove incorrect State Board of Education regulatory requirements from the Virginia Administrative Code.</p> <p>Rationale: 8VAC20-180 no longer accurately reflects the statutory requirements and does no more than repeat old requirements.</p> <p>Likely Impact: The repeal of this chapter and section will provide more clarity and consistency throughout the State Board of Education's regulations and with the Code.</p> |

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| | | <p>related to pupil performance, whenever possible;</p> <p>2. An assessment of the extent to which the objectives are being achieved, including evidence from follow-up studies of former students;</p> <p>3. Strategies for achieving the objectives of the school division; and</p> <p>4. Evidence of community participation in the development of the six-year plan.</p> <p>A report shall be made by November 1 of each year to the local school board and to the public on the extent to which the measurable objectives of the preceding two school years were achieved. Deviations from the plan shall be explained.</p> | |
|--|--|--|--|

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

| New chapter-section number | New requirements | Other regulations and law that apply | Intent and likely impact of new requirements |
|----------------------------|------------------|--------------------------------------|--|
| | | | |

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

| Emergency chapter-section number | New chapter-section number, if applicable | Current <u>emergency</u> requirement | Change, intent, rationale, and likely impact of new or changed requirements since emergency stage |
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Fast-Track Regulation Agency Background Document

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|---|---|
| Agency name | State Board of Education |
| Virginia Administrative Code (VAC) Chapter citation(s) | 8 VAC20-210 |
| VAC Chapter title(s) | Classifications of Expenditures |
| Action title | Amend Regulations Following Periodic Review |
| Date this document prepared | 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This action results from a periodic review of the Classifications of Expenditures under the State Board of Education law.

This rulemaking is expected to be noncontroversial and, therefore, appropriate for the fast-track rulemaking process because it brings the chapter into conformance with current statutory language, amends incorrect references and corrects outdated information.

Acronyms and Definitions

Define all acronyms used in this form, 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

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On August 28, 2024, the State Board of Education approved the repeal of 8VAC20-210 (Classifications of Expenditures).

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

This Fast Track regulatory action was initiated following a Periodic Review of the chapter. This regulatory action is intended to implement the Board’s decision in the chapter’s most recent periodic review.

This rulemaking is expected to be noncontroversial and, therefore, appropriate for the fast-track rulemaking process because it brings the chapter into conformance with current statutory language, amends incorrect references and corrects outdated information.

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 and 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].”

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.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

This amendment to the regulations is 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.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The substantive provision of this amendment is to align Chapter 8VAC20-210-10 with section 22.1-115 of the Code of Virginia which 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.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

Section [22.1-115](#) of the Code of Virginia requires the State Board, in conjunction with the Auditor of Public Accounts, to establish and need each school division a modern system of accounting for all school funds, state and local, and the treasurer or other fiscal agent of each school division shall render each month to the school board a statement of the funds in his hands available for school purposes. The Board shall 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.

The promulgating agency has decided 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.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale

for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected
None

Localities Particularly Affected
None

Other Entities Particularly Affected
None

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

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| <p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources</p> | <p>No projected economic impact exists on the State Board of Education or the Virginia Department of Education.</p> |
| <p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p> | <p>There is no projected economic impact anticipated for other agencies.</p> |
| <p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p> | <p>The regulatory action will conform to the regulations of the Code of Virginia.</p> |

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

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| Projected costs, savings, fees or revenues resulting from the regulatory change. | There are no localities that will be affected by this change. |
| Benefits the regulatory change is designed to produce. | The regulatory action will benefit each school division by clarifying the major classifications for expenditures of school funds. |

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

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| Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect. | There are no other entities that will be affected by this change. |
| Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. | There are no other entities that will be affected by this change. |
| All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements. | There are no other entities that will be affected by this change. |
| Benefits the regulatory change is designed to produce. | The regulatory action will benefit each school division by clarifying the major classifications for expenditures of school funds. |

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

There is no alternative to achieve the purpose of the regulation.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The current regulatory framework for 8VAC20-210-10 only includes some of the major classifications for expenditures of school funds as required under section 22.1-115 of the Code of Virginia. Conforming this regulatory chapter to the Code of Virginia will make the regulations consistent with the Code and more easily understandable.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The State Board of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by email to Jim Chapman, Director of Board Relations, at

Jim.Chapman@doe.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

| Current chapter-section number | New chapter-section number, if applicable | Current requirements in VAC | Change, intent, rationale, and likely impact of new requirements |
|--------------------------------|---|---|---|
| 8VAC20-210-10 | | <p>8VAC20-210-10. Classification of expenditures. The following major classification of expenditures is prescribed for use by local school boards when the division superintendent, with the approval of the school board, prepares the estimate of moneys needed for public schools.</p> <p>...</p> <p>7. Debt and fund transfers; and 8. Contingency reserves.</p> | <p>Change: 8VAC20-210-10. Classification of expenditures. ...</p> <p>7. Debt and fund transfers; and 8. <u>Technology</u>; and 8- 9. <u>Contingency reserves.</u></p> <p>Intent: To conform the list of major classifications of expenditures in the regulations to the statutory requirements. Rationale: The current regulations must include all the major expenditure classifications and conform to the statutory requirements. Likely Impact: This amendment to the regulations will align with the statute and include all major classifications for expenditures of school funds pursuant to § 22.1-115 of the Code of Virginia. The regulation was amended January 1, 2005. This regulatory update will finally reflect the changes made by Chapter 131 of the 2008 Acts of Assembly.</p> |

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

| New chapter-section number | New requirements | Other regulations and law that apply | Intent and likely impact of new requirements |
|----------------------------|------------------|--------------------------------------|--|
| N/A | N/A | N/A | N/A |

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

| Emergency chapter-section number | New chapter-section number, if applicable | Current <u>emergency</u> requirement | Change, intent, rationale, and likely impact of new or changed requirements since emergency stage |
|----------------------------------|---|--------------------------------------|---|
| N/A | N/A | N/A | N/A |



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Fast-Track Regulation Agency Background Document

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|---|---|
| Agency name | State Board of Education |
| Virginia Administrative Code (VAC) Chapter citation(s) | 8 VAC20-240 |
| VAC Chapter title(s) | Regulations Governing School Activity Funds |
| Action title | Amend Regulations Following Periodic Review |
| Date this document prepared | 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulatory action, which follows a Periodic Review, intends to amend the chapter governing the Regulations Governing School Activity Funds. Chapter sections 8VAC20-240-30, and 8VAC20-240-50 are unnecessary to protect public health, safety, and welfare, and they do not comport with the current statutory requirements.

There is a continued need for the regulation, as public funds still require proper accounting. There is no overlap, duplication, or conflict with federal or state law or regulation. Technological changes, economic conditions, or other factors have not affected the chapter. The regulation has yet to be amended since it became effective in 1980.

The amendments in this action are being made in conjunction with the proper style and format, grammatical correctness, and consistency of language to conform to the journalistic style of the Virginia Register.

Acronyms and Definitions

Define all acronyms used in this form, 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

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On August 28, 2024, the State Board of Education approved the repeal of 8VAC20-240 (Regulations Governing School Activity Funds).

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

This Fast Track regulatory action was initiated following a Periodic Review of the chapter. This regulatory action is intended to implement the Board's decision in the chapter's most recent periodic review.

This rulemaking is expected to be noncontroversial and, therefore, appropriate for the fast-track rulemaking process because it brings the chapter into conformance with current statutory language, amends incorrect references and corrects outdated information.

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 and 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.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The action is the result of a periodic review. The regulation is being amended to conform with current statutory language and correct outdated information and references.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

Only stylistic change is made to sections 8VAC20-240-10, 8VAC20-240-20, and 8VAC20-240-40 resulting from style and format, grammatical correctness, and consistency of language to conform to the journalistic style of the Virginia Register. Sections 8VAC20-240-30 and 8VAC20-240-50 will be repealed as they are not necessary.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage to the public and the Commonwealth is that the regulation will be consistent with the current statutory language and provide accurate information and references. There are no disadvantages.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected
None

Localities Particularly Affected
None

Other Entities Particularly Affected
None

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

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| <p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources</p> | <p>No projected economic impact exists on the State Board of Education or the Virginia Department of Education.</p> |
| <p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p> | <p>There is no projected economic impact anticipated for other agencies.</p> |
| <p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p> | <p>The regulatory action will conform to the regulations of the Code of Virginia.</p> |

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

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| <p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p> | <p>There are no localities that will be affected by this change.</p> |
| <p>Benefits the regulatory change is designed to produce.</p> | <p>The regulatory action will conform to the regulations of the Code of Virginia.</p> |

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

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| Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect. | There are no other entities that will be affected by this change. |
| Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. | There are no other entities that will be affected by this change. |
| All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements. | There are no other entities that will be affected by this change. |
| Benefits the regulatory change is designed to produce. | The regulatory action will conform to the regulations of the Code of Virginia. |

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No alternatives to this regulation were considered.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business.

Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The current regulatory framework for 8VAC20-240 has remained the same since it became effective in 1980. There is a continued need for the regulation, as public funds still require proper accounting. The regulatory action will conform to the regulations of the Code of Virginia, and updates will be made in conjunction with the appropriate style and format, grammatical correctness, and consistency of language to conform to the journalistic style of the Virginia Register.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The State Board of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall website at: <https://townhall.virginia.gov>. Comments may also be submitted by email to Jim Chapman, Director of Board Relations, at Jim.Chapman@doe.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

| Current chapter-section number | New chapter-section number, if applicable | Current requirements in VAC | Change, intent, rationale, and likely impact of new requirements |
|--------------------------------|---|---|--|
| 8VAC20-240-10 | | <p>8VAC20-240-10. Classification; responsibility for administration of regulations, exclusion of specific funds. All funds derived from extracurricular school activities, such as entertainment, athletic contest, cafeteria, club dues, etc., and from any and all activities of the school involving personnel, students, or property are by this chapter classified as school activity funds (internal accounts). The local school boards shall be responsible for the administration of this chapter in the schools under their control and may determine which funds in any school may be excluded from those subject to this chapter. (Funds defined by law as public funds are not subject to this chapter and are to be handled as provided by law.)</p> | <p>Change: 8VAC20-240-10. Classification; responsibility for administration of regulations, exclusion of specific funds. All funds derived from extracurricular school activities, such as, entertainment, athletic contest, cafeteria, club dues, etc., and from any and all activities of the school involving personnel <u>staff</u>, students, or property are by this chapter classified as school activity funds (internal accounts). The local school boards shall be responsible for the administration of this chapter in the schools under their control and may determine which funds in any a school may be excluded from those subject to this chapter. (Funds defined by law as public funds are not subject to this chapter and are to be handled as provided by law.)</p> <p>Intent: To correct the proper style and format, grammatical correctness, and consistency of language to conform to the journalistic style of the Virginia Register.</p> <p>Rationale: Add clarity and consistency throughout the State Board of Education’s regulations and the Code.</p> <p>Likely Impact: The likely impact of these changes will make this section more readable and easier for the public and the Commonwealth to understand.</p> |
| 8VAC20-240-20 | | <p>8VAC20-240-20. Records, school finance officer, bonds. Each school shall keep an accurate record of all receipts and disbursements so that a clear and concise statement of the condition of</p> | <p>Change: 8VAC20-240-20. Records, school finance officer, bonds. Each <u>The</u> school shall keep an accurate record of all receipts and disbursements so that a clear and concise statement of the condition of each <u>the</u> fund may be determined at all times <u>always be determined</u>. It shall be the duty of each</p> |

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| | | <p>each fund may be determined at all times. It shall be the duty of each principal to see that such records are maintained in accordance with this chapter and rules promulgated by the local school board. The principal or person designated by him shall perform the duties of school finance officer or central treasurer. The school finance officer shall be bonded, and the local school board shall prescribe rules governing such bonds for employees who are responsible for these funds.</p> | <p>The principal <u>must</u> see that such records are maintained in accordance with this chapter and rules promulgated by the local school board. The principal or person designated by him shall perform the duties of school finance officer or central treasurer. The school finance officer shall be bonded, and the local school board shall prescribe rules governing such <u>the</u> bonds for employees who are responsible for these funds.</p> <p>Intent: To correct the proper style and format, grammatical correctness, and consistency of language to conform to the journalistic style of the Virginia Register.</p> <p>Rationale: Add clarity and consistency throughout the State Board of Education's regulations and the Code.</p> <p>Likely Impact: The likely impact of these changes will make this section more readable and easier for the public and the Commonwealth to understand.</p> |
| <p>8VAC20-240-30</p> | | <p>8VAC20-240-30. Forms. The use of forms prescribed by the Board of Education is not mandatory but the basic information required by the uniform system must be incorporated in any system substituted for that designed by the Board of Education.</p> | <p>Change: 8VAC20-240-30. Forms. (Repealed.) The use of forms prescribed by the Board of Education is not mandatory but the basic information required by the uniform system must be incorporated in any system substituted for that designed by the Board of Education.</p> <p>Intent: The intent is to remove the unnecessary section.</p> <p>Rationale: This section was found to be unnecessary.</p> <p>Likely Impact: The likely impact of these changes will make this chapter more readable and easier for the public and the Commonwealth to understand.</p> |
| <p>8VAC20-240-40</p> | | <p>8VAC20-240-40. Audits; monthly and annual reports. School activity funds (internal accounts) shall be audited at least once a year by a duly qualified accountant or accounting firm approved by the local school board and a copy of the audit report shall</p> | <p>Change: 8VAC20-240-40. Audits; monthly and annual reports. School activity funds (internal accounts) shall be audited at least once a year by a duly qualified accountant or accounting firm approved by the local school board and a copy of the audit report shall be filed in the office of the division superintendent. Monthly reports of such <u>the</u> funds shall be prepared and filed in</p> |

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| | | <p>be filed in the office of the division superintendent. Monthly reports of such funds shall be prepared and filed in the principal's office, and annual reports shall be filed in the office of the principal or division superintendent. The cost of such an audit is a proper charge against the school operating fund or school activity funds.</p> | <p>the principal's office, and annual reports shall be filed in the office of the principal or division superintendent. The cost of such an audit is a proper charge against the school operating fund or school activity funds.</p> <p>Intent: To correct the proper style and format, grammatical correctness, and consistency of language to conform to the journalistic style of the Virginia Register.</p> <p>Rationale: Add clarity and consistency throughout the State Board of Education's regulations and the Code.</p> <p>Likely Impact: The likely impact of these changes will make this chapter more readable and easier for the public and the Commonwealth to understand.</p> |
| 8VAC20-240-50 | | <p>8VAC20-240-50. Interpretation of regulations and forms. Nothing in this chapter or suggested forms shall be construed as superseding or modifying the federal-state plan for operation of cafeterias under the National School Lunch Act, 42 USC § 1751 et seq.</p> | <p>Change: 8VAC20-240-50. Interpretation of regulations and forms. (Repealed). Nothing in this chapter or suggested forms shall be construed as superseding or modifying the federal-state plan for operation of cafeterias under the National School Lunch Act, 42 USC § 1751 et seq.</p> <p>Intent: The intent is to remove the unnecessary section.</p> <p>Rationale: This section was found to be unnecessary.</p> <p>Likely Impact: The likely impact of these changes will make this chapter more readable and easier for the public and the Commonwealth to understand.</p> |

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

| New chapter-section number | New requirements | Other regulations and law that apply | Intent and likely impact of new requirements |
|----------------------------|------------------|--------------------------------------|--|
| | | | |

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

| Emergency chapter-section number | New chapter-section number, if applicable | Current <u>emergency</u> requirement | Change, intent, rationale, and likely impact of new or changed requirements since emergency stage |
|----------------------------------|---|--------------------------------------|---|
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Fast-Track Regulation Agency Background Document

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| Agency name | State Board of Education |
| Virginia Administrative Code (VAC) Chapter citation(s) | 8 VAC20-490 [Repeal]; 8 VAC20-720 [Amend] |
| VAC Chapter title(s) | Regulations Governing School Boards Local |
| Action title | Repeal and Amend Regulations Following Periodic Review |
| Date this document prepared | 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The periodic review found that chapter 8VAC20-490 is necessary to protect public health, safety, and welfare because it ensures that local school boards implement practices approved by the Board to achieve the best student outcomes. The amendments in this action are being made in conjunction with the proper style and format, grammatical correctness, and consistency of language to conform to the journalistic style of the Virginia Register. Additionally, one section appears duplicative of current state law and shall be repealed.

Acronyms and Definitions

Define all acronyms used in this form, 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

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On August 28, 2024, the State Board of Education approved the repeal of 8VAC20-490 (Regulations Governing School Boards Local).

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

This Fast Track regulatory action was initiated following a Periodic Review of the chapter. This regulatory action is intended to implement the Board’s decision in the chapter’s most recent periodic review.

This rulemaking is expected to be noncontroversial and, therefore, appropriate for the fast-track rulemaking process because it brings the chapter into conformance with current statutory language, amends incorrect references, and corrects outdated information.

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 and 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.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The action is the result of a periodic review. The regulation is being amended to conform with current statutory language and correct outdated information and references.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

Only stylistic change is made to sections 8VAC20-490-40 resulting from style and format, grammatical correctness, and consistency of language to conform to the journalistic style of the Virginia Register. Sections 8VAC20-490-20, 8VAC20-490-50, and 8VAC20-490-60 will be repealed as these sections are unnecessary.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage to the public and the Commonwealth is that the regulation will be consistent with the current statutory language and provide accurate information and references. There are no disadvantages.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected
None

Localities Particularly Affected
None

Other Entities Particularly Affected
None

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

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| <i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources | No projected economic impact exists on the State Board of Education or the Virginia Department of Education. |
| <i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures. | There is no projected economic impact anticipated for other agencies. |
| <i>For all agencies:</i> Benefits the regulatory change is designed to produce. | There is no projected economic impact anticipated for other agencies. |

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

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| Projected costs, savings, fees or revenues resulting from the regulatory change. | There are no localities that will be affected by this change. |
| Benefits the regulatory change is designed to produce. | The regulatory action will conform to the regulations of the Code of Virginia. |

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

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| Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect. | There are no other entities that will be affected by this change. |
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| <p>Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:</p> <ul style="list-style-type: none"> a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. | <p>There are no other entities that will be affected by this change.</p> |
| <p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:</p> <ul style="list-style-type: none"> a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements. | <p>There are no other entities that will be affected by this change.</p> |
| <p>Benefits the regulatory change is designed to produce.</p> | <p>The regulatory action will conform to the regulations of the Code of Virginia.</p> |

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No alternatives to this regulation were considered.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

There is a continued need for some of the sections in the regulation. There is an 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 § 22.1253.13.7(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 technological changes, economic conditions, or other factors. This regulation has no impact on small businesses.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The State Board of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall website at: <https://townhall.virginia.gov>. Comments may also be submitted by email to Jim Chapman, Director of Board Relations, at Jim.Chapman@doe.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

| Current chapter- | New chapter-section | Current requirements in VAC | Change, intent, rationale, and likely impact of new requirements |
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| section number | number, if applicable | | |
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| 8VAC20-490-10 | | <p>8VAC20-490-10. Familiarity with and implementation of school laws and regulations. It is the duty of all school officials to acquaint themselves with the school laws and regulations and to see that they are implemented.</p> | <p>Change: 8VAC20-490-10. Familiarity with and implementation of school laws and regulations. (Repealed) It is the duty of all school officials to acquaint themselves with the school laws and regulations and to see that they are implemented.</p> <p>Intent: The intent is to remove the duplicative requirement from this chapter.</p> <p>Rationale: Section 8VAC20-490-10 is duplicative of the requirements found under §§ 22.1-16, 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.</p> <p>Likely Impact: The likely impact of these changes will make this chapter more readable and easier for the public and the Commonwealth to understand.</p> |
| 8VAC20-490-20 | | <p>8VAC20-490-20. Teacher contracts. The school board shall enter into written agreements with teachers before they begin their duties, but no teacher may be employed or paid from public funds who is not certified to teach in the public schools of Virginia. Contracts with teachers shall be executed on behalf of the board by the chairman and the clerk.</p> | <p>Change: 8VAC20-490-20. Teacher contracts. (Repealed.) The school board shall enter into written agreements with teachers before they begin their duties, but no teacher may be employed or paid from public funds who is not certified to teach in the public schools of Virginia. Contracts with teachers shall be executed on behalf of the board by the chairman and the clerk.</p> <p>Intent: The intent is to remove the duplicative requirement from this chapter.</p> <p>Rationale: Section 8VAC20-490-20 is duplicative of the requirements found under §§ 22.1-299 and 302 of the Code of Virginia.</p> <p>Likely Impact: The likely impact of these changes will make this chapter more readable and easier for the public and the Commonwealth to understand.</p> |
| 8VAC20-490-30 | | <p>8VAC20-490-30. Length of the school day. The time for opening and closing schools shall be prescribed by the local school board upon recommendation of the</p> | <p>Change: 8VAC20-490-23. Length of the School day. (Repealed.) The time for opening and closing schools shall be prescribed by the local school board upon recommendation of the division superintendent, provided that the daily program for students in grades 1</p> |

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| | | <p>division superintendent, provided that the daily program for students in grades 1 through 12 shall average at least 5 ½ hours, not including meal intermissions. If the required program length is maintained, the local school board may approve occasional shortened days for staff development, conferences, planning, and other activities designed to improve the instructional program, provided that no more than one day in each five-day week may be shortened to no less than four hours. The daily program for kindergarten shall be at least three hours, not including meal intermissions. The student day here described shall be considered a minimum day rather than an optimum day; a longer student day is encouraged to accommodate the instructional program and student needs.</p> <p>When exceptions in the length of the daily program are necessary for special education, alternative education, double shifts, and scheduling or other unusual situations, the local board shall request approval by the Superintendent of Public Instruction of the exceptions by August 1 preceding the school year for which they are applicable. The affected programs must be in compliance with such other regulations as may apply to them.</p> <p>The length of the work day for employees shall be determined by the local school board. It shall be of sufficient length to allow for the daily program for</p> | <p>through 12 shall average at least 5 ½ hours, not including meal intermissions. If the required program length is maintained, the local school board may approve occasional shortened days for staff development, conferences, planning, and other activities designed to improve the instructional program, provided that no more than one day in each five-day week may be shortened to no less than four hours. The daily program for kindergarten shall be at least three hours, not including meal intermissions. The student day here described shall be considered a minimum day rather than an optimum day; a longer student day is encouraged to accommodate the instructional program and student needs.</p> <p>When exceptions in the length of the daily program are necessary for special education, alternative education, double shifts, and scheduling or other unusual situations, the local board shall request approval by the Superintendent of Public Instruction of the exceptions by August 1 preceding the school year for which they are applicable. The affected programs must be in compliance with such other regulations as may apply to them.</p> <p>The length of the work day for employees shall be determined by the local school board. It shall be of sufficient length to allow for the daily program for students and additional time as may be necessary for such activities as planning, preparation, meetings, workshops, conferences, meal intermissions, or other contractual obligations.</p> <p>Intent: The intent is to remove the requirement from this chapter that is being repealed, and add this section to Chapter 720, Regulations Governing Local School Boards and School Divisions, as it would be more intuitive to find these regulatory requirements under this chapter.</p> <p>Rationale: The requirements found under section 8VAC20-490-20 should be found under Chapter 720 of the regulations.</p> |
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| | | <p>students and additional time as may be necessary for such activities as planning, preparation, meetings, workshops, conferences, meal intermissions, or other contractual obligations.</p> | <p>Likely Impact: The likely impact of these changes will make the regulations more readable and easier for the public and the Commonwealth to understand.</p> |
| <p>8VAC20-490-40</p> | | <p>8VAC20-490-40. Textbooks. School officers and teachers shall require all children who apply for admission into the public free schools to be provided with such books as have been duly approved under the regulations of the Board of Education. In the case of children whose parents or guardians are financially unable to furnish them, school boards shall provide, free of charge, such textbooks and workbooks required for courses of instruction. There shall be kept in every school a copy of the list of textbooks prescribed for use in that division.</p> | <p>Change: 8VAC20-490-40. Textbooks. (Repealed.) School officers and teachers shall require all children who apply for admission into the public free schools to be provided with such books as have been duly approved under the regulations of the Board of Education. In the case of children whose parents or guardians are financially unable to furnish them, school boards shall provide, free of charge, such textbooks and workbooks required for courses of instruction.</p> <p>Intent: The intent is to remove this unnecessary requirement concerning textbooks.</p> <p>Rationale: The stricken text duplicates the requirements in section 8VAC20-720-170(F).</p> <p>Likely Impact: The likely impact of these changes will make this chapter more readable and easier for the public and the Commonwealth to understand.</p> |
| <p>8VAC20-490-50</p> | | <p>8VAC20-490-50. Policy manual. Each local school board shall maintain an up-to-date policy manual which shall include: 1. The grievance procedure prescribed by the Board of Education; 2. A system of communication between the local school board and its employees in order that views of all school employees may be received in an orderly and constructive manner in matters of concern to them; and 3. A cooperatively developed procedure for personnel evaluation.</p> | <p>Change: 8VAC20-490-50. Policy manual. (Repealed.) Each local school board shall maintain an up-to-date policy manual which shall include: 1. The grievance procedure prescribed by the Board of Education; 2. A system of communication between the local school board and its employees in order that views of all school employees may be received in an orderly and constructive manner in matters of concern to them; and 3. A cooperatively developed procedure for personnel evaluation. An up-to-date copy of the local school board policy manual shall be kept in the library of each school in that division, and shall be available to employees and to the public.</p> |

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| | | <p>An up-to-date copy of the local school board policy manual shall be kept in the library of each school in that division, and shall be available to employees and to the public.</p> | <p>Intent: The intent is to remove the duplicative requirement from this chapter.</p> <p>Rationale: Section 8VAC20-490-50 is duplicative of § 22.1253.13.7(C)(1), (7), and (8).</p> <p>Likely Impact: The likely impact of these changes will make this chapter more readable and easier for the public and the Commonwealth to understand.</p> |
| <p>8VAC20-490-60</p> | | <p>8VAC20-490-60. Annual report. With the assistance of the division superintendent, each school board shall make a report on or before the first day of August of each year, covering the work of the schools for the year ending the 30th day of the preceding June. The report shall be made to the Board of Education on forms supplied by the Superintendent of Public Instruction. The Superintendent of Public Instruction may grant, for good cause, an extension of time not to exceed 15 days for making such report.</p> | <p>Change: 8VAC20-490-60. Annual report. (Repealed.) With the assistance of the division superintendent, each school board shall make a report on or before the first day of August of each year, covering the work of the schools for the year ending the 30th day of the preceding June. The report shall be made to the Board of Education on forms supplied by the Superintendent of Public Instruction. The Superintendent of Public Instruction may grant, for good cause, an extension of time not to exceed 15 days for making such report.</p> <p>Intent: The intent is to remove the duplicative requirement from this chapter.</p> <p>Rationale: Section 8VAC20-490-60 overlaps with § 22.1-81.</p> <p>Likely Impact: The likely impact of these changes will make this chapter more readable and easier for the public and the Commonwealth to understand.</p> |
| | <p>8VAC20-720-20</p> | | <p>Change: 8VAC20-720-20. Length of School Day. The time for opening and closing schools shall be prescribed by the local school board upon recommendation of the division superintendent, provided that the daily program for students in grades kindergarten through 12 shall average at least 5 ½ hours, not including meal intermissions. If the required program length is maintained, the local school board may approve occasional shortened days for staff development, conferences, planning, and other activities designed to improve the</p> |

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| | | | <p><u>instructional program, provided that no more than one day in each five-day week may be shortened to no less than four hours. The student day here described shall be considered a minimum day rather than an optimum day; a longer student day is encouraged to accommodate the instructional program and student needs.</u></p> <p><u>When exceptions in the length of the daily program are necessary for special education, alternative education, double shifts, and scheduling or other unusual situations, the local board shall request approval by the Superintendent of Public Instruction of the exceptions by August 1 preceding the school year for which they are applicable. The affected programs must be in compliance with such other regulations as may apply to them.</u></p> <p><u>The length of the work day for employees shall be determined by the local school board. It shall be of sufficient length to allow for the daily program for students and additional time as may be necessary for such activities as planning, preparation, meetings, workshops, conferences, meal intermissions, or other contractual obligations.</u></p> <p>Intent: The requirements included under 8VAC20-490-30 should have been included within Chapter 720, Regulations Governing Local School Boards and School Divisions.</p> <p>Rationale: The requirements of 8VAC20-490-30 dictate the method in which the time for opening and closing schools and how these requirements shall be prescribed by the local school board upon recommendation of the division superintendent. Chapter 720 outlines the regulations governing local school boards and school divisions.</p> <p>Likely Impact: The likely impact of these changes will make this chapter more readable and easier for the public and the Commonwealth to understand.</p> |
| 8VAC20-720-170 | | <p>8VAC20-720-170. Textbooks. A. Textbook approval.</p> | <p>Change: 8VAC20-720-170. Textbooks. ... F. Distribution of textbooks. Each local school board shall provide, free of</p> |

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| | <p>1. The Board of Education shall have the authority to approve textbooks for use in the public schools of Virginia.</p> <p>2. In approving basal textbooks for reading in kindergarten and first grade, the Board of Education shall report to local school boards those textbooks with a minimum decodability standard based on words that students can correctly read by properly attaching speech sounds to each letter to formulate the word at 70% or above for such textbooks in accordance with § 22.1-239 of the Code of Virginia.</p> <p>3. Any local school board may use textbooks not approved by the Board of Education provided the local school board selects such books in accordance with this chapter.</p> <p>4. Contracts and purchase orders with publishers of textbooks approved by the Board of Education for use in grades 6-12 shall allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. Each local school board shall have the authority to purchase an assortment of textbooks in any of the three forms listed in this subdivision.</p> <p>B. Procedures for selection of textbooks by local school boards. Local school boards shall adopt procedures for the selection of textbooks. These procedures shall include, at a minimum, the following:</p> <p>1. Appointment of evaluation committees by the local school board to review and evaluate textbooks in each of the subject areas.</p> | <p>charge, such textbooks required for courses of instruction for each child attending public schools. <u>In the case of children whose parents or guardians are financially unable to furnish them, local school boards shall provide, free of charge, any workbooks required for courses of instruction.</u></p> <p>Intent: To retain the regulatory requirement found under 8VAC20-490-40, where in the case of children whose parents or guardians are financially unable to furnish them, school boards shall provide, free of charge, such textbooks and workbooks required for courses of instruction.</p> <p>Rational: Currently, 8VAC20-720-170 requires each local school board to provide, free of charge, such textbooks required for courses of instruction for each child attending public schools. By carrying over the requirement from 8VAC20-490-40, where in the case of children whose parents or guardians are financially unable to furnish them, local school boards shall also provide, free of charge, any workbooks required for courses of instruction.</p> <p>Likely Impact: The likely impact of these changes will be the retainment of certain regulations that are already in place, but also make this chapter more readable and easier for the public and the Commonwealth to understand.</p> |
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| | | <p>2. Notice to parents that textbooks under consideration for approval will be listed on the school division's website and made available at designated locations for review by any interested citizens.</p> <p>3. Opportunities for those reviewing such textbooks to present their comments and observations, if any, to the local school board through locally approved procedures.</p> <p>4. Procedures to ensure appropriate consideration of citizen comments and observations.</p> <p>5. Selection criteria.</p> <p>C. Local school board selection of textbooks other than those approved by the Board of Education.</p> <p>1. The selection process for non-Board of Education approved textbooks is subject to the procedures outlined in subsection B of this section.</p> <p>2. The selection process for such textbooks pertaining to Virginia Standards of Learning subjects shall include at the local level a correlation of the content to the Virginia Standards of Learning in the content area and an analysis of strengths and weaknesses of the textbook in terms of instructional planning and support.</p> <p>3. The publisher of such textbooks shall:</p> <ul style="list-style-type: none">a. Provide to the local school board a certification that the content of the textbook is accurate; andb. Sign an agreement with the local school board to correct all factual and editing errors found in a textbook at its own expense. <p>D. Purchasing Board of Education approved textbooks.</p> | |
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| | <p>1. Local school divisions shall purchase textbooks approved by the Board of Education directly from the publishers of the textbooks by either entering into written term contracts or issuing purchase orders on an as-needed basis in accordance with § 22.1-241 of the Code of Virginia.</p> <p>2. Such written contracts or purchase orders shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia).</p> <p>E. Purchasing non-Board of Education approved textbooks. The purchase of textbooks other than those approved by the Board of Education is not exempt from the Virginia Public Procurement Act.</p> <p>F. Distribution of textbooks. Each local school board shall provide, free of charge, such textbooks required for courses of instruction for each child attending public schools.</p> <p>G. Certifications.</p> <p>1. The division superintendent and chairperson of the local school board shall annually certify to the Virginia Department of Education that:</p> <p>a. All textbooks were selected and purchased in accordance with this chapter; and</p> <p>b. The price paid for each textbook in accordance with § 22.1-241 of the Code of Virginia.</p> <p>2. The certification shall include a list of all textbooks adopted by the local school board.</p> | |
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If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

| New chapter-section number | New requirements | Other regulations and law that apply | Intent and likely impact of new requirements |
|----------------------------|------------------|--------------------------------------|--|
| N/A | N/A | N/A | N/A |

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

| Emergency chapter-section number | New chapter-section number, if applicable | Current <u>emergency</u> requirement | Change, intent, rationale, and likely impact of new or changed requirements since emergency stage |
|----------------------------------|---|--------------------------------------|---|
| N/A | N/A | N/A | N/A |



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Fast-Track Regulation Agency Background Document

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| Agency name | State Board of Education |
| Virginia Administrative Code (VAC) Chapter citation(s) | 8 VAC20-521 [Repeal]; 8 VAC20-510 [Amend] |
| VAC Chapter title(s) | Regulations Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Teaching Hours |
| Action title | Repeal and Amend of Regulations Following Periodic Review |
| Date this document prepared | 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The periodic review found that chapter 8VAC20-521 is unnecessary to protect public health, safety, and welfare because it duplicates an older version of § 22.1-98. The periodic review found that this chapter 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 emergencies result in school closure, a school division may elect to have an unscheduled remote learning day 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. This requirement currently found in 8VAC20-521(E) is still necessary and should be shifted to 8VAC20-510-10.

The regulation of 8VAC20521-40(E) will be moved to 8VAC20-510-10.

Acronyms and Definitions

Define all acronyms used in this form, 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

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On August 28, 2024, the State Board of Education approved the repeal of 8VAC20-521 (Regulations Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Teaching Hours) and shifting the language found in 8VAC20-521(E) to 8VAC20-510-10.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

This Fast Track regulatory action was initiated following a Periodic Review of the chapter. This regulatory action is intended to implement the Board’s decision in the chapter’s most recent periodic review.

This rulemaking is expected to be noncontroversial and, therefore, appropriate for the fast-track rulemaking process because it brings the Board’s regulations into conformance with current statutory language, amends incorrect references, and corrects outdated information.

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 and 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.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The action is the result of a periodic review. The regulation is being repealed to conform with current statutory language and correct outdated information and references.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

This chapter is being repealed, with the language in 8VAC20-521(E) being shifted to 8VAC20-510-10.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage to the public and the Commonwealth is that the Board's regulations will be consistent with the current statutory language and provide accurate information and references. There are no disadvantages to the repeal of this regulation.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or

regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected
None

Localities Particularly Affected
None

Other Entities Particularly Affected
None

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

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| <p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources</p> | <p>No projected economic impact exists on the State Board of Education or the Virginia Department of Education.</p> |
| <p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p> | <p>There is no projected economic impact anticipated for other agencies.</p> |
| <p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p> | <p>There is no projected economic impact anticipated for other agencies.</p> |

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

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| <p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p> | <p>There are no localities that will be affected by this change.</p> |
| <p>Benefits the regulatory change is designed to produce.</p> | <p>The regulatory action will conform the Board's regulations with the Code of Virginia.</p> |

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

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| Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect. | There are no other entities that will be affected by this change. |
| Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. | There are no other entities that will be affected by this change. |
| All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements. | There are no other entities that will be affected by this change. |
| Benefits the regulatory change is designed to produce. | The regulatory action will conform the Board's regulations with the Code of Virginia. |

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No alternatives were considered.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The regulation should be repealed as duplicative of § 22.1-98. The periodic review found that 8VAC20-521 no longer reflects the current statutory framework and repeats the requirements found in the prior iteration of the code section.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The State Board of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall website at: <https://townhall.virginia.gov>. Comments may also be submitted by email Jim Chapman, Director of Board Relations, at Jim.Chapman@doe.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

| Current chapter-section number | New chapter-section number, if applicable | Current requirements in VAC | Change, intent, rationale, and likely impact of new requirements |
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| 8VAC20-510-10 | | <p>8VAC20-510-10. Duties of Superintendent. The Superintendent of Public Instruction shall be the chief executive officer of the public school system and shall have the following duties:</p> <ol style="list-style-type: none"> 1. Serve as the executive officer of the Division of Vocational and Adult Education of the state Department of Education; 2. Establish and maintain an orderly plan for preserving and making accessible regulations, standards, guidelines, and policies adopted by the state Board of Education; 3. Act as an agent for the Board of Education and seek board approval on all federal government projects before funds are obtained and the project or projects are implemented. Annual program plans for each program of federal aid to education in which the state desires to participate will be compiled by him for consolidation review by the Board of Education prior to submission to the U.S. Office of Education; 4. Prepare or have prepared suitable registers, blanks, and other forms which may be necessary for making appropriate reports to the State Department of Education. By circulars and otherwise, he shall give information and instruction conducive to the proper organization and conduct of the schools; 5. Require of division superintendents detailed reports annually and special | <p>Change: 8VAC20-510-10. Duties of Superintendent. ... <u>10. The Board of Education authorizes the Superintendent of Public Instruction to approve, in compliance with this chapter, reductions in the school term for a school or the schools in a school division.</u></p> <p>Intent: To retain the one remaining regulation from Chapter 521 and place the remaining regulation in line with Chapter 510, Section 10.</p> <p>Rationale: The statute 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 should be moved to 8VAC20-510-10. The repealed regulation is duplicative of § 22.1-98, and the authorization provided in 8VAC20521-40(E) will be moved to 8VAC20-510-10.</p> <p>Likely Impact: The Superintendent of Public Instruction as the chief executive officer of the public school system, the Superintendent of Public Instruction may then approve, in compliance with this chapter, reductions in the school term for a school or the schools in a school division.</p> |

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| | | <p>reports from time to time as he may deem proper, and use all proper means to promote an appreciation of education among the people;</p> <p>6. Preserve in convenient form in his office all papers, documents, and records relating to educational work in Virginia and in other states;</p> <p>7. Prepare, as prescribed by law, a plan for apportioning the money appropriated by the state for public school purposes;</p> <p>8. Provide for his office a suitable official seal with which official documents may be authenticated; and</p> <p>9. Submit annually to the Board of Education on or before the first day of November a detailed report of his official proceedings for the year ending the 30th day of June preceding, including receipts and expenditures for the public schools, a statistical report showing the number of children, male and female, respectively in the state, and in each county and city, compensation paid teachers, the cost of education per pupil, and whatever else may tend to exhibit the real conditions of the schools. It shall be the duty of the superintendent to offer suggestions to the Board of Education and to the General Assembly concerning matters pertaining to the Department of Education at any time that the public interest seems to require it.</p> | |
| <p>8VAC20-521-10</p> | | <p>8VAC20-521-10. Definitions. The following words and terms when used in this regulation shall have the following meanings unless the context clearly indicates otherwise:</p> | <p>Change: 8VAC20-521-10. Definitions. (Repealed.) The following words and terms when used in this regulation shall have the following meanings unless the context clearly indicates otherwise: "Declared state of emergency" means the declaration of an emergency before</p> |

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| | | <p>"Declared state of emergency" means the declaration of an emergency before or after an event by the Governor or by officials in a locality that requires the closure of any or all schools within a school division.</p> <p>"Instructional time" means the period that students are in school on a daily or annual basis as defined in the Regulations Establishing Standards for Accrediting Public Schools in Virginia, 8VAC20-131.</p> <p>"Severe weather conditions or other emergency situations" means those circumstances presenting a threat to the health or safety of students that result from severe weather conditions or other emergencies, including, but not limited to, natural and man-made disasters, energy shortages or power failures.</p> <p>"Teaching days" means days when instruction is provided.</p> <p>"Teaching hours" means hours when instruction is provided.</p> | <p>or after an event by the Governor or by officials in a locality that requires the closure of any or all schools within a school division.</p> <p>"Instructional time" means the period that students are in school on a daily or annual basis as defined in the Regulations Establishing Standards for Accrediting Public Schools in Virginia, 8VAC20-131.</p> <p>"Severe weather conditions or other emergency situations" means those circumstances presenting a threat to the health or safety of students that result from severe weather conditions or other emergencies, including, but not limited to, natural and man-made disasters, energy shortages or power failures.</p> <p>"Teaching days" means days when instruction is provided.</p> <p>"Teaching hours" means hours when instruction is provided.</p> <p>Intent: This action intends to remove this regulatory section.</p> <p>Rationale: The regulation should be repealed as duplicative of § 22.1-98.</p> <p>Likely impact: These changes will make the Board's regulations more readable and easier for the public and the Commonwealth to understand.</p> |
| <p>8VAC20-521-20</p> | | <p>8VAC20-521-20. Length of school term.</p> <p>A. The length of every school's term in every school division shall be a minimum of 180 teaching days or 990 teaching hours in any school year.</p> <p>B. Nothing in these regulations shall prohibit a school division from exceeding the 180 teaching day or 990 teaching hour requirement in any of its schools.</p> | <p>Change: 8VAC20-521-20. Length of school term. (Repealed.)</p> <p>A. The length of every school's term in every school division shall be a minimum of 180 teaching days or 990 teaching hours in any school year.</p> <p>B. Nothing in these regulations shall prohibit a school division from exceeding the 180 teaching day or 990 teaching hour requirement in any of its schools.</p> <p>Intent: This action intends to remove this regulatory section.</p> <p>Rationale: The regulation should be repealed as duplicative of § 22.1-98.</p> <p>Likely impact: These changes will make the Board's regulations more readable and easier for the public and the Commonwealth to understand.</p> |

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| <p>8VAC20-521-30</p> | | <p>8VAC20-521-30. Completion of teaching hours. A. When severe weather conditions or other emergency situations have resulted in the closing of a school or schools in a school division for five or fewer days, the school or schools shall make up all missed days by adding teaching days to the school calendar or extending the length of the teaching day. B. When severe weather conditions or other emergency situations have resulted in the closing of a school or schools in a school division for six or more days, the school or schools shall make up the missed days in accordance with § 22.1-98 of the Code of Virginia by adding teaching days to the school calendar or extending the length of the teaching day. C. Nothing in these regulations shall preclude a school division from making up missed teaching days by providing students with teaching hours equivalent to such missed teaching days.</p> | <p>Change: 8VAC20-521-30. Completion of teaching hours. (Repealed.) A. When severe weather conditions or other emergency situations have resulted in the closing of a school or schools in a school division for five or fewer days, the school or schools shall make up all missed days by adding teaching days to the school calendar or extending the length of the teaching day. B. When severe weather conditions or other emergency situations have resulted in the closing of a school or schools in a school division for six or more days, the school or schools shall make up the missed days in accordance with § 22.1-98 of the Code of Virginia by adding teaching days to the school calendar or extending the length of the teaching day. C. Nothing in these regulations shall preclude a school division from making up missed teaching days by providing students with teaching hours equivalent to such missed teaching days.</p> <p>Intent: This action intends to remove this regulatory section.</p> <p>Rationale: The regulation should be repealed as duplicative of § 22.1-98.</p> <p>Likely impact: These changes will make the Board's regulations more readable and easier for the public and the Commonwealth to understand.</p> |
| <p>8VAC20-521-40</p> | | <p>8VAC20-521-40. Waivers for a declared state of emergency, evacuations, severe weather conditions, or other emergency situations. A. The Board of Education may waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for closings resulting from a declared state of emergency, severe weather conditions, or other emergency situations. B. The Board of Education shall waive the requirement that school divisions provide additional teaching days or</p> | <p>Change: 8VAC20-521-40. Waivers for a declared state of emergency, evacuations, severe weather conditions, or other emergency situations. (Repealed.) A. The Board of Education may waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for closings resulting from a declared state of emergency, severe weather conditions, or other emergency situations. B. The Board of Education shall waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from an evacuation directed and compelled by the Governor</p> |

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| | | <p>teaching hours to compensate for school closings resulting from an evacuation directed and compelled by the Governor pursuant to § 44-146.17 of the Code of Virginia for up to five teaching days.</p> <p>C. If the local school board desires a waiver for days missed as the result of a declared state of emergency, severe weather conditions, or other emergency situations, it shall submit a request for a waiver to the Board of Education. The request shall include evidence of efforts that have been made by the school division to reschedule as many days as possible.</p> <p>D. The division superintendent and the chair of the local school board shall certify that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver of the requirement.</p> <p>E. The Board of Education authorizes the Superintendent of Public Instruction to approve, in compliance with this chapter, reductions in the school term for a school or the schools in a school division.</p> <p>F. If the waiver is denied, the school division shall make up the missed instructional time in accordance with 8VAC20-521-30 and § 22.1-98 of the Code of Virginia.</p> | <p>pursuant to § 44-146.17 of the Code of Virginia for up to five teaching days.</p> <p>C. If the local school board desires a waiver for days missed as the result of a declared state of emergency, severe weather conditions, or other emergency situations, it shall submit a request for a waiver to the Board of Education. The request shall include evidence of efforts that have been made by the school division to reschedule as many days as possible.</p> <p>D. The division superintendent and the chair of the local school board shall certify that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver of the requirement.</p> <p>E. The Board of Education authorizes the Superintendent of Public Instruction to approve, in compliance with this chapter, reductions in the school term for a school or the schools in a school division.</p> <p>F. If the waiver is denied, the school division shall make up the missed instructional time in accordance with 8VAC20-521-30 and § 22.1-98 of the Code of Virginia.</p> <p>Intent: This action intends to remove this regulatory section and move subsection E to 8VAC20-510-10.</p> <p>Rationale: The regulation should be repealed as duplicative of § 22.1-98.</p> <p>Likely impact: These changes will make the Board's regulations more readable and easier for the public and the Commonwealth to understand.</p> |
| <p>8VAC20-521-50</p> | | <p>8VAC20-521-50. Funding.</p> <p>A. There shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund if a local school division:</p> <ol style="list-style-type: none"> 1. Completes instructional time in accordance with 8VAC20-521-30 and § 22.1-98 of the Code of Virginia; or | <p>Change: 8VAC20-521-50. Funding. (Repealed.)</p> <p>A. There shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund if a local school division:</p> <ol style="list-style-type: none"> 1. Completes instructional time in accordance with 8VAC20-521-30 and § 22.1-98 of the Code of Virginia; or 2. Obtains a waiver for closings resulting from a declared state of emergency, an |

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| | | <p>2. Obtains a waiver for closings resulting from a declared state of emergency, an evacuation directed or compelled by the Governor, severe weather conditions, or other emergency situations in accordance with 8VAC20-521-40.</p> <p>B. The local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by any local governing body due to a reduction in the length of the term of any school if the missed days are made up in accordance with 8VAC20-521-30 or the schools in a school division have been granted a waiver in accordance with 8VAC20-521-40.</p> | <p>evacuation directed or compelled by the Governor, severe weather conditions, or other emergency situations in accordance with 8VAC20-521-40.</p> <p>B. The local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by any local governing body due to a reduction in the length of the term of any school if the missed days are made up in accordance with 8VAC20-521-30 or the schools in a school division have been granted a waiver in accordance with 8VAC20-521-40.</p> <p>Intent: This action intends to remove this regulatory section.</p> <p>Rationale: The regulation should be repealed as duplicative of § 22.1-98.</p> <p>Likely impact: These changes will make the Board's regulations more readable and easier for the public and the Commonwealth to understand.</p> |
| <p>8VAC20-521-60</p> | | <p>8VAC20-521-60. Administration.</p> <p>A. The Virginia Department of Education shall annually notify local school divisions of the provisions of these regulations and the Code of Virginia regarding reductions in the length of the school term.</p> <p>B. Local school division superintendents shall certify annually, at a time and in a form prescribed by the Virginia Department of Education, that they have read and complied with these provisions and are implementing a plan for making up any missed time that has not been waived in accordance with these regulations.</p> | <p>Change: 8VAC20-521-60. Administration. (Repealed.)</p> <p>A. The Virginia Department of Education shall annually notify local school divisions of the provisions of these regulations and the Code of Virginia regarding reductions in the length of the school term.</p> <p>B. Local school division superintendents shall certify annually, at a time and in a form prescribed by the Virginia Department of Education, that they have read and complied with these provisions and are implementing a plan for making up any missed time that has not been waived in accordance with these regulations.</p> <p>Intent: This action intends to remove this regulatory section.</p> <p>Rationale: The regulation should be repealed as duplicative of § 22.1-98.</p> <p>Likely impact: These changes will make the Board's regulations more readable and easier for the public and the Commonwealth to understand.</p> |

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

| New chapter-section number | New requirements | Other regulations and law that apply | Intent and likely impact of new requirements |
|----------------------------|------------------|--------------------------------------|--|
| N/A | N/A | N/A | N/A |

*If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.*

*If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.*

Table 3: Changes to the Emergency Regulation

| Emergency chapter-section number | New chapter-section number, if applicable | Current <u>emergency</u> requirement | Change, intent, rationale, and likely impact of new or changed requirements since emergency stage |
|----------------------------------|---|--------------------------------------|---|
| N/A | N/A | N/A | N/A |