



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: H

Date: September 26, 2024

Title: First and Final Review of Regulatory Actions for the SOA

Presenter: Jim Chapman, Director of Board Relations

Purpose of Presentation

Action required by state or federal law or regulation.

Executive Summary

During the 2024 legislative session, the General Assembly passed —and the Governor subsequently signed— Chapter [612](#), Chapter [432](#), and Chapter [194](#). This regulatory action will update the Board’s regulations to implement the legislation.

The Board is also amending provisions to enact Chapter [26](#) of the 2021 legislative session and Chapter [841](#) of the 2001 legislative session. Each of the proposed regulatory amendments included in this item are necessary to conform to changes in Virginia statutory law. The Board is not exercising discretion, but simply amending its regulations in order to align with legislative changes to the *Code of Virginia*.

Action Requested

Final review: Action requested at this meeting.

Superintendent’s Recommendation

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the regulatory changes included with this item.

Rationale for Action

The Board is being asked to approve this action in order to keep its regulations consistent with the requirements of the Code of Virginia and to fulfill directives from the General Assembly and the Governor.

Previous Review or Action

No previous review or action.

Background Information and Statutory Authority

Section [2.2-4012.1](#) of the Code of Virginia provides that “fast-track” rulemaking may be used when a rule is considered to be “noncontroversial.”

[Chapter 612](#) directs the Board to revise its regulations relating to student eligibility for an expedited retake of any Standards of Learning assessment, except for the writing Standards of Learning assessment, to (i) provide that any student in grades three through 12 who scores in the 375 to 399 range, or an equivalent range on an alternative scoring scale, on any such Standards of Learning assessment shall be eligible to retake such assessment on an expedited basis at least once prior to the next scheduled assessment administration and (ii) establish guidelines for and require each eligible student to complete prior to retaking any Standards of Learning assessment on an expedited basis a comprehensive remediation program based on such student’s particular educational needs as identified by such student’s results on such assessment. 8VAC20-131-30 contains the relevant regulatory requirements and must be amended to align with Chapter 612.

[Chapter 432](#) Requires every public school to hold fire drills during the school session in accordance with the requirements of the Statewide Fire Prevention Code. Current law requires such fire drills to be conducted at least twice during the first 20 school days of each school session and at least twice more during the remainder of the school session. 8VAC20-132-240 contains the relevant regulatory requirements and must be amended to align with Chapter 432.

[Chapter 26](#) Reduces the minimum number of mandatory annual lock-down drills in each public elementary and secondary school in the Commonwealth from three to two. 8VAC20-132-240 contains the relevant regulatory requirements and must be amended to align with Chapter 432.

[Chapter 841](#) Requires public schools to institute tornado drills every school year to familiarize students with drill procedures to safeguard their health, safety, and welfare. 8VAC20-132-240 contains the relevant regulatory requirements and must be amended to align with Chapter 841.

[Chapter 194](#) Requires any divisionwide or public elementary or secondary school-specific school building evacuation plan, policy, or protocol to include provisions that seek to maximize the opportunity for students with mobility impairments to evacuate the school building alongside their non-mobility-impaired peers. 8VAC20-132-240 contains the relevant regulatory requirements and must be amended to align with Chapter 194.

Stakeholder Engagement

Since these regulatory changes are the result of action by the General Assembly and do not involve any discretionary action on behalf of the Board, no stakeholder engagement has been performed.

Implementation and Communication

Upon the Board's approval, these regulatory actions will be submitted to the Registrar of Regulations for publication in accordance with the Administrative Process Act.

Impact on Fiscal and Human Resources

Any fiscal impact resulting from these regulatory changes were considered by the General Assembly and the Governor.