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Periodic Review and Small Business Impact Review Report of Findings

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

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

Acronyms and Definitions

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

"Board" means Virginia Board of Education
"Department" means Virginia Department of Education

Legal Basis

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

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

may be necessary to carry out its powers and duties and the provisions of [Title 22.1 of the Code of Virginia].”

Alternatives to Regulation

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

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

Public Comment

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

Commenter	Comment	Agency response
none	none	none

Effectiveness

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

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

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

- (i) the objectives of the school division, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement;
- (ii) an assessment of the extent to which these objectives are being achieved;
- (iii) a forecast of enrollment changes;
- (iv) a plan for projecting and managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations;
- (v) an evaluation of the appropriateness of establishing regional programs and services in cooperation with neighboring school divisions;
- (vi) a plan for implementing such regional programs and services when appropriate;
- (vii) a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs,

- consistent with, or as a part of, the comprehensive technology plan for Virginia adopted by the Board of Education;
- (viii) an assessment of the needs of the school division and evidence of community participation, including parental participation, in the development of the plan;
- (ix) any corrective action plan required pursuant to § 22.1-253.13:3; and
- (x) a plan for parent and family involvement to include building successful school and parent partnerships that shall be developed with staff and community involvement, including participation by parents.”

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

Decision

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

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

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

Small Business Impact

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

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

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