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Regulatory
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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Education
Virginia Administrative Code (VAC) citation	8 VAC 20-720-10 et seq.
Regulation title	Regulations Governing Local School Boards and School Divisions
Action title	Repeal outdated regulations and consolidate applicable sections into new regulations; Promulgate new regulations
Document preparation date	June 4, 2007

This information is required for executive review (www.townhall.state.va.us/dbppages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dbppages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The present action concurrently repeals outdated regulations and consolidates necessary sections of various regulations that govern local school boards into new regulations entitled Regulations Governing Local School Boards and School Divisions. Proposed for repeal are the following outdated regulations that govern the local school boards: 8 VAC 20-150; 8 VAC 20-170; 8 VAC 20-180; 8 VAC 20-240; 8 VAC 20-250; 8 VAC 20-270; 8 VAC 20-310; 8 VAC 20-320; 8 VAC 20-390; 8 VAC 20-410; 8 VAC 20-420; 8 VAC 20-460; 8 VAC 20-490; and 8 VAC 20-565. The provisions within the existing regulations were adopted on or before September 1, 1980, and have not been amended since that time. Concurrent with the repeal of outdated regulations, new, consolidated regulations will be promulgated and entitled Regulations Governing Local School Boards and School Divisions, 8 VAC 20-720-10 et seq.

The goal of the present action is to provide new regulations that will clarify and incorporate the applicable regulatory requirements from the repealed regulations so that local school boards and school divisions will have one regulation containing applicable regulatory requirements and will not have to look to several regulations for guidance.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 22.1-16 of the Code of Virginia provides that “The Board of Education may adopt bylaws for its own governance and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.” These regulations are necessary for the governance of schools and programs by the Board of Education.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the regulation is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

The present action concurrently repeals outdated regulations and consolidates necessary sections of various regulations that govern local school boards into new regulations entitled Regulations Governing Local School Boards and School Divisions. Currently, applicable provisions are scattered among numerous regulations, many of which have solely outdated sections or subsections. This causes confusion for the regulated entities. The new regulations are intended to consolidate the several applicable sections into one concise regulation. Also, as a part of the promulgation process, the agency intends to review Code requirements that have been adopted in recent years to insure that all necessary requirements are incorporated into the consolidated regulations.

The regulations to be repealed, with applicable sections consolidated into the new regulations are as follows:

Repeal: 8 VAC 20-150-10 et seq.	Regulations Governing Management of the Student’s Scholastic Record in the Public Schools of Virginia
Repeal: 8 VAC 20-170-10	Regulations Governing Instructional Materials – Selection and Utilization by Local School Boards
Repeal: 8 VAC 20-180-10	Regulations Governing School Community Programs
Repeal: 8 VAC 20-240-10 et seq.	Regulations Governing School Activity Funds
Repeal: 8 VAC 20-250-10	Regulations Governing Testing Sight and Hearing of Pupils
Repeal: 8 VAC 20-270-10 et seq.	Regulations Governing Textbook Fund Management and Handling on Local Level
Repeal: 8 VAC 20-310-10	Rules Governing Instruction Concerning Drugs and Substance Abuse
Repeal: 8 VAC 20-320-10	Regulations Governing Physical and Health Education
Repeal: 8 VAC 20-390-10 et seq.	Rules Governing Division Superintendent of Schools
Repeal: 8 VAC 20-410-10	Rules Governing Allowable Credit for Teaching Experience
Repeal: 8 VAC 20-420-10	Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards
Repeal: 8 VAC 20-460-10 et seq.	Regulations Governing Sick Leave Plan for Teachers

Repeal: 8 VAC 20-490-10 et seq.	Regulations Governing School Boards Local
Repeal: 8 VAC 20-565-10 et seq.	Regulations for the Protection of Students as Participants in Human Research
Promulgate: 8 VAC 20-720-10 et seq.	Regulations Governing Local School Boards and School Divisions

The new regulations will clarify and consolidate requirements essential to the operation of local school boards and will have no negative impact on the health, safety, or welfare of citizens.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

Other alternatives to repealing the regulations have not been considered by the Board of Education as the regulations are so outdated that they are cumbersome or inconsistent with current Code or other state or federal requirements. Additionally, the consolidation of applicable provisions will assist school divisions by clarifying and placing the applicable provisions into one concise regulation. A public hearing will be held during the promulgation process.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

The proposed repeal and promulgation of regulations are not expected to have an impact on the institution of the family and family stability.