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**Exempt Action
Final Regulation
Agency Background Document**

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation(s)	8VAC20-131
Regulation title(s)	Regulations Establishing Standards for Accrediting Public Schools in Virginia
Action title	Revisions to the Standards of Accreditations to Comport with Legislation passed by the 2019 General Assembly
Final agency action date	July 25, 2019
Date this document prepared	July 15, 2019

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please 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 Virginia Board of Education is proposing amendments to the Regulations Establishing Standards for Accrediting Public Schools in Virginia that are necessary for the regulations to comport with legislative changes made by the General Assembly during the 2019 Session. Those changes include:

HB 1729 - Changes the name of guidance counselors to school counselors and requires each school counselor employed by a school board in a public elementary or secondary school to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students. The existing regulation requires 60 percent of counseling staff time to be devoted to counseling students.

HB 1868 - Renames the Virginia Index of Performance (VIP) incentive program as the Exemplar School Recognition Program (the Program) and makes several changes to the Program to align it with recent changes made by the Board of Education (the Board) to the Standards of Accreditation, including requiring the Board to design the Program to recognize and reward (i) schools that exceed Board-established requirements or show continuous improvement on academic and school quality indicators and (ii) schools, school divisions, and school boards that implement effective, innovative practices that are aligned with the Commonwealth's goals for public education. The existing regulation includes provisions for both the VIP and Exemplar School Recognition Program. This proposed action would consolidate these provisions.

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, board decision, etc.). "Mandate" is defined as "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."

These amendments to the SOA are mandated by legislation enacted by the General Assembly during the 2019. This regulatory action is noncontroversial because its only purpose is to comport the regulations to align with legislation.

Statement of Final Agency Action

Please 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 July 25, 2019, the Board of Education adopted amendments to Regulations Establishing Standards for Accrediting Public Schools in Virginia.

**Periodic Review
Small Business Impact Review Report of Findings**

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or

comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

This form is not being used to report the result of a periodic or small business impact review.

(1) There is a continued need for this regulation because this regulation provides the foundation for the provision of a high quality public education within a system of accountability and continuous improvement. Further, §22.1-253.13:3 of the *Code of Virginia* requires the Board of Education to promulgate regulations establishing standards for accrediting public schools.

(2) No complaints or comments were received concerning this regulation from the public.

(3) This regulation is not overly complex and is easily understandable for school administrators and the public.

(4) This regulation does not overlap, duplicate, or conflict with federal or state law or regulation.

(5) This regulation underwent a comprehensive review, resulting in regulations that became effective January 11, 2018.