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## Fast-Track Regulation Agency Background Document

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

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“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.*

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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.*

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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.

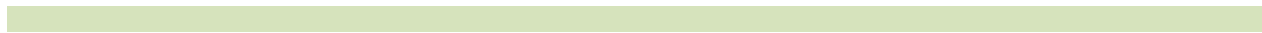
This rulemaking is expected to be noncontroversial and, therefore, appropriate for the fast-track rulemaking process because it brings the Board’s regulations into conformance with current statutory language, amends incorrect references, and corrects outdated information.

## 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.*

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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.*

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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.*

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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.*

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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.*

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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**

<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.

<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.

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.*

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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.*

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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](mailto: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.*

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*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
8VAC20-510-10		<p><b>8VAC20-510-10. Duties of Superintendent.</b>                      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"> <li>1. Serve as the executive officer of the Division of Vocational and Adult Education of the state Department of Education;</li> <li>2. Establish and maintain an orderly plan for preserving and making accessible regulations, standards, guidelines, and policies adopted by the state Board of Education;</li> <li>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;</li> <li>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;</li> <li>5. Require of division superintendents detailed reports annually and special</li> </ol>	<p><b>Change: 8VAC20-510-10. Duties of Superintendent.</b>                      ...  <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><b>Intent:</b> To retain the one remaining regulation from Chapter 521 and place the remaining regulation in line with Chapter 510, Section 10.</p> <p><b>Rationale:</b> 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><b>Likely Impact:</b> 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>

		<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><b>8VAC20-521-10. Definitions.</b> The following words and terms when used in this regulation shall have the following meanings unless the context clearly indicates otherwise:</p>	<p><b>Change: 8VAC20-521-10. Definitions. (Repealed.)</b> <del>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</del></p>

		<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><del>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.</del></p> <p><del>"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.</del></p> <p><del>"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.</del></p> <p><del>"Teaching days" means days when instruction is provided.</del></p> <p><del>"Teaching hours" means hours when instruction is provided.</del></p> <p><b>Intent:</b> This action intends to remove this regulatory section.</p> <p><b>Rationale:</b> The regulation should be repealed as duplicative of § 22.1-98.</p> <p><b>Likely impact:</b> 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><b>8VAC20-521-20. Length of school term.</b></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><b>Change: 8VAC20-521-20. Length of school term. (Repealed.)</b></p> <p><del>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.</del></p> <p><del>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.</del></p> <p><b>Intent:</b> This action intends to remove this regulatory section.</p> <p><b>Rationale:</b> The regulation should be repealed as duplicative of § 22.1-98.</p> <p><b>Likely impact:</b> These changes will make the Board's regulations more readable and easier for the public and the Commonwealth to understand.</p>

<p>8VAC20-521-30</p>		<p><b>8VAC20-521-30. Completion of teaching hours.</b>                  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><b>Change: 8VAC20-521-30. Completion of teaching hours. (Repealed.)</b>  <del>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.</del>  <del>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.</del>  <del>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.</del></p> <p><b>Intent:</b> This action intends to remove this regulatory section.</p> <p><b>Rationale:</b> The regulation should be repealed as duplicative of § 22.1-98.</p> <p><b>Likely impact:</b> 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><b>8VAC20-521-40. Waivers for a declared state of emergency, evacuations, severe weather conditions, or other emergency situations.</b>                  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><b>Change: 8VAC20-521-40. Waivers for a declared state of emergency, evacuations, severe weather conditions, or other emergency situations. (Repealed.)</b>  <del>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.</del>  <del>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</del></p>

		<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><del>pursuant to § 44-146.17 of the Code of Virginia for up to five teaching days.</del></p> <p><del>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.</del></p> <p><del>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.</del></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><del>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.</del></p> <p><b>Intent:</b> This action intends to remove this regulatory section and move subsection E to 8VAC20-510-10.</p> <p><b>Rationale:</b> The regulation should be repealed as duplicative of § 22.1-98.</p> <p><b>Likely impact:</b> 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><b>8VAC20-521-50. Funding.</b></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"> <li>1. Completes instructional time in accordance with 8VAC20-521-30 and § 22.1-98 of the Code of Virginia; or</li> </ol>	<p><b>Change: 8VAC20-521-50. Funding- (Repealed.)</b></p> <p><del>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:</del></p> <ol style="list-style-type: none"> <li><del>1. Completes instructional time in accordance with 8VAC20-521-30 and § 22.1-98 of the Code of Virginia; or</del></li> <li><del>2. Obtains a waiver for closings resulting from a declared state of emergency, an</del></li> </ol>

		<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><del>evacuation directed or compelled by the Governor, severe weather conditions, or other emergency situations in accordance with 8VAC20-521-40.</del></p> <p><del>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.</del></p> <p><b>Intent:</b> This action intends to remove this regulatory section.</p> <p><b>Rationale:</b> The regulation should be repealed as duplicative of § 22.1-98.</p> <p><b>Likely impact:</b> 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><b>8VAC20-521-60. Administration.</b></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><b>Change: 8VAC20-521-60. Administration. (Repealed.)</b></p> <p><del>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.</del></p> <p><del>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.</del></p> <p><b>Intent:</b> This action intends to remove this regulatory section.</p> <p><b>Rationale:</b> The regulation should be repealed as duplicative of § 22.1-98.</p> <p><b>Likely impact:</b> 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