



[townhall.virginia.gov](http://townhall.virginia.gov)

## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	State Board of Education
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	8VAC20-510
<b>VAC Chapter title(s)</b>	Regulations Governing Superintendent of Public Instruction
<b>Date this document prepared</b>	May 22, 2025

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 the Virginia Board 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].”

Section 22.1-23 of the Code of Virginia states, in part, that “[t]he Superintendent of Public Instruction shall . . . 8. Perform such duties as the Board of Education may prescribe.”

### 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.*

No alternatives to the regulation were considered as part of the periodic review.

### 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.*

The regulation is necessary for the protection of public health, safety, and welfare in that it provides regulations which govern the Superintendent of Public Instruction. The Superintendent of Public Instruction is a constitutionally created office, which is further described in Chapter 3 of Title 22.1 of the Code of Virginia. This regulatory chapter further delineates the duties of the Superintendent as described in the Constitution and the Code of Virginia.

### 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 regulatory chapter will be retained as is.

### 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 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 a continued need for the regulation as it provides the Board's prescription of duties to the Superintendent of Public Instruction. At this time, agency has received no comments concerning the regulation and is unaware of any complaints. The chapter does not appear to be complex. There is no known overlap between the regulation and any other state or federal law or regulation. The regulation has not been amended since it became effective on September 1, 1980, although there is a current regulatory action to amend the section ([Action 6605/Stage 10516](#)). The regulation does not appear to have been affected by changes in technology, economic conditions, or other factors. The agency's decision to retain the regulation will have no impact on small businesses.

---