



Virginia
Regulatory
Town Hall

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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation	<u>8 VAC20-40-10</u> et seq.
Regulation title	Regulations Governing Educational Services for Gifted Students
Action title	Revision of regulations school divisions must meet in their gifted education programs, K - 12
Document preparation date	November 4, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

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 *Regulations Governing Educational Services for Gifted Students* were last approved in 1993, with an effective date of February 1995. Those regulations specify what gifted education services school divisions in the Commonwealth of Virginia shall provide students from kindergarten through graduation. The regulations speak to the area(s) of giftedness to be served, the identification of students in the selected area(s) of service, the criteria for screening and identification, the components of local plan that each division must have approved by the Department of Education, the assurances the school division must provide to the department regarding elements within the local plan, and provisions of use of state funds designated for division-wide gifted education services. The proposed revisions will allow the Virginia Board of Education to review contemporary research and best practices in the field that have occurred in the last decade and to ensure that Virginia's regulations are consistent with that information.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., 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 vests the Board of Education with the authority 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.

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 agency has determined that the proposed regulatory action 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.

A preliminary list of issues that will be addressed concerning changes to the *Regulations Governing Educational Services for Gifted Students* include the following items:

1. Changes to the definition of "gifted students," to include contemporary language and definitions. Additional definitions to assist divisions in program design and evaluation may be incorporated into the revised regulations.
2. Language will be added to 8VAC20-40-60. Local Plan. that will assist divisions in developing and evaluating their service options, instructional approaches, settings, and staffing as well as to the framework of appropriately differentiated curriculum to be used in those settings.
3. Changes in language for the selection and evaluation of teachers as well as the training needed for those professionals to develop, present, assess, and revise curriculum used with these students.
4. Changes in language regarding program evaluation may be supplemented with specific expectations and timelines for evaluative components.

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.

The proposed action is to amend existing regulations. The current regulations should be revised for clarity and to ensure that there are no conflicts with existing Board of Education regulations and state law. There are no viable alternatives.

The regulations have served well for more than ten years and have been supplemented through information presented in the *Virginia Plan for the Gifted* and the *Reference Guide for the Development and Evaluation of Local Plans for the Education of the Gifted*. Both documents demonstrate that the regulations are outdated and need to be revised.

Family impact

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

There will be minimal impact on the institution of the family or family stability.

Periodic review