

Unified Regulatory Plan of the State Board of Education for State Fiscal Year 2024

Prepared on October 20, 2023

Description of Board

The Board of Education was established by the Constitution of Virginia with primary responsibility and authority for effectuating educational policy in Virginia, subject to the ultimate authority of the General Assembly. The Board has been authorized to “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].” § [22.1-16](#).

Action/Stage or Guidance Document Forum ID (if available) 5748/9650	
Title of Proposed Regulatory Action or Guidance Document Amend the Licensure Regulations for School Personnel (8VAC20-23) to Include Instruction in Cultural Competency for Initial Licensure and Renewal of a License	
Brief Overview The 2021 Virginia General Assembly approved HB 1904 (Jenkins) and SB 1196 (Locke), which in part amends § 22.1-298.1 of the Code of Virginia. This legislation requires that any person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency as prescribed by the Board. This action proposes amendments to the <i>Licensure Regulations for School Personnel</i> (8VAC20-23-40) to enact the legislation.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	The Board approved this action for the proposed stage in April 2022, but the action has not yet been certified by the Office of the Attorney General. The agency expects to submit the action for executive branch review in March 2024.

Action/Stage or Guidance Document Forum ID (if available) 5922/9582	
Title of Proposed Regulatory Action or Guidance Document Amendments to the Licensure Regulations for School Personnel to reflect changes with ASL national certifications	
Brief Overview The <i>Licensure Regulations for School Personnel</i> (8VAC20-23) set endorsement requirements for foreign language preK-12 in American Sign Language (“ASL”). The regulatory changes are prompted by changes to the structure of national certifications for ASL. In the past, the American Sign Language Teachers' Association (“ASLTA”) issued only Provisional, Qualified, or Professional certifications to demonstrate	

proficiency in ASL, and the Licensure Regulations required an applicant for the ASL endorsement to hold one of these certifications. The proposed amendment strikes these older certifications and reflects the acceptance of all certifications issued by ASLTA. The change will make the regulatory requirements more durable while also keeping with the high-standard certifications issued by ASLTA. In 2003, Registry of Interpreters for the Deaf ("RID") began to recognize interpreters who hold National Association of the Deaf ("NAD") certifications, which included the Level IV certifications prescribed in the Licensure Regulations. These credentials were offered by NAD between the early 1990s and late 2002, and NAD no longer issues certifications. In order to continue to maintain their certification, NAD-credentialed interpreters must have had an active certification and have registered with RID prior to June 30, 2005. These interpreters are required to comply with all aspects of RID's Certification Maintenance Program, including the completion of professional development. In addition, RID fully recognizes the National Interpreter Certification ("NIC"), Certificate of Interpretation ("CI"), Reverse Skills Certification ("RSC"), and the Comprehensive Skills Certificate ("CSC"); these certifications have been discontinued and no longer have exams available. The proposed amendment strikes the language of the older certifications and reflects the historical changes in the organizations and certifications, while keeping to the same high-standard of certifications required for the ASL endorsement.

Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	The Board approved this action in April 2022. It was submitted to the Secretary of Education in September 2022.	

Action/Stage or Guidance Document Forum ID (if available)

5972/9654

Title of Proposed Regulatory Action or Guidance Document

Proposed Amendments to the Licensure Regulations for School Personnel and Regulations Governing the Review and Approval of Education Programs in Virginia to Comport with Federal Guidelines Related to Accredited Institutions of Higher Education

Brief Overview

The USED has amended regulations (34 CFR 600) related to post-secondary institution accreditation. Effective July 1, 2020, USED no longer categorizes accrediting agencies as "regional" or "national" but instead, includes them under a combined umbrella identified as "institutional" or "nationally recognized." The summaries and comments in the Federal Register provide further insight into the reasons behind the initiative, and analysis of the public comments, and the provisions for implementation. State agencies were notified by USED of these changes to the federal regulations via a letter dated February 26, 2020. While the amendments to the federal regulations do not explicitly require states to amend their laws/policies/regulations, the Board is no longer permitted to distinguish

<p>between regional and national accreditation in its requirements for teacher licensure or approval of education programs at Virginia institutions of higher education based on changes to 34 CFR 600. The proposed amendments to the Licensure Regulations for School Personnel and Regulations Governing the Review and Approval of Education Programs in Virginia reflect the changes that were made to the federal regulations.</p>		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This action is deregulatory in that it allows for more institutions to qualify under state regulations.	
Expected Date	The Board approved this action in June 2022, but it has not yet been certified by the Office of the Attorney General. The agency expects to submit the action for executive branch review in March 2024.	

Action/Stage or Guidance Document Forum ID (if available) 5233/9630		
Title of Proposed Regulatory Action or Guidance Document Establish an Add-on Endorsement in the Licensure Regulations for School Personnel (8VAC20-23) to Teach Economics and Personal Finance		
Brief Overview The requirement to teach a course in economics and financial literacy to students in the Commonwealth was required by the General Assembly. The 2005 General Assembly approved Senate Bill 950, a bill directing the Virginia Board of Education to "establish objectives for economic education and financial literacy" to be required of all students at the middle and high school levels. As a result of the legislation, Section 22.1–200.03 of the Code of Virginia required the Board of Education to develop and approve objectives for economics education and financial literacy to be required of all students at the middle and high school levels to "further the development of knowledge, skills, and attitudes needed for responsible citizenship in a constitutional democracy." Beginning with students entering ninth grade in fall 2011, one standard unit of credit in Economics and Personal Finance is required for graduation with a Standard or Advanced Studies Diploma. Students may earn this credit by successfully completing the course at any time during their high school career. The course in Economics and Personal Finance is required; however, no specific endorsement was established for educators who were assigned to teach the course.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document

Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute
Deregulatory Component	
Expected Date	The Board approved this action in May 2022. The action was submitted to the Secretary of Education in September 2022.

Action/Stage or Guidance Document Forum ID (if available) 5258/9631	
Title of Proposed Regulatory Action or Guidance Document Revisions to the Licensure Regulations for School Personnel to Comport with 2018 legislation	
Brief Overview The 2018 Virginia General Assembly passed House Bill 1156 requiring the establishment of an endorsement in dual language instruction preK-6 in the Licensure Regulations for School Personnel (8VAC20-23). The endorsements in dual language were requested so that individuals who had expertise in elementary education or world languages could teach in dual language programs and seek a specific endorsement addressing the area in which they are teaching. This will allow someone who has world language preparation to teach in an elementary dual language program without seeking both a world (foreign) language endorsement and an elementary endorsement.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Final <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Action
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input checked="" type="checkbox"/> Action required by state statute
Deregulatory Component	
Expected Date	The Board approved the final stage in May 2022, but it has not yet been certified by the Office of the Attorney General. The agency expects to submit the action for executive branch review in March 2024.

Action/Stage or Guidance Document Forum ID (if available) 6244/10008	
Title of Proposed Regulatory Action or Guidance Document Proposed Amendments to the Procedure for Dismissals to Comport with Legislation from the 2020 General Assembly	

Brief Overview

Chapter 875 of the 2020 Acts of the Virginia General Assembly requires amendments to the Procedure for Adjusting Grievances (Procedure; 8VAC20-90), particularly the procedure for dismissals found in 8VAC20-90-70. Chapter 875 amended §§ 22.1-309 and 22.1-311 of the Code of Virginia to permit a school board to conduct a teacher grievance hearing before a three-member fact-finding panel consisting of one member selected by the teacher, one member selected by the division superintendent, and an impartial hearing officer selected by the other two panel members to serve as the chairman of the panel. Under the amended law, the school board continues to have the option of appointing a hearing officer or conducting the hearing itself. The legislation also removed the requirement that a teacher grievance hearing be set within 15 days of the request for such hearing and extends from five days to 10 days the minimum period of advanced written notice to the teacher of the time and place of such hearing. Other changes are designed to align the regulatory text with §§ 22.1-309 and 22.1-311 of the Code of Virginia. The Board is also taking action to align 8VAC20-90-70 with §§ 22.1-309 and 22.1-311, as required by § 22.1-308(A)(9) of the Code of Virginia. This action also includes amendments to 8VAC20-90-10 in order to conform the definition of “grievance” and add a definition of “military status,” pursuant to Chapter 1137 of the 2020 Acts of the Virginia General Assembly and Chapter 477 of the 2021 Acts of the Virginia General Assembly, respectively.

Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	The Board approved this action in February 2023, but it has not yet been certified by the Office of the Attorney General. The agency expects to submit the action for executive branch review in March 2024.	

Action/Stage or Guidance Document Forum ID (if available)

5946/9601

Title of Proposed Regulatory Action or Guidance Document

Fast-track action to align the Standards of Accreditation with Chapter 26 of the 2021 Acts of the Assembly

Brief Overview

Chapter 26 of the 2021 Acts of the Assembly (“Chapter 26”) amended § 22.1-137.2 of the Code of Virginia to require that every public school conduct a lock-down drill at least once during the first 20 days of each school session. Section 22.1-137.2 previously required that public schools conduct lock-down drills at least twice during the first 20 days of each school session. Chapter 26 requires the Board of Education (“Board”) to amend 8VAC20-131-260 B 3 of the Regulations Establishing Standards for Accrediting Public Schools in Virginia.

Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	The Board approved this action in March 2022, but it has not yet been certified by the Office of the Attorney General. The agency expects to submit the action for executive branch review in March 2024.	

Action/Stage or Guidance Document Forum ID (if available) 5970/9651		
Title of Proposed Regulatory Action or Guidance Document Exempt action to update 8VAC20-490-30's length of school day requirement		
Brief Overview Chapter 582 of the 2020 Acts of the Assembly ("Chapter 582") amended § 22.1-79.1 to standardize the minimum instructional time requirement across grades K–12. Whereas kindergarten previously required a minimum of 540 hours of instructional time, Chapter 552 requires a minimum of 990 hours of instructional time. Chapter 582 included a delayed enactment clause such that the amendments would become effective on July 1, 2022. In order to comply with Chapter 582, the Board will need to make minor changes to 8VAC20- 490-30 in order to change the length of school day requirements for local school boards. The Board has not exercised any discretion in making the required changes.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	The Board approved this action in June 2022, but it has not yet been certified by the Office of the Attorney General. The agency expects to submit the action for executive branch review in March 2024.	

Action/Stage or Guidance Document Forum ID (if available) 5915/9544

Title of Proposed Regulatory Action or Guidance Document Legislative mandate to establish the same requirements on restraint and seclusion for private special education day schools as those for public schools		
Brief Overview Item 138.I of Chapter 552 of the 2023 Special Session I directed the Board of Education to “develop and promulgate regulations for private special education day schools on restraint and seclusion that establish the same requirements for restraint and seclusion as those for public schools.” The <i>Regulations Governing the Operation of Private Schools for Students with Disabilities</i> (8VAC20-671) are already in close alignment to the <i>Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia</i> (8VAC20-750). The amendments to the Regulations Governing the Operation of Private Schools for Students with Disabilities adds definitions and requirements associated with the development of policies and procedures related to the use of seclusion and application of restraints, and they alter the requirements for reporting the use of seclusion and application of restraints. All regulatory changes are necessary to “establish the same requirements for restraint and seclusion [for private special education day schools] as those for public schools”—as directed by the General Assembly—with minimal, technical modifications to account for the differences between private day schools and public schools.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	The Board approved the action in January 2022, but it has not yet been certified by the Office of the Attorney General. The agency expects to submit the action for executive branch review in March 2024.	

Action/Stage or Guidance Document Forum ID (if available) 5879/9485		
Title of Proposed Regulatory Action or Guidance Document Action to Adopt New Standards for the Background Checks for Child Day Programs and Family Day Systems		
Brief Overview The agency has determined that the revisions to this chapter can be consolidated into the action 5880 (“Adopt New Standards for the General Procedures and Information for Licensure”). Once action 5880 is accepted for the proposed stage, this action will move forward as a repeal of the chapter.		
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed

	<input type="checkbox"/> Final	<input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This chapter will be consolidated into new chapter 8VAC20-821.	
Expected Date	The agency expects this action to proceed to the proposed stage in March 2024.	

Action/Stage or Guidance Document Forum ID (if available) 5879		
Title of Proposed Regulatory Action or Guidance Document Action to Adopt New Standards for the Background Checks for Child Day Programs and Family Day Systems		
Brief Overview The agency has determined that the revisions to this chapter can be consolidated into the action 5880 ("Adopt New Standards for the General Procedures and Information for Licensure"). Once action 5880 is accepted for the proposed stage, this action will move forward as a repeal of the chapter.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This chapter will be consolidated into new chapter 8VAC20-821.	
Expected Date	The agency expects that this action will proceed to the proposed stage as a repeal of the chapter in December 2023.	

Action/Stage or Guidance Document Forum ID (if available) 6268/10047		
Title of Proposed Regulatory Action or Guidance Document Revisions to the Standards for Licensed Child Day Centers		
Brief Overview Chapter 880 of the Acts of Assembly (2020) transferred oversight of child care programs and regulations to the Virginia Department of Education (VDOE). The regulation, Standards for Licensed Child Day Centers (8VAC20-780) describes health and safety requirements and provides standards to protect children under the age of 13 years who are separated from their parents during part of the day by reducing risks in centers and ensuring that activities, services, and facilities of centers are conducive		

to the well-being of children. As part of the transition planning process in 2019, the VDOE committed to engaging in a comprehensive review of the Standards with key stakeholders. Starting in December 2021, the VDOE engaged a workgroup of Early Childhood Advisory Committee (ECAC) members and select other key stakeholders to conduct a thorough, yearlong review and revision of the Standards. Upon completion of this workgroup effort, the VDOE sought and received a full endorsement of the initial draft of revised Standards from the ECAC.?? This action is for a comprehensive review and replacement of the regulation to make it consistent with federal laws and the Code of Virginia, and to make any other changes the agency deems necessary after comments and review, and to pursue a full endorsement of the final draft of the revised Standards from the ECAC. The VDOE will provide all stakeholders, including all licensed child day centers, with an additional opportunity to provide public comment on this proposed regulatory action and will engage constituent groups and stakeholders throughout the development of the regulation.

Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	The Board approved the NOIRA in June 2022. The action was submitted to the Secretary of Education in July 2023.	

Action/Stage or Guidance Document Forum ID (if available) 5879		
Title of Proposed Regulatory Action or Guidance Document Action to Adopt New Standards for the Background Checks for Child Day Programs and Family Day Systems		
Brief Overview The agency has determined that the revisions to this chapter can be consolidated into the action 5880 ("Adopt New Standards for the General Procedures and Information for Licensure"). Once action 5880 is accepted for the proposed stage, this action will move forward as a repeal of the chapter.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This chapter will be consolidated into new chapter 8VAC20-821.	

Expected Date	The agency expects that this action will proceed to the final stage as a repeal of the chapter in June 2024.
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Action/Stage or Guidance Document Forum ID (if available) 5880/9793	
Title of Proposed Regulatory Action or Guidance Document Adopt New Standards for the General Procedures and Information for Licensure	
Brief Overview <p>This regulatory action will repeal 8VAC20-820, "General Procedures and Information for Licensure," and establish a comprehensive new chapter, 8VAC20-821. The General Procedures and Information for Licensure was originally promulgated by the Virginia Department of Social Services in 1984 and adopted by the Board in 2021. The Board intends to repeal the current chapter and promulgate a new chapter in its place in order to implement statutory requirements, clarify existing regulatory requirements, and update practices and procedures.</p> <p>In developing the new chapter, the Board found it was expeditious to condense the requirements of chapters 820, 770 (see action 5879), and 830 into the new chapter 821.</p>	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This action includes a significant regulatory reduction. Although exact counts have not been completed, the action will condense three chapters into a single chapter and roughly 45 pages of regulatory text into 15 pages.
Expected Date	The Board approved the proposed stage in October 2022, but the action has not yet been certified by the Office of the Attorney General. The agency expects to submit the action for executive branch review in March 2024.

Action/Stage or Guidance Document Forum ID (if available) 5880	
Title of Proposed Regulatory Action or Guidance Document Adopt New Standards for the General Procedures and Information for Licensure	
Brief Overview <p>This regulatory action will repeal 8VAC20-820, "General Procedures and Information for Licensure," and establish a comprehensive new chapter, 8VAC20-821. The General Procedures and Information for Licensure was originally promulgated by the Virginia Department of Social Services in 1984 and adopted by the Board in 2021. The Board intends to repeal the current chapter and promulgate a new chapter in</p>	

its place in order to implement statutory requirements, clarify existing regulatory requirements, and update practices and procedures.

In developing the new chapter, the Board found it was expeditious to condense the requirements of chapters 820, 770 (see action 5879), and 830 into the new chapter 821.

Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This action includes a significant regulatory reduction. Although exact counts have not been completed, the action will condense three chapters into a single chapter and roughly 45 pages of regulatory text into 15 pages.	
Expected Date	The agency expects that this action will proceed to the final stage in June 2024.	

Action/Stage or Guidance Document Forum ID (if available)

n/a

Title of Proposed Regulatory Action or Guidance Document

Action to repeal 8VAC20-830

Brief Overview

During the development of action 5880, the agency found it was expeditious to condense the requirements of chapters 820, 770 (see action 5879), and 830 into the new chapter 821. Once action 5880 is ready to move to the final stage, the agency will submit a fast-track action to repeal chapter 830.

Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This action is part of a regulatory reduction, and chapter 830 will be folded into the new chapter 821.	
Expected Date	The agency expects to submit this action when action 5880 moves to the final stage in the June 2024.	

Action/Stage or Guidance Document Forum ID (if available)

6290/10083

Title of Proposed Regulatory Action or Guidance Document Action to comply with Chapter 4 of the 2023 Acts of the Assembly		
Brief Overview Chapter 4 directs the Board to amend subdivisions 8VAC20-81-60(B)(1)(g) and 8VAC20-81-70(H)(2) and (3) of the Regulations Governing Special Education Programs for Children with Disabilities in Virginia to permit local educational agencies to shorten the deadline from 65 business days from the date of receipt of referral for an initial evaluation or a reevaluation of a child to determine eligibility for special education and related services.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	n/a	
Expected Date	Register date: 10/23/23	

Action/Stage or Guidance Document Forum ID (if available) 6291/10084		
Title of Proposed Regulatory Action or Guidance Document Action to comply with Chapter 7 of the 2023 Acts of the Assembly		
Brief Overview Chapter 7 amends § 22.1-253.13:4 of the Code of Virginia also to allow the Board to waive certain graduation requirements and award a high school diploma “upon the request of the parent of any high school senior who died in good standing prior to graduation during the student’s senior year.” The waiver process described in § 22.1-253.13:4 is currently regulated in 8VAC20-131-420(B) of the Regulations Establishing Standards for Accrediting Public Schools in Virginia.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	n/a	
Expected Date	Register date: 10/23/23	

Action/Stage or Guidance Document Forum ID (if available) n/a		
Title of Proposed Regulatory Action or Guidance Document Action to comply with Chapter 122 of the 2023 Acts of the Assembly		
Brief Overview Chapter 122 directs the Board to amend its regulations to require each child day center and family day home to implement policies for the possession and administration of epinephrine. Chapter 122 clarifies for the Board how to implement amendments to the Code of Virginia made during the 2022 legislative session.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	n/a	
Expected Date	The agency expects to submit this action in November 2023.	

Action/Stage or Guidance Document Forum ID (if available) 6292/10085		
Title of Proposed Regulatory Action or Guidance Document Action to comply with Chapter 748 and 771 of the 2023 Acts of the Assembly		
Brief Overview Chapter 748 clarifies when the Board must extend a three-year provisional license issued to a teacher working in a school division by specifying that the division superintendent must provide satisfactory performance evaluations for the teacher during the original three-year provisional license that such teacher was actually employed and received a filed performance evaluation. The Board must amend 8VAC20-23-50(A) of the Licensure Regulations for School Personnel in order to account for the additional statutory language. Chapter 771 allows a teacher who has had a founded complaint of child abuse or neglect and whose license the Board has revoked to apply for reinstatement if a court reverses the finding of abuse or neglect. In such situation, the Board is required to consider and act upon the application for reinstatement within 90 days of submission. The statutory provision is being added to 8VAC20-23-720(B) of the Licensure Regulations for School Personnel for clarity.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track

Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	Register date: 10/23/23	

Action/Stage or Guidance Document Forum ID (if available) 6308		
Title of Proposed Regulatory Action or Guidance Document Revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia		
<p>Since the last revision to the Standards of Accreditation in 2017, it has become apparent that the Standards of Accreditation merit further review to align better with Board goals. Although Virginia's public schools have long been regarded as among the best in the nation, the Commonwealth has seen widening gaps in student achievement and a significant slip in comparison with other states on numerous academic measures. For example, the National Assessment of Educational Progress ("NAEP") shows that Virginia has wide gaps between student proficiency standards on state reading and math assessments and the grade-level proficiency benchmarks: only 38% of Virginia fourth graders and 33% of eighth graders were proficient in reading on the 2019 NAEP, compared with 75% and 76% respectively on the 2019 state fourth- and eighth-grade SOL reading tests. Further compounding these issues is pandemic-related learning loss, which one publisher of widely used K-12 assessments has shown to be worse in Virginia than the national average (see Renaissance: How Kids Are Performing). Moreover, preliminary data from the 2022–2023 SOL assessments indicate that Virginia students continue to see learning loss. Additional information can be found in the VDOE's Our Commitment to Virginians. The true state of Virginia's school system, however, does not appear to be adequately captured by the current accreditation system. The Board will revise the current accreditation system in order to increase transparency, improve student success for all students, and aid in the allocation of Commonwealth resources into Virginia schools. Without a clear picture of the relationship between school performance and student performance, neither the Board nor the General Assembly can find the proper solutions to the problems faced by Virginia students. The Board is considering a full revision of the Standards of Accreditation as an integral step to improving the state of public schools.</p>		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input checked="" type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action

Deregulatory Component	This action will focus upon increasing clarity of the accountability system.
Expected Date	The Board expects to move to the proposed stage in February 2024.

Action/Stage or Guidance Document Forum ID (if available) n/a		
Title of Proposed Regulatory Action or Guidance Document Regulations Governing the Virginia Unified Measurement and Improvement System		
Brief Overview The Board will open a regulatory action in order to set requirements related to the unified measurement and improvement system required by § 22.1-289.05(A).		
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This is a new regulatory chapter.	
Expected Date	April 2024	

Action/Stage or Guidance Document Forum ID (if available) n/a		
Title of Proposed Regulatory Action or Guidance Document Child Care Subsidy Program Guidance Manual		
Brief Overview The Board will update the Child Care Subsidy Program Guidance Manual to reflect changes in federal guidance		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component		

Expected Date	April 2024
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Action/Stage or Guidance Document Forum ID (if available) n/a		
Title of Proposed Regulatory Action or Guidance Document Update to the Model Guidance for Positive and Preventive Code of Student Conduct Policy and Alternatives to Suspension		
Brief Overview The Board will update the policy to comply with Chapter 296 of the 2023 Acts of the Assembly.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	X Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	X Discretionary action
Deregulatory Component		
Expected Date	June 2024	

Action/Stage or Guidance Document Forum ID (if available) n/a		
Title of Proposed Regulatory Action or Guidance Document High-Quality Professional Development		
Brief Overview The Board will develop high-quality professional development in accordance with Chapter 645 of the 2023 Acts of the Assembly.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	X Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	X Discretionary action
Deregulatory Component		
Expected Date	June 2024	

Action/Stage or Guidance Document Forum ID (if available) n/a		
Title of Proposed Regulatory Action or Guidance Document Revisions to the Board's High-Quality Work-Based Learning Guide		
Brief Overview The Board will make annual updates to the High-Quality Work-Based Learning Guide.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	X Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	X Discretionary action
Deregulatory Component		
Expected Date	June 2024	

Action/Stage or Guidance Document Forum ID (if available) n/a		
Title of Proposed Regulatory Action or Guidance Document Revisions to the Board's Approved Industry Certifications, Occupational Competency Assessments, and Professional Licenses		
Brief Overview The Board will do an annual update to the Approved Industry Certifications, Occupational Competency Assessments, and Professional Licenses		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	X Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	X Discretionary action
Deregulatory Component		
Expected Date	June 2024	

Action/Stage or Guidance Document Forum ID (if available) n/a		
Title of Proposed Regulatory Action or Guidance Document Revisions to the Board's Approved Courses to Satisfy Graduation Requirements for the Standard, Advanced Studies, and Modified Standard Diplomas in Virginia Public Schools		
Brief Overview The Board will do an annual update to the Approved Courses to Satisfy Graduation Requirements for the Standard, Advanced Studies, and Modified Standard Diplomas in Virginia Public Schools		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	June 2024	