| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
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# Agenda Item: D

## Date: April 22, 2021

### Title: Final Review of Withdrawal of the Proposed Stage of the Periodic Review of the *Regulations Governing Educational Services for Gifted Students*

#### Presenter: Michael Bolling, Assistant Superintendent of Learning and Innovation

#### Email: Michael.Bolling@doe.virginia.gov Phone: (804) 225-2034

## Purpose of Presentation:

Action required by state or federal law or regulation.

Executive Summary:
On March 12, 2021, the Virginia Board of Education (Board) received two letters from the African American Superintendents Advisory Council (AASAC); one letter addressing Advancing Racial Equity in Virginia’s Public Schools, and another letter encouraging the Board to issue guidance on the governance of academic-year Governor’s Schools. The impetus behind the letter requesting the Board to issue guidance on the governance of academic-year Governor’s Schools came from [House Bill 2305](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB2305&212+sum+HB2305) (Tyler) from the 2021 General Assembly, requiring the Board of Education to “issue guidance on the governance of academic year Governor's Schools, including communication and outreach practices, admissions policies, and guidelines on diversity, equity, and inclusion training.” This bill was passed by indefinitely in the Senate’s Education and Health Committee. Subsequently, the Board engaged in discussion at the March 18, 2021 business meeting and suggested the desire to withdraw the previously approved *Regulations Governing Educational Services for Gifted Students* to allow time for additional review.

Pursuant to §[2.2-4016](https://law.lis.virginia.gov/vacode/title2.2/chapter40/section2.2-4016/) of the *Code of Virginia*, this proposed Board action would formally withdraw the *Regulations Governing Educational Services for Gifted Students*, previously approved by the Board on October 15, 2020, and provide staff and Board additional time to respond to potential action items and solicit public feedback and engagement.

## Action Requested:

Final review: Action requested at this meeting.

## Superintendent’s Recommendation: The Superintendent of Public Instruction recommends that the Board approve the withdrawal the Proposed Stage of the Periodic Review of the *Regulations Governing Educational Services for Gifted Students*.

## Rationale for Action:

Pursuant to [§2.2-4016](https://law.lis.virginia.gov/vacode/title2.2/chapter40/section2.2-4016/) of the *Code*, Board action is required to withdraw the proposed stage of this regulatory action.

## Previous Review or Action:

Previous review and action. Specify date and action taken below:

**Action:** Final Review of the Proposed Revisions to the *Regulations Governing Educational Services for Gifted Students* (8 VAC 20-40-10 et. seq.) (Proposed Stage)

**Date:** October 25, 2020

Background Information and Statutory Authority:
Section [2.2-4016](https://law.lis.virginia.gov/vacode/title2.2/chapter40/section2.2-4016/) of the *Code of Virginia* provides the Board with the authority to withdraw at any point in the regulatory process before regulations become effective.

§ 2.2-4016. Withdrawal of regulation.

Nothing in this chapter shall prevent any agency from withdrawing any regulation at any time prior to the effective date of that regulation. A regulation may be repealed after its effective date only in accordance with the provisions of this chapter that govern the adoption of regulations.

Timetable for Further Review/Action:
Upon Board approval, the proposed stage will be formally withdrawn from the Virginia Regulatory Town Hall, pursuant to the procedures outlined in the Administrative Process Act.

## Impact on Fiscal and Human Resources:

There is no fiscal impact of regulation withdrawal. The promulgation of new regulations will be absorbed within existing staff resources.