



# VIRGINIA BOARD OF EDUCATION

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# AGENDA ITEM

**Agenda Item:** G

**Date:** December 12, 2023

**Title:** First and Final Review of Regular Review of Board of Education Regulatory Actions

**Presenter:** Jim Chapman, Director of Board Relations

## **Purpose of Presentation**

Action required by state or federal law or regulation (i.e., a change in law requires a change in program requirements; this is part of a regulatory action).

## **Executive Summary**

VDOE staff has recently reviewed the Board's current regulatory actions and recommends that the Board consider taking the following actions:

1. Action 5749 is an action to establish standards for virtual education in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* ([8VAC20-131](#)). The Notice of Intended Regulatory Action ("NOIRA") was published on August 30, 2021, and the public comment period closed on October 29, 2021, with zero comments. Although the Board heard high-level presentations on virtual learning at [a Work Session on April 20, 2022](#), no further action has been taken. The Board composition changed significantly in July 2022 and began to prioritize different topics. Since the action has been dormant for over two years, VDOE staff recommends that the action be withdrawn until the Board can devote attention to the matter.
2. Action 5348 is a set of revisions to the *Regulations Governing Secondary School Transcripts* (8VAC20-160). The action was approved by the Board at the Final Stage on March 17, 2022. The action has been in Executive Branch review since March 2022. Since the Board approved the action, the VDOE has received feedback about different aspects of the regulatory changes—especially the amendments to 8VAC20-160-50, which make the weighting of advanced-level courses optional. VDOE staff recommends that the stage be withdrawn, which would take the action back to the Proposed Stage, so that the changes can be reviewed for alignment with the Board's direction. If the

Board withdraws the Final Stage, VDOE staff will work with stakeholders and bring regulatory language back to the Board for approval.

3. Action 5943 is a NOIRA approved by the Board in November 2021 on advice from the Office of the Attorney General. In attempting to develop the regulatory changes, VDOE staff does not have sufficient examples of research that falls under these regulations to require a regulatory change. VDOE has also setup an internal Institutional Review Board. VDOE staff recommends that the action be withdrawn.

**Action Requested**

Final review: Action requested at this meeting.

**Superintendent’s Recommendation**

The Superintendent of Public Instruction recommends that the Board of Education waive first review and withdraw actions 5749 and 5943, as well as withdraw the Final Stage of action 5348.

**Rationale for Action**

These regulatory actions have each stalled for the reasons enumerated above. A key aspect of the regulatory process is keeping the public involved in the actions of the promulgating agency. Public transparency is not served by maintaining open regulatory actions that are not aligned with the Board’s policy or moving with sufficient speed.

**Previous Review or Action**

No previous review or action.

**Background Information and Statutory Authority**

This action arose from VDOE staff reviewing outstanding regulatory actions.

**Implementation and Communication**

Upon approval by the Board, the actions/stages will be withdrawn from the Virginia Regulatory Town Hall as described above.

**Impact on Fiscal and Human Resources**

This action has no impact on fiscal or human resources.