



# VIRGINIA BOARD OF EDUCATION

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# AGENDA ITEM

**Agenda Item:** F

**Date:** July 25, 2024

**Title:** First and Final Review of Fast-Track Action to Align 8VAC20-81 with Chapter 502 of the 2024 Acts of the Assembly

**Presenter:** Jim Chapman

### **Purpose of Presentation**

Action required by state or federal law or regulation.

### **Executive Summary**

Chapter [502](#) of the 2024 Acts of the Assembly direct the Board of Education (“Board”) to review and consider an update to its regulations, including 8VAC20-81-110, to include parent and student input as required content in an IEP for all relevant students, define “short-term objectives” for the purposes of IEP content, and include, as appropriate, short-term objectives derived from measurable goals as required content in an IEP for all relevant students.

This proposed regulatory action is necessary to conform to this change in Virginia statutory law.

### **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 approve the regulatory change included with this item.

### **Rationale for Action**

The Board is being asked to approve this action in order to keep its regulations consistent with the requirements of the Code of Virginia and to fulfill directives from the General Assembly and the Governor.

**Previous Review or Action**

No previous review or action.

**Background Information and Statutory Authority**

Section [2.2-4012.1](#) of the Code of Virginia provides that “fast-track” rulemaking may be used when a rule is considered to be “noncontroversial.”

Chapter 502 of the 2024 Acts of the Assembly directs the Board to review and consider updates to its regulations to include parent and student input as required content in an IEP for all relevant students, define “short-term objectives” for the purposes of IEP content, and include, as appropriate, short-term objectives derived from measurable goals as required content in an IEP for all relevant students. In defining “short-term objectives” the Board is exercising some amount of discretion, thus precluding this regulatory change from proceeding as an exempt action.

**Stakeholder Engagement**

Since this regulatory action is in response to legislation, no stakeholder engagement has been conducted by VDOE staff.

**Implementation and Communication**

Upon approval by the Board, this action will be submitted as a fast-track regulatory action in accordance with the Administrative Process Act.

**Impact on Fiscal and Human Resources**

Any impact on fiscal and human resources would have been considered by the General Assembly and the Governor. VDOE will comply with all approved laws.