



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: G

Date: July 25, 2024

Title: First and Final Review of Fast-Track Action to Align 8VAC20-671 with Chapter 172 of the 2021 Acts of the Assembly Special Session 1

Presenter: Jim Chapman

Purpose of Presentation

Action required by state or federal law or regulation

Executive Summary

Chapter [172](#) of the 2021 Acts of the Assembly Special Session 1 directs the Board of Education (“Board”) to require, pursuant to regulation, any private school for students with disabilities that is licensed by the Board, as a condition for renewal of its initial license to operate, to obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education within three years of the issuance of its initial triennial license by the Board. The bill provides that, notwithstanding the foregoing requirement, any private school for students with disabilities that is licensed to operate by the Board as of July 1, 2021, shall obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education no later than July 1, 2024.

This proposed regulatory action is necessary to conform with 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 172 directs the Board to require, via regulation, any private school for students with disabilities that is licensed by the Board, as a condition for renewal of its initial license to operate, to obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education within three years of the issuance of its initial triennial license by the Board. The bill provides that, notwithstanding the foregoing requirement, any private school for students with disabilities that is licensed to operate by the Board as of July 1, 2021, shall obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education no later than July 1, 2024. In defining “accredited status” 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 laws.