



Virginia  
Regulatory  
Town Hall

## Emergency Regulation Agency Background Document

<b>Agency Name:</b>	Virginia Department of Education
<b>VAC Chapter Number:</b>	8 VAC 20-680-10 et seq.
<b>Regulation Title:</b>	Regulations for the General Achievement Diploma
<b>Action Title:</b>	Emergency Regulations
<b>Date:</b>	May 2003

Section 9-6.14:4.1(C)(5) of the Administrative Process Act allows for the adoption of emergency regulations. Please refer to the APA, Executive Order Twenty-Four (98), and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the emergency regulation submission package.

### Emergency Preamble

*Please provide a statement that the emergency regulation is necessary and provide detail of the nature of the emergency. Section 9-6.14:4.1(C)(5) of the Administrative Process Act states that an "emergency situation" means: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. The statement should also identify that the regulation is not otherwise exempt under the provisions of § 9-6.14:4.1(C)(4).*

*Please include a brief summary of the emergency action. There is no need to state each provision or amendment.*

The 2003 General Assembly passed HB 1464 with the inclusion of the statement that the Board of Education shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. This regulation is not otherwise exempt under the provisions of §9-6.14:4.1(C)(4).

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the emergency regulation. The discussion of this emergency statutory authority should: 1) describe its scope; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. Full citations of legal authority and web site addresses, if available for locating the text of the cited authority, should be provided.*

*Please provide a statement that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the emergency regulation and that it comports with applicable state and/or federal law.*

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The General Assembly has the legal authority in the commonwealth to pass legislation to amend and/or reenact sections of the Code of Virginia.

## Substance

*Please detail any changes, other than strictly editorial changes, that would be implemented. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Please provide a cross-walk which includes citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of Virginians. The statement should also delineate any potential issues that may need to be addressed as a permanent final regulation is developed.*

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The General Assembly in House Bill 1464 amended and reenacted §§ 22.1-253.13:4 and 22.1-254.2 of the Code of Virginia relating to the creation of the general achievement diploma.

§22.1-253.13:4 E. *By September 1, 2003, the Board shall establish, by regulation, requirements for the award of a general achievement diploma for those persons who have (i) achieved a passing score on the GED examination; (ii) successfully completed an education and training program designated by the Board of Education; and (iii) satisfied other requirements as may be established by the Board for the award of such diploma.*

§ 22.1-254.2. Testing for general educational development; eligibility; guidelines.

A. The Board of Education shall establish a program of testing for general educational development (GED) through which persons may earn a high school equivalency certificate *or a diploma as provided in subsection E of § 22.1-253.13:4.*

Note: The term “diploma candidate” is used in the emergency regulation to mean a person who may be working toward for a diploma, but who is not currently enrolled in school. This definition is consistent with the intent of the Board of Education and the enabling legislation. The text of the permanent regulations will clarify the meaning of “diploma candidate” in order to eliminate any confusion in school divisions.

The proposed regulation increases the options for individuals to earn a diploma. This could have a positive impact on the welfare of Virginians.

### Alternatives

*Please describe the specific alternatives that were considered and the rationale used by the agency to select the least burdensome or intrusive method to meet the essential purpose of the action.*

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Alternatives from the public will be given significant consideration during the review process. The Board of Education must establish, by regulation, the requirements for the general achievement diploma.

### Family Impact Statement

Please provide a preliminary analysis of the potential impact of the emergency action on the institution of the family and family stability including to what extent the action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

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The proposed regulation could have impact on the institution of the family or family stability by allowing more individuals an opportunity to obtain a high school diploma and therefore will encourage economic self-sufficiency and increase disposable family income.