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Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation(s)	8 VAC 20-81
Regulation title(s)	Regulations Governing Special Education Programs for Children with Disabilities in Virginia
Action title	Update to comport with legislative changes made by HB1086 and HB 1007 (2014) concerning special education for virtual school students
Final agency action date	November 20, 2014
Date this document prepared	November 3, 2014 (revised June 1, 2015)

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The 2014 General Assembly passed, and the Governor signed into law, HB 1086, which amends § 22.1-215 of the Code of Virginia to provide that children with disabilities who are enrolled in a full-time virtual school program provided by a Virginia school division must receive a free and appropriate education, including special education, from that division. It also allocates federal and state special education funding for that student to that division. Previously, neither the Code of Virginia nor Regulations had addressed the status of Virginia students with disabilities enrolled full-time in a virtual program sponsored by a school division in which they did not reside. The amendment to 8 VAC 20-81-30 brings the Regulations into conformance with the Code of Virginia.

In addition, the 2014 General Assembly passed, and the Governor signed into law, HB 1007, which changes references to “General Educational Development credential” or “G.E.D.” to “high school equivalency examination approved by the Board of Education.” Previously, the G.E.D. was the only available high school equivalency examination. At the present time, additional examinations are available, and the Code was amended to allow the Board of Education the flexibility to approve examinations other than the G.E.D. The amendments to 8 VAC 20-81-90 and 8 VAC 20-81-100 will bring the Regulations into conformance with the terminology used in the Code of Virginia.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Virginia Board of Education approved the changes to the Regulations Governing Special Education for Students with Disabilities in Virginia on November 20, 2014.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory 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.

The proposed amendment will provide families with clarification on responsibility for special education services when a student is enrolled in a virtual school, thus enhancing the institution of the family and family stability.