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Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-81-60; 8VAC20-81-70
VAC Chapter title(s)	<i>Regulations Governing Special Education Programs for Children with Disabilities in Virginia</i>
Action title	Exempt action to align 8VAC20-81-60 and 70 with Chapter 4 of the 2023 Acts of the Assembly
Final agency action date	July 27, 2023
Date this document prepared	July 27, 2023

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

[Chapter 4](#) of the 2023 Acts of the Assembly directs the Board to amend subdivisions [8VAC20-81-60\(B\)\(1\)\(g\)](#) and [8VAC20-81-70\(H\)\(2\)](#) and (3) of the [Regulations Governing Special Education Programs for Children with Disabilities in Virginia](#) to permit local educational agencies to shorten the deadline from 65 business days from the date of receipt of referral for an initial evaluation or a reevaluation of a child to determine eligibility for special education and related services.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

This action is the result of a legislative mandate. [Chapter 4](#) of the 2023 Acts of the Assembly directs the Board to amend its regulations.

Statement of Final Agency Action

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.

This regulatory action was approved by the State Board of Education on [July 27, 2023](#), as part of [Item G: First and Final Review of Regulatory Actions Following the 2023 Session of the General Assembly](#). The regulatory text was provided to the Board as [Attachment 1](#).