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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	State Board of Education
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	8 VAC20-30
<b>VAC Chapter title(s)</b>	Regulations Governing Adult High School Programs
<b>Date this document prepared</b>	February 8, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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*.

## Acronyms and Definitions

*Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

"Board" means Virginia Board of Education  
"VDOE" means Virginia Department of Education

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

The general regulatory authority for the State Board of Education is found in § 22.1-16 of the Code of Virginia, which authorizes the State Board of Education to "adopt bylaws for its own government and

promulgate such regulations as may be necessary to carry out its powers and duties and the provisions” of title 22.1 of the Code of Virginia.

Section 22.1-224 requires, in part, that the Board “[r]equire the development of adult education programs in every school division” and “[p]romulgate appropriate standards and guidelines for adult education programs.”

### Alternatives to Regulation

*Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

There are no practical alternatives to this regulation. The Board is required by statute to have regulations governing adult high school programs. Chapter 8VAC20-30 requires local school officials to be responsible for evaluating and awarding credit for educational achievement.

### Public Comment

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

Commenter	Comment	Agency response
N/A	N/A	N/A

### Effectiveness

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

This regulation is necessary, for the protection of public health, safety and welfare, and it is clearly written and easily understandable.

### Decision

*Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

*If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.*

While the periodic review found that the regulations were reasonably consistent with the statutory requirements, it is the promulgating agency’s decision is to amend the regulations to make the regulations

more easily understandable. The agency will also amend the regulation to reduce regulatory requirements in 8VAC20-30-20.

### Small Business Impact

*As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

There is a continued need for this regulation. The agency has not received any complaints or comments concerning this regulation. This regulation is not overly complex, nor does it appear that this regulation overlaps, duplicates, or conflicts with federal or state law or regulation. The promulgation of chapter 8VAC20-30 was completed and became effective on June 27, 1985. Since that time, amendments for consistency with the Code of Virginia were made on August 15, 2005, and updates to comport with legislative changes were made on February 10, 2016. The agency has found and decided that there is a continued need for the regulation, and the regulation is consistent with applicable law.