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Periodic Review and Small Business Impact Review Report of Findings

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| Agency name | State Board of Education |
| Virginia Administrative Code (VAC) Chapter citation(s) | 8 VAC20-420 |
| VAC Chapter title(s) | Regulations Governing Personnel in Public School Libraries Operated under Joint Contract under Control of Local School Board or Boards |
| Date this document prepared | April 30, 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 – Virginia Board of Education
Department – 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 State Board of Education amends this chapter pursuant to §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.

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. Chapter 8VAC20-420 requires all such persons employed in any public school library or any library operated under joint contract between a school board or boards and the trustees of a county or regional library system shall be under the direction, supervision, and control of the local school board or boards.

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.

Pursuant to § 22.1-131 A of the Code of Virginia, “a school board may permit the use, upon such terms and conditions as it deems proper, of such school property as will not impair the efficiency of the schools. ... Permitted uses of buildings may include, but are not limited to, ... operation of a local or regional library pursuant to an agreement between the school board and a library board created as provided in § 42.1-35.”

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.

There remains a continued need for the regulation. The agency has not received any complaints or comments concerning this regulation. The complexity of the regulation stems from the statutory requirements found in Title 22.1 of the Code of Virginia and Title 42.1 of the Code of Virginia. There are no apparent overlaps, duplications, or conflicts with federal or state or regulation. The promulgation of chapter 8VAC20-420 was completed and it became effective on September 1, 1980. Since that time, the regulation has not been evaluated or the degree to which technology, economic conditions, or other factors have change in the area affected by the regulation. The agency has found that amending this chapter by consolidating it into other select regulations related to local school boards should minimize any identifiable economic impact of these regulations on small businesses.

The periodic review found that the regulations are consistent with statutory requirements, and the agency's decision is to retain the regulation.

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 the 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 remains a continued need for the regulation. The agency has not received any complaints or comments concerning this regulation. The regulation stems from the statutory requirements found in Title 22.1 of the Code of Virginia and Title 42.1 of the Code of Virginia. There are no apparent overlaps, duplications, or conflicts with federal or state or regulation. The promulgation of chapter 8VAC20-420 was completed and it became effective on September 1, 1980. The chapter does not appear to have been affected by changes to technology, economic conditions, or other conditions. The agency has found that the chapter might be consolidated into another chapter of regulations related to local school boards (e.g., 8VAC20-720).