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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-281
VAC Chapter title(s)	Regulations Governing Jointly Owned and Operated Schools and Jointly Operated Programs
Date this document prepared	December 3, 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 the Virginia Board of Education.
"Department" means the 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 Board’s overall regulatory authority is found in § 22.1-16 of the Code of Virginia, which states that “[t]he Board of Education may 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].”

The Board is required by § 22.1-26 to have regulations regarding joint and regional schools.

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.

These regulations are required by section 22.1-26. Funding and other provisions of Academic Year Governor’s Schools are required in the Appropriation Act.

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
Mark Levy, Roanoke Valley Governor's School	As a Director of one of Virginia's 19 Academic Year Governor's Schools, I feel that the current regulations governing jointly operated programs are working effectively and they should remain as is with no modification. Thanks, Mark Levy Director, Roanoke Valley Governor's School	Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.
Michelle L. Cihak	As an Executive Director of one of Virginia's 19 Academic Year Governor's Schools, I feel that the current regulations governing jointly operated programs are working effectively and they should remain as is with no modification. This is essential to our successful operation. Kindly, Shelly Cihak, Ed.D. Executive Director The Governor's School for the Arts	Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.
Wanda Elliott	As a Director of one of Virginia's 19 Academic Year Governor's Schools, I believe the current	Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.

	<p>regulations governing jointly operated programs are supportive of our mission and focus on student success. I request they remain as is with no changes.</p> <p>Thank you, Wanda Elliott Director, Blue Ridge Virginia Governor's School</p>	
<p>Meagan Tenia, Appomattox Regional Governor's School</p>	<p>As a Director of one of Virginia's 19 Academic Year Governor's Schools, I feel the current regulations governing jointly operated programs are working effectively and should remain as is with no modification.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>Robert Lowerre Maggie L. Walker Governor's School</p>	<p>I completely support continuing the current regulations regarding Governor's Schools. They work and this program is a boon for so many students who would otherwise not have these opportunities.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>Mike Robinson, A. Linwood Holton Governor's School</p>	<p>After reviewing the current regulations regarding Academic Year Governor's Schools, I fully support the continuation of the current regulations. Academic Year Governor's Schools serve an important role in the education of high school students in our region of the state.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>Wesley Swain, The Governor's School of Southside Virginia</p>	<p>After reviewing the current regulations governing jointly operated programs, I feel they are working effectively and should remain as is with no modification. This is key to our programs continuing to be successful and meet the needs of our areas.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>Jason Calhoun, Governor's School @ Innovation Park</p>	<p>As a Director of one of Virginia's 19 Academic Year Governor's Schools, I feel that the current regulations governing jointly operated programs are working effectively and they should remain as is with no modification.</p> <p>Thank you for your time, Jason Calhoun Director The Governor's School @ Innovation Park</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>Stephen C. Smith, Director, Central VA</p>	<p>I have been the director of an Academic Year Governor's School, the Central Virginia Governor's</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

<p>Governor's School</p>	<p>School for Science and Technology, for 15 years. I strongly support the current regulations. They work well for my school and, according to what I have heard from my fellow directors over the years, for their schools also. Thank you for your consideration.</p>	
<p>Tiffany Gravely, Piedmont Governor's School of Math, Science & Technology</p>	<p>As the Director of one of Virginia's 19 Academic Year Governor's School, I believe that the current regulations governing jointly operated programs are working effectively and they should remain as is with no modifications. Respectfully, Tiffany M. Gravely Director, Piedmont Governor's School</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>Tracie Omohundro, Commonwealth Governor's School</p>	<p>As a director of one of Virginia's 19 Academic Year Governor's School, I serve students, staff, and parents in Caroline, King George, Spotsylvania, and Stafford counties. I feel that the current regulations governing jointly operated programs are working effectively and they should remain as is with no modification. Our community appreciates the Commonwealth's legislative and fiscal support of our unique programming. Tracie Q. Omohundro, PhD Director, Commonwealth Governor's School</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>Ann Bonitatibus, Thomas Jefferson High School for Science and Technology</p>	<p>As a Director of one of Virginia's 19 Academic Year Governor's Schools, I feel that the current regulations governing jointly operated programs are working effectively and they should remain as is with no modification. We appreciate the support being given to the structures and students at our Gov Schools.</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>
<p>Ladona Gorham, Mountain Vista Governor's School</p>	<p>As a Director of one of the state's 19 Academic Year Governor's Schools, serving students in Culpeper, Fauquier, Rappahannock, Clarke, Winchester, Frederick, and Warren Counties, I strongly believe the current regulations governing jointly operated programs are</p>	<p>Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.</p>

	effective and should not be changed in any way.	
Vikki L Wismer	As a Director of one of Virginia's 19 Academic Year Governor's Schools, I feel that the current regulations governing jointly operated programs are working effectively and they should remain as is with no modification. We appreciate the support being given to the structures and students at our Governor's Schools.	Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.
Jason Strong, Chesapeake Bay Governor's School	I believe the current AYGS regulations are sufficient and should remain as is.	Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.
Rebecca Phillips, Southwest Virginia Governor's School	I feel that the current regulations governing jointly operated programs are working effectively and they should remain as is with no modification. I share my opinion from three viewpoints: as a current Director of one of Virginia's 19 Academic Year Governor's Schools, as an alum, and as a parent of a current Academic Year Governor's School student.	Thank you for your comments regarding whether this regulation should be repealed, amended, or retained in its current form.

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.

These regulations are necessary for the protection of public health, safety, and welfare. They are required by §22.1-26 and seeks to outline requirements for the operation of joint and regional schools. They are clearly written and 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.

The Board will retain the regulation as is.

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 the regulation due to programs that are in current operation. All comments received during the review were in full support of retaining the regulations as they are written. Title 22.1, Chapter 4 of the Code of Virginia mandates the Board to promulgate regulations concerning school divisions, joint schools and contracts between school divisions. The statutory requirements establish the continued need for the regulations. The Board provides protection to the safety and welfare of the citizens of the Commonwealth by ensuring that two or more school boards may, with the consent of the State Board, establish joint or regional schools, including regional public charter schools as defined in § 22.1- 212.5, comprehensive schools offering all-day academic programs and career and technical education, and regional residential charter schools for at-risk pupils, for the use of their respective school divisions and may jointly purchase, take, hold, lease, convey and condemn both real and personal property for such joint, regional, or regional public charter schools. Based upon the comments received during the public comment periods, there does not appear to be a reason to repeal or amend the regulatory chapter. The Regulations Governing Jointly Owned and Operated Schools and Jointly Operated Programs are clearly written, easy to understand, and do not overlap, duplicate, or conflict with federal or state law. Chapter 281 was enacted October 19, 2009 (Virginia Register Volume 25, Issue 26), and since that time, the regulation has not been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. The decision by the Board to retain this chapter as is, is consistent with applicable law, and will minimize the economic impact of the regulations on small businesses.
