



Virginia
Regulatory
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Fast Track Proposed Regulation Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation	8VAC 20-480
Regulation title	Regulations Governing Pupil Rights and Hearings
Action title	Regulation will be repealed.
Document preparation date	May 5, 2004

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

This regulation was effective in 1980 and prescribes the process school divisions must use when a parent or eligible student wishes to challenge information in the student's education record.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the scope of the legal authority and the extent to which the authority is mandatory or discretionary.

The Code of Virginia, § 22.1-16, vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

This regulation should be repealed because the requirements are unnecessary. The *Regulations Governing Management of the Student's Scholastic Record*, 8 VAC 20-150, require local school divisions to adhere to provisions of the Family Education Rights and Privacy Act (FERPA). FERPA regulations, at 34 CFR § 99.21 and § 99.22, require that school divisions provide a hearing when the parent or eligible student wants to challenge information in the student's educational record. FERPA also includes the process that must be followed. Since school divisions are required to adhere to the board's regulation and to FERPA, this regulation is redundant and unnecessary.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Please note: If an objection to the use of the fast-track process is received within the 60-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

The fast track process is applicable because the repeal of this regulation is noncontroversial.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.)

There are no substantive changes. The regulation is being repealed.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The advantage to the Board of Education is the elimination of a regulation that is redundant and no longer necessary. The advantage to the public is the elimination of an unnecessary regulation. There are no disadvantages to the public or the Commonwealth.

Financial impact

Please identify the anticipated financial impact of the proposed regulation and at a minimum provide the following information:

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	None
Projected cost of the regulation on localities	None
Description of the individuals, businesses or other entities likely to be affected by the regulation	None
Agency’s best estimate of the number of such entities that will be affected	None
Projected cost of the regulation for affected individuals, businesses, or other entities	None

The repeal of this regulation will not have a financial impact because the process is already required by another Board of Education regulation and FERPA.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The only alternative is to maintain a regulation that is redundant and no longer necessary.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

There is no impact caused by the proposed regulatory action because the provisions in this regulation are no longer necessary because they are in FERPA and another Board regulation.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
8VAC 20-480-10		Prescribes the process school divisions must use when a parent or eligible student wishes to challenge information in the student's education record.	Repeal because the provisions are unnecessary.