



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	20
VAC Chapter Number:	110
Regulation Title:	Regulations Governing Pupil Accounting Records
Action Title:	Amendment
Date:	1/11/01

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The proposed amendments to Virginia's pupil accounting regulations will eliminate the requirement that school divisions either maintain paper records (i.e. Virginia Teacher's Register) of student enrollment and attendance data or implement equivalent centralized (automated) systems. School divisions will be permitted to maintain student information in ways best suited to their local needs and procure automated systems without costly software customization. Additionally, the amendments will clarify the authority of school boards to approve student participation in activities and events away from school and count students as "present" (e.g. service as a General Assembly Page). No changes have been made in the proposed amendments since they were published.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Board of Education adopted amendments to Virginia's pupil accounting regulations on January 11, 2001.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Statutory Authority: §§22.1-16, 22.1-20, and Chapter 14 of Title 22.1 of the Code of Virginia, full citations follow:

§ 22.1-16 Bylaws and regulations generally

The 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 this title.

§ 22.1-20 Retention of pupil personnel records

The Board of Education is authorized to promulgate regulations governing the retention of pupil personnel records in public schools.

§ 22.1-259 Teachers to keep daily attendance records

Every teacher in every school in the Commonwealth shall keep an accurate daily record of attendance of all children in accordance with regulations prescribed by the Board of Education. Such record shall, at all times, be open to any officer authorized to enforce the provisions of this article who may inspect or copy the same and shall be admissible in evidence in any prosecution for a violation of this article as prima facie evidence of the facts stated therein.

Web site address for locating the text of the cited authority: <http://leg1.state.va.us/000/src.htm>

The Board of Education is obligated under terms of § 22.1-259 to prescribe regulations pertinent to the keeping of student attendance. These regulations apply to Virginia school divisions only and address public school enrollment, withdrawal, and attendance. No changes were made in the proposed amendments since published.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

Regulations governing Virginia's pupil accounting system have not been significantly modified in many years. These regulations have their origins in the days when all record keeping systems were paper forms, and major state funding was based on records of pupil attendance. Today, major state funding is based on student membership and most schools have automated their membership and attendance record keeping. Historically, state and local officials have interpreted the existing regulations to require that computer systems produce the equivalent of the Virginia Teacher's Register and its associated forms. Following introduction of microcomputer technology in the early 1980s, the state procured a customized software product that replicated the Virginia Teacher's Register. This product is aging and many school divisions need to replace the product with more modern software that will function properly in their own network environments. One purpose of these amendments is to make clear that school divisions may automate their pupil accounting systems without the need for costly modification of such automated systems to provide output equivalent to the Virginia Teacher's Register. These amendments will permit school divisions to consider purchase of less expensive off-the-shelf software products and systems and make their selections based on locally determined needs and system requirements.

Another problem with the existing regulations is that they may be interpreted to require schools to drop students from enrollment (after 15 days of absence) who serve as General Assembly Pages, since such an activity is neither a "field trip" nor "school sponsored". These amendments will clearly give local school boards the authority to approve students for participation in activities and events that are not school-sponsored.

Today, school divisions have greater needs for maintaining information about the circumstances under which students enter and leave school. Some students, for instance, withdraw from public schools to be taught at home in an approved program of home instruction. School divisions have the need to maintain information about such programs and students within their geographic boundaries. Extremely limited choices for indicating student enrollment circumstances and reasons for withdrawal from school are contained in the Virginia Teacher's Register instructions. These amendments are intended to make clear that the Virginia Teacher's Register is optional and that school divisions may implement systems containing expanded definitions of the circumstances surrounding student enrollment and withdrawal.

In summary, the goals of these amendments are to give school boards greater authority in approving student participation in extra-school activities and events, and give school divisions the flexibility they need in the selection and application of automated student information

systems. These amendments should improve data collection generally and reduce unnecessary paperwork and expense for Virginia schools.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

These amendments will result in the following substantive changes:

1. Use of the Virginia Teacher's Register and its associated report forms will be clearly optional,
2. School boards will permitted to establish their own record review policies and procedures,
3. The Superintendent of Public Instruction will be authorized to provide guidance to local school boards when needed or necessary,
4. School boards may approve student participation in activities and events other than "school sponsored" activities and may count students "present" in school when participating in such approved activities (e.g. serving as a Page during legislative sessions), and
5. School divisions will be permitted to use computer systems and software for recording student membership and attendance data without the necessity that software be modified to replicate the Virginia Teacher's Register and its associated report forms.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the 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 include a sentence to that effect.

The advantages associated with the proposed amendments include:

1. Greater flexibility in modifying data collection systems to adapt to changing information needs;
2. Greater flexibility in procuring and implementing systems to automate collection and maintenance of student information to meet local needs;

3. Elimination of unnecessary and burdensome paperwork;
4. Greater control of local school divisions over the education of their students (i.e. the authority to approve student participation in non school-sponsored activities and events); and
5. Elimination of costs associated with statewide software customization.

There are no foreseen disadvantages to the public or the Commonwealth.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

No changes were made in the text of the proposed amendments since their publication.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No comments were received during the public comment period and no comments were received during the Board of Education’s public hearing on October 19, 2000.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

The amendments include the following major changes:

1. Use of the Virginia Teacher's Register and its associated report forms will be clearly optional,
2. School boards will be permitted to establish their own record review policies and procedures,
3. The Superintendent of Public Instruction will be authorized to provide guidance to local school boards when needed or necessary,

4. School boards may approve student participation in activities and events other than "school sponsored" activities and may count students "present" in school when participating in such approved activities, and
5. School divisions will be permitted to use computer systems and software for recording student membership and attendance data without the necessity that software be modified to replicate the Virginia Teacher's Register and its associated report forms.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

While the extent of impact is unknown at this time, these amendments should serve to strengthen the authority of parents in the education of their children. Passage of these amendments will shift authority from the state, to local school boards, in determining when a child may be approved for participation in extra-school activities and not be counted as "absent" from school.