



[townhall.virginia.gov](http://townhall.virginia.gov)

## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Board of Education
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	8VAC20-131-80; 8VAC20-131-150
<b>VAC Chapter title(s)</b>	Regulations Establishing Standards for Accrediting Public Schools in Virginia
<b>Action title</b>	Exempt action to align the Standards of Accreditation with Chapter 552 of the 2020 Acts of the Assembly
<b>Final agency action date</b>	April 21, 2022
<b>Date this document prepared</b>	March 9, 2022

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

Chapter [582](#) of the 2020 Acts of the Assembly ("Chapter [582](#)") amended § [22.1-79.1](#) to standardize the minimum instructional time requirement across grades K–12. Whereas kindergarten previously required a minimum of 540 hours of instructional time, Chapter [582](#) requires a minimum of 990 hours of instructional time.

Chapter [582](#) included a delayed enactment clause such that the amendments would become effective on July 1, 2022, and further required that the Board of Education ("Board") adopt regulations establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation.

In order to comply with Chapter [582](#), the Board must make minor edits to [8VAC20-131-80](#) C and

[8VAC20-131-150](#) A and B of the Standards of Accreditation in order to include kindergarten in the minimum requirement of 990 hours of instructional time.

The Board has not exercised any discretion in making the required changes.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

---

This regulatory change is the result of a legislative mandate (Chapter [582](#)).

Chapter [582](#) amended § [22.1-79.1](#) to standardize the minimum instructional time requirement across grades K–12. According to Chapter [582](#), "[i]ndividual schools may propose, and local school boards may approve, pursuant to guidelines developed by the Board of Education, alternate school schedule plans providing for the operation of schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is provided for grades kindergarten through 12." Whereas kindergarten previously required a minimum of 540 hours of instructional time, Chapter [582](#) requires a minimum of 990 hours of instructional time.

Chapter [582](#) included a delayed enactment clause such that the amendments would become effective on July 1, 2022, and further required that the Board adopt regulations establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation.

### Statement of Final Agency Action

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

---

The Board approved this action to amend the Regulations Establishing Standards for Accrediting Public Schools in Virginia on April 21, 2022.