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Fast-Track Regulation Agency Background Document

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-543
VAC Chapter title(s)	Regulations Governing the Review and Approval of Education Programs in Virginia
Action title	8VAC20-543 Changes to Conform with the VLA
Date this document prepared	1/8/2026

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*.

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.

The Virginia Literacy Act (VLA) introduced requirements to improve literacy outcomes for students across the Commonwealth. Public schools are actively implementing VLA requirements. Revisions are needed to Reading Specialist Endorsement regulation to align with requirements defined by the VLA.

The *Regulations Governing the Review and Approval of Education Programs in Virginia* ([8VAC20-543-10 et seq.](#)) set forth the requirements for the accreditation and approval of programs preparing teachers, administrators, and other instructional personnel requiring licensure. These regulations establish policies and standards for the preparation of instructional personnel, which ensures educational quality for Virginia public school students. Colleges and universities that offer programs for the preparation of professional school personnel must obtain education program (endorsement) approval from the Board of Education.

[Chapter 757](#) of the 2022 Acts of the Assembly Special Session 1 directs the Board of Education to require, pursuant to regulation, each education preparation program offered by a public institution of higher education or private institution of higher education that provides training for candidates seeking endorsement in Reading Specialist by the Board shall include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction. This proposed regulatory action is necessary to align with the VLA.

Acronyms and Definitions

Define all acronyms used in this form, 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.

"ABTEL" means the Advisory Board on Teacher Education and Licensure.

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) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On January 8, 2025, the Board of Education adopted final amendments to the Regulations Governing the Review and Approval of Education Programs in Virginia (8VAC20-543).

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, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "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."

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

This regulatory action was initiated as a result of changes to Virginia statutory law ([Chapter 757](#)).

The action is expected to be noncontroversial because it is enacting changes required by the Code of Virginia, and the Board is exercising minimal discretion because it is using and acting within statutorily defined terms.

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 and 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's regulatory authority over licensing requirements for school personnel is found in § [22.1-253.13:2\(A\)](#) of the Code of Virginia, which states that "[t]he Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel." See also § [22.1-298.1\(B\)](#) (stating that "[t]he Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license.").

Further, [Chapter 757](#) of the 2022 Acts of the Assembly requires the Board to update its regulations.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The rationale or justification of the regulatory change is the need to update the Board's regulations to remain aligned with changes to the Code of Virginia. The regulatory change is essential to protect the health, safety, or welfare of citizens because it enacts changes required by the General Assembly and the Code of Virginia. The goal of the regulatory change is to ensure that the Board's regulatory catalogue remains in alignment with statutory directive.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

Section [8VAC20-543-600](#) Reading Specialist will be amended to ensure that each education preparation program offered by a public institution of higher education or private institution of higher education that provides training for candidates seeking endorsement in Reading Specialist by the Board shall include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction, as required by the Code of Virginia.

Issues

Identify the issues associated with the regulatory change, 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, include a specific statement to that effect.

The primary advantage to the public is that the Board's regulations will accurately reflect requirements found in the Code of Virginia. The primary advantage to the agency is that its regulations will accurately

reflect and be in compliance with the Code of Virginia. There are no other pertinent matters of interest to the regulated community, government officials, or the public. There are no disadvantages to the public or the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements or requirements in excess of federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No state agencies are particularly affected.

Localities Particularly Affected

No localities are particularly affected.

Other Entities Particularly Affected

No other entities are particularly affected.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

For your agency: projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail;	None
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b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	
<i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	None
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	The regulatory change is designed to ensure the Board's regulations comply with state law.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees or revenues resulting from the regulatory change.	None
Benefits the regulatory change is designed to produce.	The regulatory change is designed to ensure the Board's regulations comply with state law.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	This regulatory change will affect approved education programs.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	There are 36 approved education programs in the Commonwealth.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	None
Benefits the regulatory change is designed to produce.	The regulatory change is designed to ensure the Board's regulations comply with state law.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

The regulatory action results from changes in the Code of Virginia and no alternatives were considered.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The regulatory action results from changes in the Code of Virginia and no alternatives were considered. No small businesses will be impacted.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-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: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The State Board of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative

approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by email to Jim Chapman, Director of Board Relations, at jim.chapman@doe.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
8VAC20-543-600		The current requirements in 8VAC20-543-600. <u>Reading specialist</u> include: Virginia reading specialist must have three years of successful classroom teaching and demonstrate advanced competencies in assessment, communication, reading, writing, technology use, and instructional leadership . Candidates must also complete a supervised practicum in diagnosing and remediating reading difficulties . Preparation programs are required to include training in dyslexia identification and ensure mastery of evidence-based structured literacy instruction that is explicit, systematic, sequential, and cumulative.	Change: The proposed change amends the regulations to ensure they comply with state law and align the Reading Specialist Endorsement with the requirements of the Virginia Literacy Act. ABTEL reviewed and recommended the proposed changes. The proposed changes include: Amended text: 8VAC20-543-600(A)(1)(a); and 8VAC20-543-600(A)(1)(b). Added 8VAC20-543-600(A)(2)(c) “Be proficient in explicit <u>phonemic awareness instruction, with an emphasis on phonemic blending and segmentation to support decoding and encoding.</u>” These changes align the endorsement requirements with the definitions of “evidence-based literacy instruction” and “science-based reading research” as applied by the commission consulted during the drafting process.

			Added 8VAC20-543-600(A)(2)(h) <u>“Demonstrate the ability to support students’ language development and how students’ oral language contributes to literacy development.”</u> These changes were changed because experts on the commission felt that the requirement was necessary to implement the definitions of “evidence-based literacy instruction” and “science-based reading research” (e.g., objective observational or experimental procedures to obtain valid knowledge relevant to reading development). Amended text : 8VAC20-543-600(A)(3)(c); 8VAC20-543-600(A)(3)(e); and 8VAC20-543-600(A)(3)(i). Removed text of 8VAC20-543-600(A)(3)(h). Added text 8VAC20-543-600(A)(3)(j). <u>“Demonstrate the ability to scaffold and support all students reading and comprehending complex, grade-level texts using Virginia’s Approach to Text Complexity rubrics found in the appendix of the English Standards of Learning.”</u> These changes were made because experts on the commission felt that the requirement was necessary to implement the definitions of “evidence-based literacy instruction” (e.g., building mastery of the foundational reading skills of phonological and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency) and “science-based reading research.” Core literacy instruction under the Act must be evidence-based and geared toward students meeting grade-level reading benchmarks, implying scaffolded support using recognized tools like the Text Complexity rubrics from the English SOL. Amended text for 8VAC20-543-600(A)(4)(a); 8VAC20-543-600(A)(4)(b); 8VAC20-543-600(A)(6)(f); 8VAC20-543-600(A)(6)(k); and 8VAC20-543-600(B). These changes were made because experts on the commission felt that the amendments were necessary to implement the definitions of “evidence-based literacy instruction.”
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		Intent: To revise the Reading Specialist Endorsement regulations so they fully comply with the Virginia Literacy Act's mandates for evidence-based literacy preparation. Rational: State law and the Virginia Literacy Act require Reading Specialist preparation programs to include evidence-based literacy training, and the regulations must be updated so the endorsement aligns with those legal requirements and with other VLA-aligned endorsement areas. Likely Impact of new requirements: The new requirements will require educator preparation programs to update their Reading Specialist coursework, so candidates demonstrate mastery in "science-based reading research" and "evidence-based literacy instruction" as those terms are defined in § 22.1-1 of the Code of Virginia.
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