



townhall.virginia.gov

Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-543
VAC Chapter title(s)	Regulations Governing the Review and Approval of Education Programs in Virginia
Date this document prepared	April 30, 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’s regulatory authority over regulations governing education preparation programs is found in § 22.1-298.2 B of the Code of Virginia, which states that the “[e]ducation preparation programs shall meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations.” See also § 22.1-298.2 F that “[t]he Board shall review and amend its regulations governing general education teacher preparation programs for kindergarten through twelfth grade to ensure graduates are required to demonstrate proficiency in (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.”

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.

There are no practical alternatives to this regulation. The purpose of this chapter is to provide the regulations governing the review and approval of education programs in Virginia pursuant to § 22.1-298.2 of the Code of Virginia.

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
Anonymous	<p>The education standards should be revised to ensure they promote a comprehensive understanding of history and critical thinking skills.</p> <p>The current history and social studies competency criteria neglect important issues such as slavery and Jim Crow, which are crucial for students in Virginia, a state with deep historical ties to the Confederacy. A curriculum is needed that not only covers past injustices like segregation and redlining but also addresses contemporary topics like the Gulf Wars and the economic policies of modern America to better prepare</p>	<p>The Board thanks the commenter and acknowledges the comment. These issues may be considered by the Advisory Board on Teacher Education and Licensure during its next review.</p>

	students for the racial and economic realities they will face.	
--	--	--

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.

This regulation is required by statute and is necessary to ensure the preparation of teachers by colleges and universities according to standards outlined by the Board. The regulations set standards for curriculum to ensure high-quality teachers across the Commonwealth.

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 periodic review found that the regulations were reasonable and consistent with the statutory requirements, and all prior revisions continue to align with the regulations governing the review and approval of education programs in Virginia.

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. The agency received one comment concerning the regulation during the periodic review. The Advisory Board for Teacher Education and Licensure may consider the comment during its next review. While this regulation is complex, there does not appear to be any overlap, duplication, or conflict with federal or state law or regulation. The promulgation of chapter 8VAC20-543 was completed and became effective on August 23, 2018. The chapter does not appear to have been affected by changes in technology, economic conditions, or other factors. The agency finds that there remains a continued need for the regulation is consistent with applicable law and pursuant to §§ 22.1-16 and 22.1-298.2 of the Code of Virginia.