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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-25
VAC Chapter title(s)	Technology Standards for Instructional Personnel
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 – Virginia Board of Education
Department – 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].”

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.

The viable alternative for this regulation is to remove chapter 8VAC20-25 from the Virginia Administrative Code and return local control to the local school divisions to evaluate and apply their own technology standards for local instructional personnel.

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
N/A	N/A	N/A

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 no longer necessary for the protection of public health, safety, and welfare.

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 chapter 8VAC20-25 is no longer needed and should be repealed. The promulgation of chapter 8VAC20-25 was completed and became effective on March 4, 1998. Since that time, this chapter has not been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. There is no longer a continued need for the regulation. Section 8VAC20-23-40 of the Virginia Administrative Code previously required individuals seeking initial licensure to demonstrate proficiency in the use of educational technology for instruction. The standards for such proficiency was set by 8VAC225. The requirement in 8VAC20-23-40 was removed from the regulation on April 15, 2021. Additionally, the role of technology in daily life, as well

as education, has changed significantly since the chapter was originally promulgated. The chapter was designed to facilitate technological proficiency in an era before the current expansion of technology into daily life and education (through smart phones, the internet social media, learning management systems, etc.). The delivery of education today is far more dependent on technology than when these regulations were promulgated, and school divisions have responded appropriately. While this regulation does not appear to overlap, duplicate, or conflict with federal or state law or regulation, it is no longer required by federal or state law or regulation.

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.

The promulgation of chapter 8VAC20-25 was completed and became effective on March 4, 1998. Since that time, this chapter has not been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

There is no longer a continued need for the regulation. Section 8VAC20-23-40 of the Virginia Administrative Code previously required individuals seeking initial licensure to demonstrate proficiency in the use of educational technology for instruction. This requirement was removed from the regulation on [April 15, 2021](#). While this regulation does not appear to overlap, duplicate, or conflict with federal or state law or regulation, this regulation is no longer required by federal or state law or regulation.

Chapter 8VAC20-25 should be repealed, and local control should be returned to the local school divisions to evaluate and apply their own technology standards for local instructional personnel.