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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 VAC20-100
VAC Chapter title(s)	Regulations Governing Literary Loan Applications in Virginia
Date this document prepared	December 3, 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 Virginia Board of Education.
"VDOE" means 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 general regulatory authority for the State Board of Education is found in § 22.1-16 of the Code of Virginia, which authorizes the State Board of Education to "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 alternative is to repeal the regulation as this chapter no longer necessary to protect the health, safety, and welfare of citizens of the Commonwealth, nor is this subject of this chapter required to maintain regulatory language pursuant to § 2.2-4002(B)(4) which states “Agency action relating to the following subjects shall be exempted from the provisions of this chapter: ... Grants of state or federal funds or property.”

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
None	None	none

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 chapter is not necessary for the protection of public health, safety, and welfare, nor is it required to maintain regulatory language pursuant to § 2.2-4002(B)(4) which states “Agency action relating to the following subjects shall be exempted from the provisions of this chapter: ... Grants of state or federal funds or property.”

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 there is no longer a need for this chapter as the agency is not required to maintain regulatory language pursuant to § 2.2-4002(B)(4) which states “Agency action relating to the

following subjects shall be exempted from the provisions of this chapter: ... Grants of state or federal funds or property.”

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 no longer a continued need for this regulation. No comment was received during the periodic review. The regulation is not overly complex. The regulation was derived from VR270-01-0009 § 1.1, eff. March 30, 1988; and last amended March 8, 1995 (Virginia Register Volume 11, Issue 10). There is no longer a need for this chapter as the agency is not required to maintain regulatory language pursuant to § 2.2-4002(B)(4) which states “Agency action relating to the following subjects shall be exempted from the provisions of this chapter: ... Grants of state or federal funds or property.” It is not expected that the agency’s decision to repeal the chapter will have an impact on small businesses.