

Board of Education Agenda Item

Item: B.

Date: November 29, 2007

Topic: First Review of Proposed Regulations Governing Jointly Owned and Operated Schools and Jointly Operated Programs (8 VAC 20-280-10 et seq.)

Presenter: Ms. Michelle Vucci, Director of Policy

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Origin:

Topic presented for information only (no board action required)

Board review required by
 State or federal law or regulation
 Board of Education regulation
 Other: _____

Action requested at this meeting

Action requested at future meeting: _____

Previous Review/Action:

No previous board review/action

Previous review/action
date April 27, 2007

action Approved Notice of Intended Regulatory Action (NOIRA)

Background Information: Joint schools include academic-year Governor's schools, alternative education centers, career and technical centers, and special education centers. The 2007-2008 *Local and Regional Schools and Centers Report* indicates that there are 100 such programs in Virginia.

The Board of Education approved the *Notice of Intended Regulatory Action (NOIRA)* for the *Regulations Governing Jointly Owned and Operated Schools and Jointly Operated Programs* on April 27, 2007.

The current *Regulations Governing Jointly Owned and Operated Schools and Jointly Operated Programs*, 8 VAC 20-280-10 et seq., were adopted on or before September 1, 1980. These regulations have not been amended since that time and do not address changes that have been made in the operation of joint schools and joint programs since the regulations were written.

During the 2007 General Assembly Session, HB 2371, sponsored by Delegate Tata, was passed. This bill permits all joint school boards, by agreement and with the approval of their governing bodies, to designate a fiscal agent for a joint school from among the treasurers of the participating localities. In addition, this bill allows title to property acquired for a joint school to be vested in the school's governing body, with the approval of the participating school boards and the governing bodies.

HB 2371 resulted from a legislative proposal proposed by the Department of Education to streamline the operation of joint schools. As a result of this legislation and because of the need for periodic review of these regulations, revisions are being proposed. Because the changes will be extensive, the current regulations, 8 VAC 20-280-10 et seq., will be repealed and the new regulations will be promulgated bearing the number 8 VAC 20-281-10 et seq.

Summary of Major Elements: The proposed regulations address the following major elements:

- Addition of a definitions section for clarity.
- Revision of the second section of the regulations which includes all of the organizing and operating procedures, including membership, organization, authority, authority of the division superintendent, annual budget and financing plan, and expenditures. Most of these headings/catchlines from the current regulations remain, but the language has been streamlined and is more user-friendly.
- Addition of the new language passed by the 2007 General Assembly (HB 2371) regarding the appointment of a fiscal agent and the holding of title to property.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education waive first review and authorize Department of Education staff to submit the proposed regulations to the Virginia Regulatory Town Hall where, upon approval by the Department of Planning and Budget, the Secretary of Education, and the Governor, the proposed regulations will be published in the Virginia Register for a 60-day public comment period. Following the public comment period, the Board will consider the proposed regulations, along with amendments based on public comment, for final review and adoption.

Impact on Resources: The impact on resources for the review and revision of these regulations is not expected to be significant.

Timetable for Further Review/Action: The timetable for further action will be governed by the requirements of the Administrative Process Act.

*Regulations Governing Jointly Owned and Operated Schools
and Jointly Operated Programs*

~~8VAC20-280-10. Arrangements for jointly owned and operated schools and jointly operated programs.~~

~~There are numerous arrangements between and among school divisions in Virginia by which programs and services are offered under various cooperative efforts. These range from a simple arrangement for educating each other's pupils to a sophisticated, multi-divisional organization involving personnel working on a regional basis and possibly buildings owned under sole or multi-ownership arrangements.~~

~~Virginia accounting practices require that public school moneys be in the custody of a duly elected and bonded city or county treasure, that it be disbursed only with the approval of lay board members, that it be audited annually by the state auditor or an approved certified public accounting firm, and that the operating expenses be accounted for on a pro-rata basis by the school divisions who are supporting and utilizing the services.~~

~~The following organizational plan meets these requirements and is recommended when several school divisions are engaging in a fairly extensive regional effort. The decision on the specific organizational structure, however, is made by local school boards. We recommend, but do not require, that school systems use the following plan for regional operations, especially when joint ownership of buildings is involved. In the event that local school boards wish to have some other joint ownership or operational arrangement, the written agreement must provide for the meeting of the requirements in the preceding paragraph as a minimum and it shall be submitted to the Department of Education for its concurrence.~~

~~The Board of Education for the Commonwealth encourages these cooperative efforts for the reasons that they should provide a better quality program offering for Virginia's young people; it should also do this at a lesser cost than when a local board is offering the course for only its own students.~~

~~8VAC20-280-20. Organization and operating procedures.~~

~~Two or more schools boards, by individual resolution, may establish a joint board to manage and control schools or programs jointly owned and operated in accordance with the following requirements:~~

- ~~1. Membership. The membership of the joint board shall be composed of lay members of participating school boards. When not more than two school boards agree to establish a joint board, its membership shall consist of three members of each of the participating school boards. When three school boards agree to establish a joint board, its membership shall consist of two members from each participating school board. When more than three school boards agree to establish a joint board, its membership shall consist of one member from each of the participating school boards.~~

~~Each school board shall fill vacancies in its membership on the joint board by election for the unexpired term. If a member of the joint board ceases to be a member of the school board which elected him, that person shall cease to be a member of the joint board.~~

~~If at any time the number of members of the joint board shall fall below a quorum and the appointing school board or boards shall fail within 30 days to elect enough members to constitute a quorum, the members already serving, even though they fail to constitute a quorum, may make any decision which the entire joint board may make.~~

~~Members of the joint board may receive compensation fixed by each of the participating school boards. This compensation shall be paid by the local boards and shall not exceed the amount paid for service on the local school board.~~

~~The joint board shall adopt bylaws or rules of operation and shall establish the length and beginning dates or terms of its members and establish committees that might be needed to carry out its responsibilities.~~

- ~~2. Organization. The joint board shall elect from its membership a chairman who shall preside at its meetings and a vice chairman who shall preside in the absence of the chairman. The joint board shall also elect a clerk and, if desired, a deputy clerk, who shall not be a member of the joint board and who shall keep a record of its proceeding. The compensation of the clerk shall be fixed by the joint board. The clerk shall execute bond of at least \$10,000, as provided by §22.1-76 of the Code of Virginia.~~

~~The joint board also shall elect a finance officer, who shall have custody of its funds, fix the compensation and provide for bond. The finance officer shall be the treasurer of the county or city where the school is located (§22.1-118 of the Code of Virginia). Through its finance officer, the joint board shall arrange for the safe depository of the funds and, where necessary, see that sufficient collateral is posted to secure such funds.~~

- ~~3. Authority. The joint board shall be authorized to employ the staff required to operate the joint school and programs; purchase supplies; purchase, sell, or dispose of equipment or appliances; determine policies concerning instruction; approve the curriculum in keeping with the general laws, and with regulations, and requirements of the Virginia Board of Education; maintain jointly owned school buildings; and in general to manage, operate, and conduct joint schools and programs.~~

~~The school boards owning joint school buildings or facilities shall have no authority over the maintenance and repair of buildings and the management, operation, and conduct of the joint school, but shall retain and have sole authority in all matters affecting the real estate, the construction and alteration of the school building, and the improvement of the school grounds. No action shall be taken in matters over which the school boards jointly owning such school buildings or facilities retain authority without the concurrence of all school boards involved.~~

~~Personnel, including teachers required to operate programs, shall be employed by the joint board upon the recommendation of the division superintendents appointed for the counties or cities of the respective school boards which establish the joint board.~~

~~Except as otherwise provided, all meetings and procedures of the committees for control shall be in accordance with provisions of §§22.1-72 through 22.1-75 of the Code of Virginia.~~

~~Any action by the joint commission shall be action by the school boards jointly owning such school, within the provisions of §22.1-87 of the Code of Virginia.~~

- ~~4. Authority of the division superintendent. The division superintendents representing the counties or cities of the school boards which form the joint board shall constitute a Committee of Superintendents and shall jointly exercise the same authority that they have in the counties or cities for which they are appointed. With the approval of their respective school boards, such division superintendents may elect one of their members as executive officer in whom may be vested such authority as the superintendents may from time to time find advisable.~~

~~In cases of disagreement, the matter shall be referred to the joint board which shall have final disposition of the matter, subject to appeal as provided in §22.1-87 of the Code of Virginia.~~

- ~~5. Annual budget and financing plan. The Committee of Superintendents shall prepare, with the advice and approval of the joint board, an annual program plan, budget, and plan for financing the operation of the joint school. The financing plan shall include an estimate of the amount of money which will be needed from each participating school system during the next scholastic year to maintain and repair the joint school building, and for administration, instruction, and operation of schools and other programs, following as far as appropriate the forms furnished by the Virginia Board of Education as provided in §22.1-91 of the Code of Virginia. The estimate so made shall clearly show all necessary details and be provided in a timely manner so that the participating school boards may be well informed about every item included in the estimate.~~

- ~~6. Annual appropriations. Each school board participating in the joint board shall review the annual budget presented by the joint board and, if in agreement, provide funds to cover its share of the cost of maintaining and repairing the joint school building, as well as the cost of administration, instruction, and operation of the school and its programs.~~

- ~~7. Expenditures. The amount provided by each such school board shall be made available for expenditures by the joint board as follows:~~

- ~~a. Funds to be provided by participating school boards shall be made available to the joint board upon its request.~~
- ~~b. Funds to be provided on a fee for service basis shall be paid to the joint board upon receipt of an appropriate invoice.~~

~~Such money shall be paid to the finance officer, as authorized by this chapter.~~

~~The joint board, or its delegate, shall receive all claims arising from commitments made by it pursuant to authority conferred by this chapter and, when such claims are approved, authorized the payment of them. A record of such approval and order or authorization shall be made in the minutes of the joint board. Payment of each claim shall be authorized by a warrant drawn on the treasurer or other officer charged by law with the responsibility for the receipt, custody and disbursement of the joint board's funds. The warrant shall be signed by the chairman or vice chairman of the joint board or its delegate, countersigned by the clerk or deputy clerk, made payable to the person or persons, or the firm or corporation entitled to receive such payment and recorded as prescribed by the Board of Education. A statement shall be recorded on the face of the warrant indicating the reason for the payment and the date of the order entered or authority granted by the joint board.~~

~~The joint board, by resolution, may provide for special warrants for compensation, for all employees under written contract, upon receipt of certified time sheets or other evidence of services performed, and for all other employees whose rates of pay have been established by the joint board. All special warrants shall be signed by the clerk of the joint board and countersigned by the chairman or vice chairman of the joint board. Payrolls shall be reviewed and approved by the joint board at its next regular meeting.~~

~~On or before the 10th day of each month, the clerk of the joint board shall transmit to the superintendents of the participating school boards an itemized statement of receipts and disbursements during the preceding month, with a cumulative statement of all receipts and disbursements since the beginning of the current fiscal year.~~

8VAC20-281-10. Definitions.

The following words and terms apply only to these regulations and do not supersede those definitions used for federal reporting purposes or for the calculation of costs related to the Standards of Quality (§§22.1-253.13:1 et seq. of the Code of Virginia). When used in these regulations, these words shall have the following meanings, unless the context clearly indicates otherwise:

“Alternative Education Program” means any program designed to offer instruction to students for whom the regular program of instruction may be inappropriate, as defined in §22.1-276.01, Code of Virginia, and as prescribed in the *Rules Governing Alternative Education* (8VAC20-330-10 et seq.).

“Classification of expenditures” means a system of accounting for all school funds, as prescribed in §22.1-115, Code of Virginia.

“Finance Officer” means fiscal agent for the joint school.

“Fiscal Agent” means the treasurer of a county or city in which a joint school is physically located or the treasurer from one of the participating localities as selected by agreement of the participating local

school boards with approval of the participating local governing bodies. (See also “Finance Officer” or “Treasurer.”)

“Joint Board” means the governing board of the joint school. The joint board is composed of at least one member from each participating local school board.

“Joint School” means a program or school established by two or more local school boards, including a regional public charter school, as defined in §22.1-212.5, Code of Virginia; or a comprehensive school offering part or full day programs.

“Operation and Maintenance” means budget preparation, contracts for services, personnel matters, use of or construction of a school building and grounds and the operation and maintenance thereof, and the provision of any services, activity, or undertaking which the joint school is required to perform in order to carry out its educational program.

“Regional Public Charter School” means a public charter school operated by two or more school boards and chartered directly by the participating school boards, as defined in §22.1-212.5, Code of Virginia.

“Treasurer” means the fiscal agent of the joint school, in accordance with §58.1-3123, Code of Virginia.

8VAC20-281-20. Organization and operating procedures.

Two or more school boards, by individual resolution, may establish a joint board to manage and control schools or programs jointly owned and operated in accordance with the following requirements:

1. Membership. The membership of the joint board shall be composed of at least one member of each of the local school boards participating in the joint program. Each school board shall fill any vacancies in its membership on the joint board. If a member of the joint board ceases to be a member of the school board which elected him, the local school board shall appoint his successor to the joint board. If at any time the number of members of the joint board shall fall below a quorum, the local board shall appoint a member to fill the vacancy or vacancies within 30 calendar days.

Members of the joint board may receive compensation fixed by each of the participating school boards. This compensation shall be paid by the local boards and shall not exceed the amount paid for service on the local school boards.

The joint board shall adopt bylaws or rules of operation and shall establish the length and beginning dates or terms of its members and establish committees that might be needed to carry out its responsibilities. Such bylaws shall address the receipt, custody, and disbursement of funds and the payment of all claims related to the operation and maintenance of the joint facility, consistent with the state statutes and regulations of the Board of Education.

2. Organization. The joint board shall elect from its membership a chairman who shall preside at its meetings and a vice-chairman who shall preside in the absence of the chairman.

The joint board shall elect a clerk and, if desired, a deputy clerk. Neither the clerk nor the deputy clerk shall be a member of the joint board but shall keep record of the proceedings. The compensation of the clerk and the deputy clerk shall be fixed by the joint board. The clerk and the deputy clerk shall execute bond of at least \$10,000, as provided by §22.1-76 of the Code of Virginia.

The joint board also shall elect a finance officer, who shall have custody of its funds, fix the compensation, and provide for bond. All disbursements shall be by warrant signed by the clerk of the joint board and countersigned by the finance officer. Through its finance officer, the joint board shall arrange for the safe depository of the funds and, where necessary, see that sufficient collateral is posted to secure such funds.

3. Authority. The joint board shall be authorized to employ the staff required to operate the joint school and programs; purchase supplies; purchase, sell, or dispose of equipment or appliances; determine policies concerning instruction; approve the curriculum in keeping with the general laws, and with the regulations and requirements of the Virginia Board of Education; maintain jointly owned school buildings; and in general manage, operate, and conduct joint schools and programs.

The title to all property acquired for joint schools shall vest jointly in the participating school boards in such respective proportions as the participating school boards may determine, and the schools or programs shall be managed and controlled by the participating school boards jointly. With the approval of the participating school boards and the respective local governing bodies, title to property acquired for a joint school shall be vested in the governing body of such school.

Except as otherwise provided, all meetings and procedures of the joint board shall be in accordance with provisions of §§22.1-72 through 22.1-75 of the Code of Virginia. Any action by the joint board shall be deemed an action by the school boards jointly owning such school.

4. Authority of the division superintendent. The division superintendents representing the counties or cities of the school boards which form the joint board shall constitute a Committee of Superintendents and shall jointly exercise the same authority that they have in the counties or cities for which they are appointed. With the approval of their respective school boards, the division superintendents may elect one of their members as executive officer in whom may be vested such authority as the superintendents may from time to time find advisable.

The Committee of Superintendents shall prepare, with the advice and approval of the joint board, an annual program plan, budget, and plan for financing the operation of the joint school which would include appropriate state and local funding from each participating school division. The financing plan shall include an estimate of the amount of money which will be needed from each participating school system during the next scholastic year for operation and maintenance of the joint school facility. The estimate so made shall clearly show all necessary details and be provided in a timely manner so that the participating school boards may be well informed about every item included in the estimate.

In case of disagreement, all matters shall be referred to the joint board for resolution.

5. Budget and Expenditures. Each participating school board shall review and approve the annual budget presented by the joint board and provide funds to cover its share of the cost of operating and maintaining the joint school facility. The amount provided by each participating school board shall be made available for expenditures by the joint board as follows:
 - a. Funds to be provided by participating school boards shall be made available to the joint board upon its requests.
 - b. Funds to be provided on a fee for service basis shall be paid to the joint board upon receipt of an appropriate invoice.

On a regular monthly basis, the clerk of the joint board shall transmit to the Committee of Superintendents of the participating school boards an itemized statement of receipts and disbursements during the preceding months, with a cumulative statement of all receipts and disbursements since the beginning of the current fiscal year.



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Proposed Regulation Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation	8 VAC 20-280-10 through 8 VAC 20-280-20
Regulation title	Regulations Governing Jointly Owned and Operated Schools and Jointly Operated Programs
Action title	Revision of regulations governing joint schools and jointly operated programs
Date this document prepared	November 2, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The *Regulations Governing Jointly Owned and Operated Schools and Jointly Operated Programs* were adopted on or before September 1, 1980. These regulations have not been amended since then and do not address changes made in these programs since that time. Joint schools include academic-year Governor's schools, alternative education centers, career and technical centers, and special education centers. In a concurrent action, the Board of Education proposes to repeal the text of the current regulations (8VAC20-280-10 et seq.) and promulgate new regulations (8VAC20-281-10 et seq.).

The present action proposes significant changes in the regulations. In the proposal, the first section of the regulations has been deleted because it is primarily aspirational, the second section has been reorganized, revised, and streamlined, and a definitions section has been added for clarity. In addition, new language has been added in response to HB 2371, which addressed the appointment of a fiscal agent and the holding of title to property. This bill was passed during the 2007 Session of the General Assembly.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 22.1-16 of the Code of Virginia vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. In addition, § 22.1-26 of the Code of Virginia provides the Board of Education with the legal authority to promulgate regulations that govern joint schools.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

These regulations provide joint schools and joint school boards with guidance and operating procedures that support regional efforts to establish programs that meet the needs of their communities and ensure that these programs are managed appropriately and in a fiscally sound manner.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the “Detail of changes” section.)

The current regulations (8VAC280-10 et seq.) are being repealed. The proposed regulations (8VAC20-281-10 et seq.) include the following:

- Addition of a definitions section for clarity.
- Revision of the second section of the regulations which includes all of the organizing and operating procedures, including membership, organization, authority, authority of the division superintendent, annual budget and financing plan, and expenditures. Most of these headings/catchlines from the current regulations remain, but the language has been streamlined and is more user-friendly.
- Addition of the new language related to HB 2371 which was passed by the 2007 General Assembly regarding the appointment of a fiscal agent and the holding of title to property.

Issues

Please identify the issues associated with the proposed regulatory action, 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 the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

The proposed regulations to these regulations are advantageous to the public, the agency, and the Commonwealth for the following reasons:

- 1. The proposed regulations establish clear and basic expectations for all programs subject to its requirements.
- 2. The proposed regulations replace current regulations that are ambiguous in some areas.
- 3. The proposed regulations replace one section of the current regulations where much of the language is aspirational.

There are no perceived disadvantages to the public, to the agency, or to the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include 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 statement to that effect.

There are no applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There is no disproportionately significant negative or positive effect on any specific locality. All joint schools will be impacted by the revised regulations.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, e-mail or fax to **The Policy Office, Att: Comments on Joint Schools Regulations Revision, Virginia Department of Education, P.O. Box 2120, Richmond, Virginia 23218-2120; by fax at (804) 786-5389; or by e-mail at Policy@doe.virginia.gov**. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last date of the public comment period.

A public hearing will be held and notice of the public hearing may appear on the Virginia Regulatory Town Hall Web site (www.townhall.virginia.gov) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus ongoing expenditures	There is minimal cost to the state to implement the proposed regulations revisions. Existing allocations should be sufficient to fund the state's responsibilities.
Projected cost of the regulation on localities	It is anticipated that the additional costs associated with the implementation of the proposed regulations will be minimal.
Description of the individuals, businesses or other entities likely to be affected by the regulation	The Virginia Department of Education and 100 joint schools will be affected by this proposal. Local school divisions (132) may be affected.
Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	The proposed regulations do not affect small businesses.
All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.	The additional costs created by the proposed changes should be minimal. The proposed regulations do not affect small businesses.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. 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 regulation.

There are no viable alternatives to revising these regulations. However, in accordance with the Governor’s Executive Order 36 (2006) efforts have been made to minimize the number of regulations proposed to those necessary to achieve their objective in the most cost-efficient and cost-effective manner. Small businesses will not be affected.

Regulatory flexibility analysis

Please 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) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of 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 proposed regulation.

During the development of the proposed regulations, this department has made efforts to minimize the number of regulations that will impact these schools. Small businesses will not be impacted by these regulations.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
None		

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that the proposed regulations will have any impact on the institution of the family or family stability.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
8VAC20-280-10	NA	This section includes some aspirational language regarding the arrangements for jointly owned and operated schools and jointly operated programs.	This section will be repealed because much of the language is not necessary. In the proposed regulations language regarding accounting practices and the organizational plan is found in 8VAC20-281-20.
NA	8VAC20-281-10	The current regulations do not include a definitions section.	A definitions section has been added for clarity. It includes definitions for the following terms: alternative education program, classification of expenditures, finance officer, fiscal agent (HB 2371 from the 2007 General Assembly Session), joint board, joint school, operation and maintenance, regional public charter school, and treasurer.
8VAC20-280-20	8VAC20-281-20	<p>The current section includes operating procedures regarding membership of the joint board; organization of the board including a chairman and vice-chairman; joint board authority; authority of the division superintendents; annual budget and financing; and annual appropriations and expenditures. This section will be repealed.</p> <p>The current regulations provide:</p> <p>1. Membership of the joint board is composed of lay members of the participating school boards. When no more than two boards are members, membership shall consist of three members from each of the participating school board. When three school boards participate, membership will consist of two members from each board. When more than</p>	<p>The language in the proposed section has been streamlined and revised for clarity, and to give the joint schools more flexibility in operating their programs. It includes operating procedures regarding membership of the joint board; organization of the board including a chairman and vice-chairman; authority of the joint board, including ability to hold title to property (HB 2371 from the 2007 General Assembly Session); authority of the division superintendents; and budget and expenditures.</p> <p>The new regulations provide:</p> <ol style="list-style-type: none"> 1. Membership of the joint board shall consist of at least one member from each of the participating school boards. 2. The terms, finance officer and fiscal agent, are included in the definitions. Fiscal agent means the treasurer of a county or city where the school is located or as selected from among the treasurers of the participating localities. (HB 2371) Finance officer means fiscal agent for the joint school board. 3. The joint school board is authorized to employ staff; purchase supplies; purchase, sell, or dispose of equipment or appliances; determine policies concerning instruction, etc. In addition,

		<p>three boards establish a joint board, membership will consist of one member from each board.</p> <p>2. The joint board shall elect a finance officer who shall have custody of board funds, fix compensation, and provide for bond. The term finance officer is not defined.</p> <p>3. The joint school board is authorized to employ staff; purchase supplies; purchase, sell, or dispose of equipment or appliances; and determine policies concerning instruction, etc.</p> <p>4. The clerk of the joint board is required to transmit to the superintendents an itemized statement of receipts and disbursements on or before the 10th of each month.</p>	<p>title to property acquired for joint schools will vest jointly in the participating school boards. With the approval of the participating school boards and the local governing bodies, title to property acquired for a joint school shall be vested in the joint school's governing body. (HB 2371)</p> <p>4. The clerk of the joint board is required to transmit an itemized statement of receipts and disbursements to the superintendents of the participating school boards on a regular monthly basis.</p>
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