

Virginia Board of Education Agenda Item



Agenda Item: B

Date: June 28, 2012

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| Title | Final Review of a Proposed Amendment to the <i>Regulations Governing Educational Services for Gifted Students</i> (8 VAC 20-40-10 et seq.) to Conform to HB 1295 and SB 679 Passed by the 2012 General Assembly | | |
| Presenter | Dr. Linda M. Wallinger, Assistant Superintendent for Instruction | | |
| E-mail | Linda.Wallinger@doe.virginia.gov | Phone | 804-225-2034 |

Purpose of Presentation:

Action required by state or federal law or regulation.

Previous Review or Action:

Previous review and action. Specify date and action taken below:

Date: May 24, 2012

Action: First review

Action Requested:

Final review: Action requested at this meeting.

Alignment with Board of Education Goals: Please indicate (X) all that apply:

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| | Goal 1: Expanded Opportunities to Learn |
| | Goal 2: Accountability of Student Learning |
| | Goal 3: Nurturing Young Learners |
| | Goal 4: Strong Literacy and Mathematics Skills |
| | Goal 5: Highly Qualified and Effective Teachers and Administrators |
| | Goal 6: Sound Policies for Student Success |
| | Goal 7: Safe and Secure Schools |
| x | Other Priority or Initiative. Specify: To conform with legislative action by the 2012 General Assembly to Section 22.1-18.1 of the <i>Code of Virginia</i> |

Background Information and Statutory Authority:

Section 22.1-16 of the *Code of Virginia* permits the Board of Education to promulgate regulations as necessary to carry out its powers and duties. The *Code* states:

The 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 this title.

The *Regulations Governing Educational Services for Gifted Students* were last revised by the Board of Education in 2009, and became effective in 2010.

During the 2012 General Assembly, HB 1295 and SB 679 were passed. The following changes were noted in each bill for Section 22.1-18.1 of the *Code of Virginia*, which impacts the *Regulations*.

“Each school board ~~shall~~ may appoint, in accordance with the regulations of the Board of Education, a local advisory committee on gifted education. ~~The~~ A local advisory committee on gifted education shall annually review the local plan for the education of gifted students, including revisions, and determine the extent to which the plan for the previous year was implemented. The comments and recommendations of the local advisory committee on gifted education shall be submitted in writing directly to the school board and the superintendent.”

The Board’s *Regulations* now state the following in 8 VAC 20-40-60B:

B. Each school division shall establish a local advisory committee composed of parents, school personnel, and other community members who are appointed by the school board. This committee shall reflect the ethnic and geographical composition of the school division. This committee shall have two responsibilities: (i) to review annually the local plan for the education of gifted students, including revisions, and (ii) to determine the extent to which the plan for the previous year was implemented. The findings of the annual program effectiveness and the recommendations of the advisory committee shall be submitted annually in writing to the division superintendent and the school board.

Summary of Important Issues:

The language in the *Regulations* must be revised to comport with the language contained in House Bill 1295/Senate Bill 679. The proposed changes, as noted in the Virginia Regulatory Town Hall Form TH-08 found in Attachment A, are:

B. Each school division ~~shall~~ may establish a local advisory committee composed of parents, school personnel, and other community members ~~who are appointed by the school board~~. This committee shall reflect the ethnic and geographical composition of the school division. This committee shall have two responsibilities: (i) to review annually the local plan for the education of gifted students, including revisions, and (ii) to determine the extent to which the plan for the previous year was implemented. The findings of the annual program effectiveness and the recommendations of the advisory committee shall be submitted annually in writing to the division superintendent and the school board.

Impact on Fiscal and Human Resources:

The impact on resources for the revision of these *Regulations* is not expected to be significant.

Timetable for Further Review/Action:

The Department of Education will notify school divisions of the changes in the *Regulations* when they

become final, pursuant to the requirements of the Administrative Process Act.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education approve the proposed technical amendments to the *Regulations Governing Educational Services for Gifted Students* to comport with HB 1295 and SB 679, as passed by the 2012 General Assembly and signed by the Governor.



Virginia
Regulatory
Town Hall

townhall.virginia.gov

Exempt Action Final Regulation Agency Background Document

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| Agency name | Virginia Department of Education |
| Virginia Administrative Code (VAC) citation | 8 VAC 20-40-60B |
| Regulation title | <i>Regulations Governing Educational Services for Gifted Students</i> |
| Action title | Update for Legislative Changes Made by the 2012 General Assembly |
| Final agency action date | The Board of Education is expected to take final action on these amendments on June 28, 2012. |
| Document preparation date | June 5, 2012 |

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of The Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

During the 2012 General Assembly, HB 1295 and SB 679 were passed. The following changes were noted in each bill for Section 22.1-18.1 of the *Code of Virginia*, which impacts the *Regulations Governing Educational Services for Gifted Students (8 VAC 20-40-10 et. seq.)*.

“Each school board ~~shall~~ may appoint, in accordance with the regulations of the Board of Education, a local advisory committee on gifted education. ~~The~~ A local advisory committee on gifted education shall annually review the local plan for the education of gifted students, including revisions, and determine the extent to which the plan for the previous year was implemented. The comments and recommendations of the local advisory committee on gifted education shall be submitted in writing directly to the school board and the superintendent.”

The Board's *Regulations* now state the following in 8 VAC 20-40-60B:

B. Each school division shall establish a local advisory committee composed of parents, school personnel, and other community members who are appointed by the school board. This committee shall reflect the ethnic and geographical composition of the school division. This committee shall have two responsibilities: (i) to review annually the local plan for the education of gifted students, including revisions, and (ii) to determine the extent to which the plan for the previous year was implemented. The findings of the annual program effectiveness and the recommendations of the advisory committee shall be submitted annually in writing to the division superintendent and the school board.

The proposed changes to the *Regulations* are as follows:

B. Each school division ~~shall~~may establish a local advisory committee composed of parents, school personnel, and other community members ~~who are appointed by the school board~~. This committee shall reflect the ethnic and geographical composition of the school division. This committee shall have two responsibilities: (i) to review annually the local plan for the education of gifted students, including revisions, and (ii) to determine the extent to which the plan for the previous year was implemented. The findings of the annual program effectiveness and the recommendations of the advisory committee shall be submitted annually in writing to the division superintendent and the school board.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Virginia Board of Education is expected to take final action to amend the *Regulations Governing Educational Services for Gifted Students* on June 28, 2012, pursuant to legislation enacted by the 2012 General Assembly (House Bill 1295 and Senate Bill 679).

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The primary impact of the proposed revised regulations for families may include a loss of the local advisory committee for the education of the gifted within a school division, which would result in a decrease in community involvement in the development, review, and effectiveness study of the comprehensive local plan for the education of the gifted.