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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2001 VAC Supplement includes final regulations published through *Virginia Register* Volume 17, Issue 21, dated July 2, 2001). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 17-20-10	Amended	17:24 VA.R. 3556	9/12/01
1 VAC 17-20-40	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-70	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-110	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-180	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-210	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-250	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-270	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-280	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-310	Amended	17:24 VA.R. 3558	9/12/01
Title 4. Conservation and Natural Resources			
4 VAC 20-70-120	Amended	18:5 VA.R. 726	12/1/01
4 VAC 20-380-20	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-380-50	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-398-10 through 4 VAC 20-398-90	Added	18:6 VA.R. 875-877	11/1/01
4 VAC 20-510-20	Amended	18:5 VA.R. 726	1/1/02
4 VAC 20-610-30	Amended	17:23 VA.R. 3456	7/1/01
4 VAC 20-610-40	Amended	18:8 VA.R. 1103	1/1/02
4 VAC 20-610-60	Amended	18:8 VA.R. 1103	1/1/02
4 VAC 20-620-10 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-10 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
4 VAC 20-620-20 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-20 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
4 VAC 20-620-30	Amended	18:8 VA.R. 1104	12/1/01
4 VAC 20-620-40 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-40	Amended	18:8 VA.R. 1105	12/1/01
4 VAC 20-620-40 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
4 VAC 20-670-20	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-670-30	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-670-40	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-720-20	Amended	18:3 VA.R. 354	10/1/01
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	18:3 VA.R. 354-357	10/1/01
4 VAC 20-720-40	Amended	18:9 VA.R. 1190	1/1/02
4 VAC 20-720-46 emer	Added	18:9 VA.R. 1232	1/1/02-1/30/02
4 VAC 20-720-50	Amended	18:9 VA.R. 1190	1/1/02
4 VAC 20-890-25	Amended	17:23 VA.R. 3457	7/1/01
4 VAC 20-910-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-950-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-950-45 emer	Amended	18:9 VA.R. 1232	1/1/02-1/30/02
4 VAC 20-970-30	Amended	18:5 VA.R. 727	1/1/02
4 VAC 25-30 (Forms)	Amended	18:8 VA.R. 1130	--
4 VAC 25-130 (Forms)	Amended	17:23 VA.R. 3473	--
4 VAC 25-130 (Forms)	Amended	18:8 VA.R. 1130	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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Title 5. Corporations			
5 VAC 5-30-10 through 5 VAC 5-30-70	Added	17:22 VA.R. 3312-3315	7/1/01
Title 6. Criminal Justice and Corrections			
6 VAC 20-60-10 through 6 VAC 20-60-90	Amended	18:11 VA.R. 1397-1400	1/1/03
6 VAC 20-60-25	Added	18:11 VA.R. 1398	1/1/03
6 VAC 20-60-100	Added	18:11 VA.R. 1400	1/1/03
Title 8. Education			
8 VAC 20-21-10	Amended	18:9 VA.R. 1191	2/14/02
8 VAC 20-21-50	Amended	18:9 VA.R. 1192	2/14/02
8 VAC 20-21-80	Amended	18:9 VA.R. 1193	2/14/02
8 VAC 20-120-10 through 8 VAC 20-120-50	Amended	18:8 VA.R. 1106-1108	1/31/02
8 VAC 20-120-60	Repealed	18:8 VA.R. 1108	1/31/02
8 VAC 20-120-70 through 8 VAC 20-120-160	Amended	18:8 VA.R. 1109-1111	1/31/02
8 VAC 20-120-170	Added	18:8 VA.R. 1111	1/31/02
8 VAC 20-160-10	Amended	18:5 VA.R. 728	12/19/01
8 VAC 20-160-30	Amended	18:5 VA.R. 728	12/19/01
8 VAC 20-160-40	Amended	18:5 VA.R. 729	12/19/01
Title 9. Environment			
9 VAC 5-10-20	Amended	18:7 VA.R. 998	2/1/02
9 VAC 5-20-21	Amended	18:7 VA.R. 1004	2/1/02
9 VAC 5-40-240	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-250	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-310	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-311	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-460	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-890	Amended	18:4 VA.R. 588	1/1/02
9 VAC 5-40-2930	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-5210	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-5230	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-8130	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-8150	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-50-400	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-50-410	Amended	18:7 VA.R. 1007	2/1/02
9 VAC 5-50-420	Amended	18:7 VA.R. 1011	2/1/02
9 VAC 5-60-60	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-80	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-90	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-100	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-110	Amended	18:7 VA.R. 1016	2/1/02
9 VAC 5-80-10	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-370	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-390	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-1710	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-2010	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 10-20-30 through 9 VAC 10-20-100	Amended	18:9 VA.R. 1196-1200	3/1/02
9 VAC 10-20-105	Added	18:9 VA.R. 1200	3/1/02
9 VAC 10-20-110 through 9 VAC 10-20-130	Amended	18:9 VA.R. 1200-1207	3/1/02
9 VAC 10-20-140	Repealed	18:9 VA.R. 1207	3/1/02
9 VAC 10-20-150	Amended	18:9 VA.R. 1207	3/1/02
9 VAC 10-20-160	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-170	Amended	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-171	Added	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-180	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-181	Added	18:9 VA.R. 1209	3/1/02
9 VAC 10-20-190	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-191	Added	18:9 VA.R. 1209	3/1/02

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9 VAC 10-20-200 through 9 VAC 10-20-210	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-211	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-215	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-220	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-221	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-225	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-230	Repealed	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-231	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-250	Amended	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-260	Amended	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-270	Repealed	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-280	Repealed	18:9 VA.R. 1212	3/1/02
9 VAC 20-60-14	Amended	18:11 VA.R. 1403	3/13/02
9 VAC 20-60-17	Amended	18:11 VA.R. 1404	3/13/02
9 VAC 20-60-18	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-60-18	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-20	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-30	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-50	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-60	Repealed	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-70	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-80	Amended	18:11 VA.R. 1406	3/13/02
9 VAC 20-60-124	Amended	18:11 VA.R. 1406	3/13/02
9 VAC 20-60-260	Amended	18:11 VA.R. 1406	3/13/02
9 VAC 20-60-261	Amended	18:11 VA.R. 1407	3/13/02
9 VAC 20-60-261	Amended	18:11 VA.R. 1422	3/13/02
9 VAC 20-60-262	Amended	18:11 VA.R. 1407	3/13/02
9 VAC 20-60-264	Amended	18:11 VA.R. 1407	3/13/02
9 VAC 20-60-265	Amended	18:11 VA.R. 1409	3/13/02
9 VAC 20-60-266	Amended	18:11 VA.R. 1409	3/13/02
9 VAC 20-60-270	Amended	18:11 VA.R. 1409	3/13/02
9 VAC 20-60-273	Amended	18:11 VA.R. 1412	3/13/02
9 VAC 20-60-315	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-355	Added	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-430	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-440	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-450	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-480	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-490	Amended	18:11 VA.R. 1414	3/13/02
Appendix 7.1	Repealed	18:11 VA.R. 1416	3/13/02
Part XI (9 VAC 20-60-960 through 9 VAC 20-60-1250, including Appendix 11.2)	Repealed	18:11 VA.R. 1416	3/13/02
9 VAC 20-60-1260	Amended	18:11 VA.R. 1416	3/13/02
9 VAC 20-60-1270	Amended	18:11 VA.R. 1416	3/13/02
9 VAC 20-60-1280	Amended	18:11 VA.R. 1418	3/13/02
Appendix 12.1	Repealed	18:11 VA.R. 1418	3/13/02
9 VAC 20-60-1285	Added	18:11 VA.R. 1418	3/13/02
9 VAC 20-60-1370	Amended	18:11 VA.R. 1419	3/13/02
9 VAC 20-60-1380	Amended	18:11 VA.R. 1419	3/13/02
9 VAC 20-60-1390	Amended	18:11 VA.R. 1419	3/13/02
9 VAC 20-60-1410	Amended	18:11 VA.R. 1420	3/13/02
9 VAC 20-60-1420	Amended	18:11 VA.R. 1420	3/13/02
9 VAC 20-60-1430	Amended	18:11 VA.R. 1421	3/13/02
9 VAC 20-60-1435	Added	18:11 VA.R. 1421	3/13/02
9 VAC 20-60-1505	Amended	18:11 VA.R. 1421	3/13/02
9 VAC 20-70 Appendices I through VI	Repealed	18:3 VA.R. 377-388	11/21/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-70-10	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-70-41	Repealed	18:3 VA.R. 361	11/21/01
9 VAC 20-70-50 through 9 VAC 20-70-75	Amended	18:3 VA.R. 362-363	11/21/01
9 VAC 20-70-81	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-90	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-111	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-112	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-113	Amended	18:3 VA.R. 365	11/21/01
9 VAC 20-70-150 through 9 VAC 20-70-230	Amended	18:3 VA.R. 366-376	11/21/01
9 VAC 20-70-240	Repealed	18:3 VA.R. 376	11/21/01
9 VAC 20-70-250	Amended	18:3 VA.R. 376	11/21/01
9 VAC 20-70-260	Amended	18:3 VA.R. 377	11/21/01
9 VAC 20-70-280	Repealed	18:3 VA.R. 377	11/21/01
9 VAC 20-70-290	Added	18:3 VA.R. 377	11/21/01
9 VAC 20-130 (Forms)	Added	17:26 VA.R. 3758-3759	--
9 VAC 20-130 (Forms)	Amended	18:6 VA.R. 909	--
9 VAC 20-190-10 through 9 VAC 20-190-80	Added	18:3 VA.R. 389-390	11/21/01
9 VAC 25-31-10	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-30	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-40	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-100	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-120	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-121	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-150	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-190	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-220	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-230	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-340	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-470	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-500	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-750	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-770 through 9 VAC 25-31-810	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-840	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-900	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31 (Forms)	Amended	18:6 VA.R. 909	--
9 VAC 25-210-80	Erratum	17:24 VA.R. 3604	--
9 VAC 25-430-20	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-30	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-60	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-650-10 through 9 VAC 25-650-200	Added	18:4 VA.R. 590-604	12/5/01
9 VAC 25-650-50	Erratum	18:7 VA.R. 1064	--
9 VAC 25-660-10 through 9 VAC 25-660-100	Added	17:22 VA.R. 3316-3327	10/1/01
9 VAC 25-670-10 through 9 VAC 25-670-100	Added	17:22 VA.R. 3328-3344	10/1/01
9 VAC 25-680-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-50	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-100	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-40	Erratum	17:24 VA.R. 3604	--
Title 10. Finance and Financial Institutions			
10 VAC 5-10-10	Amended	17:22 VA.R. 3345	7/1/01
10 VAC 5-20-30	Amended	17:22 VA.R. 3346	6/27/01
10 VAC 5-20-40	Added	18:9 VA.R. 1214	12/20/01
10 VAC 5-40-30	Added	18:8 VA.R. 1111	12/15/01
Title 12. Health			
12 VAC 5-90-80	Amended	18:9 VA.R. 1214	12/18/01
12 VAC 5-218-10 through 12 VAC 5-218-90 emer	Added	18:4 VA.R. 634-637	11/1/01-10/31/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-371-40	Amended	18:10 VA.R. 1305	2/28/02
12 VAC 5-408-10 through 12 VAC 5-408-360	Amended	18:8 VA.R. 1112-1120	1/30/02
12 VAC 5-410-70	Amended	18:10 VA.R. 1305	2/28/02
12 VAC 5-420	Repealed	18:10 VA.R. 1305	3/1/02
12 VAC 5-421-10 through 12 VAC 5-421-4070	Added	18:10 VA.R. 1305	3/1/02
12 VAC 5-430	Repealed	18:10 VA.R. 1306	3/1/02
12 VAC 5-431-10 through 12 VAC 5-431-480	Added	18:10 VA.R. 1306-1309	3/1/02
12 VAC 5-581-10 through 12 VAC 5-581-1070	Added	18:10 VA.R. 1309	2/27/02
12 VAC 30-10-631	Added	18:7 VA.R. 1016	1/16/02
12 VAC 30-10-640	Amended	18:7 VA.R. 1016	1/16/02
12 VAC 30-30-10	Amended	18:7 VA.R. 1016	1/16/02
12 VAC 30-40-220	Amended	18:7 VA.R. 1020	1/16/02
12 VAC 30-50-20	Amended	18:7 VA.R. 1022	1/16/02
12 VAC 30-50-30	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-60	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-70	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-100	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-100	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-105	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-105	Amended	18:7 VA.R. 1025	1/16/02
12 VAC 30-50-140	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-140	Amended	18:7 VA.R. 1027	1/16/02
12 VAC 30-50-160	Amended	18:10 VA.R. 1311	2/27/02
12 VAC 30-50-165	Added	18:10 VA.R. 1313	2/27/02
12 VAC 30-50-210	Amended	18:4 VA.R. 605	12/5/01
12 VAC 30-50-229.1	Amended	18:7 VA.R. 1028	1/16/02
12 VAC 30-50-260	Amended	18:7 VA.R. 1031	1/16/02
12 VAC 30-60-21	Added	18:6 VA.R. 883	1/2/02
12 VAC 30-60-70	Amended	18:10 VA.R. 1315	2/27/02
12 VAC 30-60-75	Added	18:10 VA.R. 1317	2/27/02
12 VAC 30-60-170	Amended	18:7 VA.R. 1031	1/16/02
12 VAC 30-70-120	Repealed	18:6 VA.R. 883	1/2/02
12 VAC 30-70-201	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-70-420	Amended	18:6 VA.R. 883	1/2/02
12 VAC 30-70-420	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-70-435	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-120-210 emer	Amended	18:5 VA.R. 743	10/17/01-10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-215 emer	Added	18:5 VA.R. 745-751	10/17/01-10/16/02
12 VAC 30-120-220 emer	Amended	18:5 VA.R. 752	10/17/01-10/16/02
12 VAC 30-120-230 emer	Amended	18:5 VA.R. 755	10/17/01-10/16/02
12 VAC 30-120-240 emer	Amended	18:5 VA.R. 758	10/17/01-10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249 emer	Added	18:5 VA.R. 760-771	10/17/01-10/16/02
12 VAC 30-120-250 emer	Amended	18:5 VA.R. 771	10/17/01-10/16/02
12 VAC 30-120-251 through 12 VAC 30-120-255 emer	Added	18:5 VA.R. 772-777	10/17/01-10/16/02
12 VAC 30-120-258 emer	Added	18:5 VA.R. 777	10/17/01-10/16/02
12 VAC 30-120-259 emer	Added	18:5 VA.R. 778	10/17/01-10/16/02
12 VAC 30-120-360 emer	Amended	18:8 VA.R. 1123	12/1/01-11/30/02
12 VAC 30-120-370 emer	Amended	18:8 VA.R. 1124	12/1/01-11/30/02
12 VAC 30-120-380 emer	Amended	18:8 VA.R. 1126	12/1/01-11/30/02
12 VAC 30-120-385 emer	Repealed	18:8 VA.R. 1127	12/1/01-11/30/02
12 VAC 30-120-390 through 420 emer	Amended	18:8 VA.R. 1127-1129	12/1/01-11/30/02
12 VAC 30-130-20	Amended	18:10 VA.R. 1318	2/27/02
12 VAC 30-141-10 et seq. emer	Added	17:25 VA.R. 3660-3670	8/1/01-7/31/02
12 VAC 30-141-100 emer	Amended	17:26 VA.R. 3757	8/22/01-7/31/02
12 VAC 35-110	Repealed	18:3 VA.R. 391	11/21/01
12 VAC 35-115-10 through 12 VAC 35-115-250	Added	18:3 VA.R. 392-414	11/21/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 35-115-50	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-70	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-250	Erratum	18:6 VA.R. 911	--
12 VAC 35-120	Repealed	18:3 VA.R. 414	11/21/01
12 VAC 35-130	Repealed	18:3 VA.R. 415	11/21/01
Title 13. Housing			
13 VAC 5-175-10	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-20	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-30	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-40	Amended	18:7 VA.R. 1034	1/1/02
13 VAC 10-40-30	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-110	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-130	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-190	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-230	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-180-10	Amended	18:10 VA.R. 1318	1/9/02
13 VAC 10-180-50	Amended	18:10 VA.R. 1319	1/9/02
13 VAC 10-180-60	Amended	18:10 VA.R. 1319	1/9/02
13 VAC 10-180-100	Amended	18:10 VA.R. 1328	1/9/02
Title 14. Insurance			
14 VAC 5-170-20	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-30	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-70	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-90	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-105	Amended	17:24 VA.R. 3562	9/1/01
14 VAC 5-170-120	Amended	17:24 VA.R. 3563	9/1/01
14 VAC 5-170-130	Amended	17:24 VA.R. 3565	9/1/01
14 VAC 5-170-150	Amended	17:24 VA.R. 3566	9/1/01
14 VAC 5-170-180	Amended	17:24 VA.R. 3566	9/1/01
Appendix D	Added	17:24 VA.R. 3566	9/1/01
14 VAC 5-200-20 through 14 VAC 5-200-40	Amended	18:6 VA.R. 885	2/1/02
14 VAC 5-200-70	Amended	18:6 VA.R. 885	2/1/02
14 VAC 5-200-75	Added	18:6 VA.R. 885	2/1/02
14 VAC 5-200-80	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-200-160	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-200-175	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-210-70	Amended	18:7 VA.R. 1035	12/1/01
14 VAC 5-300-90	Amended	17:22 VA.R. 3347	8/1/01
14 VAC 5-330-10	Repealed	18:3 VA.R. 415	12/31/01
Title 15. Judicial			
15 VAC 10-10	Amended	18:8 VA.R. 1120	12/3/01
Title 16. Labor and Employment			
16 VAC 25-60-50	Repealed	18:5 VA.R. 729	12/31/01
16 VAC 25-60-60	Repealed	18:5 VA.R. 730	12/31/01
16 VAC 25-60-70	Repealed	18:5 VA.R. 731	12/31/01
16 VAC 25-85-1904.0 through 16 VAC 25-85-1904.09	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.10 (a)&(b)	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.10 (c)	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.11	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.12	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.13 through 16 VAC 25-85-1904.28	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.29 except (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.29 (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.30 through 1904.46	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-90-1910.1030	Amended	17:23 VA.R. 3459	9/15/01
16 VAC 25-90-1910.1043	Amended	17:23 VA.R. 3458	9/15/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-175-1926.750 through 16 VAC 25-175-1926.759	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.760 (d) & (e)	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.761	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.500	Amended	18:5 VA.R. 732	1/18/02
Title 18. Professional and Occupational Licensing			
18 VAC 5-21-10	Amended	18:7 VA.R. 1036	1/16/02
18 VAC 5-21-20	Amended	18:7 VA.R. 1035	1/1/02
18 VAC 5-21-30 through 18 VAC 5-21-70	Amended	18:7 VA.R. 1038-1042	1/16/02
18 VAC 5-21-90	Amended	18:7 VA.R. 1042	1/16/02
18 VAC 5-21-120	Amended	18:7 VA.R. 1042	1/16/02
18 VAC 5-21-170	Amended	18:7 VA.R. 1043	1/16/02
18 VAC 10-20-10	Amended	18:7 VA.R. 1045	3/1/02
18 VAC 10-20-15	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-20	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-30	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-40	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-55	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-75	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-100	Repealed	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-110 through 18 VAC 10-20-170	Amended	18:7 VA.R. 1046-1049	3/1/02
18 VAC 10-20-180	Repealed	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-190 through 18 VAC 18 VAC 10-20-220	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-240	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-250	Repealed	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-260	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-270	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-280	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-280	Erratum	18:10 VA.R. 1342	--
18 VAC 10-20-290	Repealed	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-295	Added	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-300	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-310	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-320	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-340 through 18 VAC 10-20-380	Amended	18:7 VA.R. 1050-1052	3/1/02
18 VAC 10-20-370	Erratum	18:10 VA.R. 1342	--
18 VAC 10-20-400	Amended	18:7 VA.R. 1052	3/1/02
18 VAC 10-20-410	Repealed	18:7 VA.R. 1052	3/1/02
18 VAC 10-20-420 through 18 VAC 10-20-450	Amended	18:7 VA.R. 1052-1053	3/1/02
18 VAC 10-20-480	Repealed	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-490	Amended	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-505	Amended	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-530 through 18 VAC 10-20-570	Amended	18:7 VA.R. 1053-1054	3/1/02
18 VAC 10-20-590 through 18 VAC 10-20-620	Amended	18:7 VA.R. 1054-1055	3/1/02
18 VAC 10-20-640	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-650	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-660	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-680	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-720	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-740	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-750	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-760	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-780	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 15-20	Erratum	18:7 VA.R. 1064	--
18 VAC 15-20-10	Amended	18:6 VA.R. 887	1/2/02
18 VAC 15-20-20	Amended	18:6 VA.R. 888	1/2/02

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18 VAC 15-20-21	Added	18:6 VA.R. 890	1/2/02
18 VAC 15-20-30 through 18 VAC 15-20-90	Amended	18:6 VA.R. 890-893	1/2/02
18 VAC 15-20-100	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-101	Added	18:6 VA.R. 893	1/2/02
18 VAC 15-20-110	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-120 through 18 VAC 15-20-140	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-150	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-160 through 18 VAC 15-20-240	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-250	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-251	Added	18:6 VA.R. 893	1/2/02
18 VAC 15-20-260	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-270	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-271	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-280	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-290	Amended	18:6 VA.R. 894	1/2/02
18 VAC 15-20-291	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-300 through 18 VAC 15-20-320	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-330	Amended	18:6 VA.R. 894	1/2/02
18 VAC 15-20-331	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-332	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-340 through 18 VAC 15-20-360	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-361	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-370 through 18 VAC 15-20-390	Repealed	18:6 VA.R. 895	1/2/02
18 VAC 15-20-400 through 18 VAC 15-20-450	Amended	18:6 VA.R. 895	1/2/02
18 VAC 15-20-451 through 18 VAC 15-20-455	Added	18:6 VA.R. 895-896	1/2/02
18 VAC 15-20-455.1	Added	18:6 VA.R. 896	1/2/02
18 VAC 15-20-456 through 18 VAC 15-20-459	Added	18:6 VA.R. 896	1/2/02
18 VAC 15-20-459.1 through 18 VAC 15-20-459.15	Added	18:6 VA.R. 896-897	1/2/02
18 VAC 15-20-460 through 18 VAC 15-20-500	Amended	18:6 VA.R. 897-899	1/2/02
18 VAC 15-20-510	Repealed	18:6 VA.R. 899	1/2/02
18 VAC 15-20-511	Added	18:6 VA.R. 899	1/2/02
18 VAC 15-20-520 through 18 VAC 15-20-610	Amended	18:6 VA.R. 899-900	1/2/02
18 VAC 15-20-620 through 18 VAC 15-20-690	Repealed	18:6 VA.R. 900	1/2/02
18 VAC 15-20-700 through 18 VAC 15-20-880	Amended	18:6 VA.R. 900-907	1/2/02
18 VAC 15-20-890 through 18 VAC 15-20-960	Repealed	18:6 VA.R. 908	1/2/02
18 VAC 25-21-10 through 18 VAC 25-21-70	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-90	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-110	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-180	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-200	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-210	Added	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-220	Added	18:7 VA.R. 1059	2/1/02
18 VAC 50-30-10	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-20	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-40	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-90	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-90	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-200	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 60-10-10 through 18 VAC 60-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-20-10 emer	Amended	18:5 VA.R. 780	12/1/01-10/30/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 60-20-250 through 18 VAC 60-20-330 emer	Added	18:5 VA.R. 780-782	12/1/01-10/30/02
18 VAC 75-10-10	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-20	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-30	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-40	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-60	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-70	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-80	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-100	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 85-20-131	Amended	18:4 VA.R. 607	12/5/01
18 VAC 85-110-100	Amended	18:4 VA.R. 607	12/5/01
18 VAC 90-20-36	Added	18:7 VA.R. 1059	1/16/02
18 VAC 95-10-10 through 18 VAC 95-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-10 through 18 VAC 105-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 112-10-10 through 18 VAC 112-10-120	Added	18:5 VA.R. 733	12/19/01
18 VAC 112-20-10	Amended	17:25 VA.R. 3657	9/12/01
18 VAC 112-20-10 emer	Amended	18:3 VA.R. 429	11/1/01-10/31/02
18 VAC 112-20-90	Amended	17:25 VA.R. 3658	9/12/01
18 VAC 112-20-130 emer	Amended	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-131 emer	Added	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-135 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-135	Amended	18:8 VA.R. 1121	1/30/02
18 VAC 112-20-136 emer	Added	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-140 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-150	Amended	18:8 VA.R. 1121	1/30/02
18 VAC 112-20-151	Added	18:8 VA.R. 1121	1/30/02
18 VAC 115-10-10	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-20	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-30	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-40	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-60	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-70	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-80	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-100	Amended	18:1 VA.R. 32	10/24/01
18 VAC 145-20-10	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-20 through 18 VAC 145-20-50	Repealed	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-70	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-80	Repealed	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-90	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-91	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-100	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-110	Repealed	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-111	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-120	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-130	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-140	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-150	Repealed	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-151	Added	18:7 VA.R. 1060	1/16/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 145-20-160	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-170	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 150-10-10 through 18 VAC 150-10-40	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-60	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-70	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-80	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-100	Amended	17:24 VA.R. 3567	9/12/01
Title 20. Public Utilities and Telecommunications			
20 VAC 5-302-10	Amended	18:9 VA.R. 1222	12/14/01
20 VAC 5-302-20	Amended	18:9 VA.R. 1222	12/14/01
20 VAC 5-302-30	Repealed	18:9 VA.R. 1225	12/14/01
20 VAC 5-302-40	Added	18:9 VA.R. 1226	12/14/01
20 VAC 5-312-10 through 20 VAC 5-312-110	Added	17:22 VA.R. 3351-3364	8/1/01
20 VAC 5-312-10	Amended	18:4 VA.R. 613	10/10/01
20 VAC 5-312-10	Erratum	18:7 VA.R. 1064	--
20 VAC 5-312-70	Amended	18:4 VA.R. 614	10/10/01
20 VAC 5-312-70	Erratum	18:7 VA.R. 1064	--
20 VAC 5-312-80	Amended	18:4 VA.R. 615	10/10/01
20 VAC 5-312-80	Erratum	18:7 VA.R. 1064	--
20 VAC 5-325-10 through 20 VAC 5-325-110	Added	17:23 VA.R. 3464-3466	7/1/01
20 VAC 5-400-10 through 20 VAC 5-400-60	Repealed	18:4 VA.R. 619-628	10/17/01
20 VAC 5-400-90	Repealed	18:9 VA.R. 1228	12/14/01
20 VAC 5-400-100 through 20 VAC 5-400-170	Repealed	18:4 VA.R. 629	10/17/01
20 VAC 5-400-190	Repealed	18:4 VA.R. 630	10/17/01
20 VAC 5-400-200	Repealed	18:4 VA.R. 632	10/17/01
20 VAC 5-401-10 through 20 VAC 5-401-50	Added	18:4 VA.R. 619-620	10/17/01
20 VAC 5-403-10 through 20 VAC 5-403-70	Added	18:4 VA.R. 621-627	10/17/01
20 VAC 5-405-10 through 20 VAC 5-405-130	Added	18:5 VA.R. 735-736	10/23/01
20 VAC 5-407-10 through 20 VAC 5-407-70	Added	18:9 VA.R. 1228-1230	12/14/01
20 VAC 5-409-10 through 20 VAC 5-409-70	Added	18:4 VA.R. 627-628	10/17/01
20 VAC 5-411-10 through 20 VAC 5-411-90	Added	18:4 VA.R. 628-629	10/17/01
20 VAC 5-413-10 through 20 VAC 5-413-40	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-10	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-20	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-419-10 through 20 VAC 5-419-40	Added	18:4 VA.R. 630-632	10/17/01
20 VAC 5-421-10	Added	18:4 VA.R. 632	10/17/01
20 VAC 5-421-20	Added	18:4 VA.R. 632	10/17/01
Title 22. Social Services			
22 VAC 20-30-10 through 22 VAC 20-30-60	Amended	17:23 VA.R. 3466-3468	*
22 VAC 20-30-70	Repealed	17:23 VA.R. 3468	*
22 VAC 20-30-80 through 22 VAC 20-30-140	Amended	17:23 VA.R. 3468-3469	*
22 VAC 20-30-150	Added	17:23 VA.R. 3469	*
22 VAC 40-71-10 emer	Amended	17:24 VA.R. 3568	10/9/01-10/8/02
22 VAC 40-71-20 emer	Amended	17:24 VA.R. 3571	10/9/01-10/8/02
22 VAC 40-71-30 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-50 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-60 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-80 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-90 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-110 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-130 emer	Amended	17:24 VA.R. 3574	10/9/01-10/8/02
22 VAC 40-71-150 through 22 VAC 40-71-180 emer	Amended	17:24 VA.R. 3574-3579	10/9/01-10/8/02
22 VAC 40-71-210 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02

* Effective date suspended in 18:1 VA.R. 32.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-71-270 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02
22 VAC 40-71-275 emer	Added	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-280 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-290 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-310 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-330 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-360 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-410 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-440 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-450 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-460 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-480 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-490 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-530 through 22 VAC 40-71-600 emer	Amended	17:24 VA.R. 3582-3584	10/9/01-10/8/02
22 VAC 40-71-630 through 22 VAC 40-71-700 emer	Amended	17:24 VA.R. 3584-3589	10/9/01-10/8/02
22 VAC 40-560	Repealed	18:5 VA.R. 736	12/19/01
22 VAC 40-690 (Forms)	Amended	18:7 VA.R. 1061	--
22 VAC 40-705-10 emer	Amended	18:5 VA.R. 784	1/1/02-12/31/02
22 VAC 40-705-40 through 22 VAC 40-705-90 emer	Amended	18:5 VA.R. 786-790	1/1/02-12/31/02
22 VAC 40-705-110 through 22 VAC 40-705-160 emer	Amended	18:5 VA.R. 790-794	1/1/02-12/31/02
22 VAC 40-705-180 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-705-190 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-730-10	Erratum	17:25 VA.R. 3679	--
22 VAC 40-790	Repealed	18:5 VA.R. 736	12/19/01
22 VAC 45-60	Repealed	18:11 VA.R. 1422	3/13/02
22 VAC 45-70-10 through 22 VAC 45-70-40	Amended	18:11 VA.R. 1423-1424	3/13/02
22 VAC 45-70-50	Repealed	18:11 VA.R. 1424	3/13/02
22 VAC 45-70-60 through 22 VAC 45-70-80	Amended	18:11 VA.R. 1424-1425	3/13/02
22 VAC 45-90	Repealed	18:11 VA.R. 1425	3/13/02
22 VAC 45-110-10 through 22 VAC 45-110-50	Amended	18:11 VA.R. 1425-1426	3/13/02
22 VAC 45-110-60	Repealed	18:11 VA.R. 1426	3/13/02
Title 23. Taxation			
23 VAC 10-110-225 through 23 VAC 10-110-229	Added	18:11 VA.R. 1426-1430	3/13/02
Title 24. Transportation and Motor Vehicles			
24 VAC 20-70-30 emer	Amended	18:3 VA.R. 433	9/21/01-9/20/02
24 VAC 30-40	Repealed	18:3 VA.R. 416	11/21/01
24 VAC 30-41-10 through 24 VAC 30-41-760	Added	18:3 VA.R. 416-427	11/21/01
24 VAC 30-71-160	Amended	18:5 VA.R. 737	12/19/01
24 VAC 30-260-10 et seq.	Repealed	17:25 VA.R. 3658	7/26/01
24 VAC 30-370-10 et seq.	Repealed	17:24 VA.R. 3567	9/12/01
24 VAC 30-520-10	Amended	17:25 VA.R. 3658	7/26/01
24 VAC 30-520-20	Amended	17:25 VA.R. 3658	7/26/01
24 VAC 30-540-10	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-20	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-30	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-40	Added	17:23 VA.R. 3472	6/29/01

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Commissioner of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-20. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to satisfy the statutory amendment made by Chapter 705 of the 2001 Acts of Assembly. Under that provision, localities are authorized to waive, with respect to real estate devoted to the production of crops that require more than two years from initial planting until commercially feasible harvesting, any requirement contained in the regulation that requires the real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural use or horticultural use. The Commissioner of Agriculture and Consumer Services is to promulgate regulations to carry out the provisions of the act. The agency invites comment on whether there should be an adviser.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 58.1-3230 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Lawrence Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-7679 or e-mail lredford@vdacs.state.va.us.

VA.R. Doc. No. R02-79; Filed November 15, 2001, 3:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider repealing regulations entitled: **2 VAC 5-340. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.** The purpose of the proposed action is to repeal the weights and measures regulation. Amendments to the Virginia Weights and Measures Law by the 1993 Session of the General Assembly have rendered the regulation ineffective. The 1993 amendments included the adoption by reference of sections of the National Institute of Standards and Technology

(NIST), Handbook 130. The adopted sections of Handbook 130 replaced and eliminated the need for regulations addressing labeling and method of sale. All remaining provisions are obsolete or are adequately addressed by other state laws or regulations. The agency invites comment on whether there should be an advisor.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 3.1-926 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-80; Filed November 15, 2001, 3:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-380. Rules and Regulations for the Enforcement of the Virginia Dealers in Agricultural Products Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including extending the complaint deadline. The agency invites comment on whether there should be an advisor.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 3.1-722.13 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-81; Filed November 15, 2001, 3:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-390. Rules and Regulations for the Enforcement of the Virginia Seed Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including clarifying 2 VAC 5-390-10, Methods of Inspecting, Sampling, Testing, and Application Tolerances; repealing 2 VAC 5-390-60, Weed Seeds and 2 VAC 5-390-100, Origin; creating a new section to require the labeling of transgenic seed; and adding a section to allow the

Notices of Intended Regulatory Action

sale and distribution of certain second-generation hybrid (F2) seed. The agency invites comment on whether there should be an advisor.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 3.1-271 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-82; Filed November 15, 2001, 3:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-420. Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need. Among matters to be considered are amendments to address changes in the marketplace and technology now in use in the petroleum industry; modify the specifications for gasoline and diesel fuel to update all product specifications and testing methods of the American Society of Testing and Materials; establish minimum standards for all gasoline and diesel fuel sold in the Commonwealth; delete certain outdated provisions; amend the registration requirements of gasoline and diesel fuel to comply with the 1992 amendments to the Motor Fuels and Lubricating Oils Law; and update the notation for documents incorporated by reference to reflect all documents incorporated by the aforementioned actions. Since the amendments would be extensive, it is recommended that the amendment be accomplished by the repeal of the existing regulation and by the adoption of a new regulation concurrently. The agency invites comment on whether there should be an advisor.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 59.1-156 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-84; Filed November 15, 2001, 3:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider repealing regulations entitled: **2 VAC 5-470. Rules and Regulations Pertaining to**

the Registration and Certification of Grape Nursery Stock. Virginia grape nursery stock growers have shown no interest in participation in this voluntary program for more than 10 years. This lack of interest is attributed to the realization that virus-free certified grape nursery stock does not bring any economic benefit when offering the stock for sale. Grape nursery stock that is not certified as virus-free must still meet pest cleanliness requirements or "apparent disease-free" status for interstate movement as required by the Plants and Plant Products Inspection Law (§ 3.1-188.32 et seq. of the Code of Virginia). The agency invites comment on whether there should be an advisor.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 3.1-188.35 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Frank M. Fulgham, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515, FAX (804) 371-7793, or e-mail ffulgham@vdacs.state.va.us.

VA.R. Doc. No. R02-83; Filed November 15, 2001, 3:55 p.m.

TITLE 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **3 VAC 5-10. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.** The purpose of the proposed action is to implement changes suggested in the periodic review of this chapter. It will correct several obsolete references to positions or divisions of the agency that no longer exist, incorporate the discovery rules of the Virginia Supreme Court by reference in cases arising under the Beer and Wine Franchise Acts, and eliminate current requirements for annual rulemaking.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 4.1-103 of the Code of Virginia.

Public comments may be submitted until 5 p.m., February 27, 2002.

Contact: Sara M. Gilliam, Assistant Secretary, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411, or e-mail smgillm@abc.state.va.us.

VA.R. Doc. No. R02-114; Filed November 13, 2001, 9:52 a.m.

Notices of Intended Regulatory Action

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TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider promulgating regulations entitled: **12 VAC 5-586. Biosolids Use Fees Regulation.** The purpose of the proposed regulation is to establish a system for charging a fee for the land application of biosolids in counties with adopted ordinances for monitoring such activities and the method of reimbursing those costs.

The agency intends to hold a public hearing the proposed regulation after publication in the Virginia Register.

Statutory Authority: § 62.1-44.19 of the Code of Virginia.

Public comments may be submitted until February 28, 2002.

Contact: C.M. Sawyer, P.E., Director, Wastewater Engineering, 1500 E. Main St., Suite 109, Richmond, VA 23219, telephone (804) 786-1755 or FAX (804) 786-5567.

VA.R. Doc. No. R02-112; Filed January 9, 2002, 11:32 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120. Waivered Services: Home and Community-Based Care Waiver Services for Elderly and Disabled Individuals.** The purpose of the proposed action is to provide coverage of personal emergency response systems (PERS) for individuals who are eligible for this waiver's services under the authority of DMAS' Elderly and Disabled Program. This PERS service will help to protect the safety and welfare of individuals who live in the community but live alone or are alone for significant parts of the day. These PERS devices will enable such individuals to signal for help in emergencies.

The agency does not intend to hold a public hearing on the proposed regulation after publication in the Virginia Register.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until March 27, 2002, to Vivian Horn, Analyst, Division of Long Term Care, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

VA.R. Doc. No. R02-126; Filed January 31, 2002, 7:54 a.m.

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PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text.
Language which has been stricken indicates proposed text for deletion.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

STATE BOARD OF CORRECTIONS

Title of Regulation: **6 VAC 15-40. Minimum Standards for Jails and Lockups (amending 6 VAC 15-40-10, 6 VAC 15-40-40, 6 VAC 15-40-90 through 6 VAC 15-40-130, 6 VAC 15-40-150, 6 VAC 15-40-160, 6 VAC 15-40-280, 6 VAC 15-40-290, 6 VAC 15-40-360 through 6 VAC 15-40-410, 6 VAC 15-40-450, 6 VAC 15-40-460, 6 VAC 15-40-470, 6 VAC 15-40-490, 6 VAC 15-40-540 through 6 VAC 15-40-580, 6 VAC 15-40-620, 6 VAC 15-40-640 through 6 VAC 15-40-670, 6 VAC 15-40-690, 6 VAC 15-40-740, 6 VAC 15-40-800 through 6 VAC 15-40-830, 6 VAC 15-40-900 through 6 VAC 15-40-920, 6 VAC 15-40-940 through 6 VAC 15-40-970, 6 VAC 15-40-1020 through 6 VAC 15-40-1040, 6 VAC 15-40-1070, 6 VAC 15-40-1080, 6 VAC 15-40-1100, 6 VAC 15-40-1190, 6 VAC 15-40-1330, and 6 VAC 15-40-1350; adding 6 VAC 15-40-155, 6 VAC 15-40-395, 6 VAC 15-40-833, 6 VAC 15-40-835, 6 VAC 15-40-1193, and 6 VAC 15-40-1195; repealing 6 VAC 15-40-1050, 6 VAC 15-40-1110, and 6 VAC 15-40-1130).**

Statutory Authority: §§ 53.1-5, 53.1-68, and 53.1-131 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 26, 2002.

(See Calendar of Events section for additional information)

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Basis: Pursuant to the statutory authority set forth by §§ 53.1-68 and 53.1-131 of the Code of Virginia, the Board of Corrections will amend and revise its regulations that govern the operation of local correctional facilities. The primary basis for amending the regulation is to reorganize and clarify the current language to be more consistent with actual practices in jails and lockups related to administration, management, programs, services, operations and physical plants.

Purpose: The Board of Corrections seeks to amend its current Minimum Standards for Jails and Lockups. Since the adoption of the current regulation in 1995, there have been a significant number of regional jails opened. The supervision of inmates in those facilities, as well as other jails within the Commonwealth, is direct versus linear and the current standards do not address this type of supervision. These standards must be met by successful achievement of specific requirements for facility certification, which assures minimum

compliance of jails and lockups throughout the Commonwealth.

Substance: The proposed amendments are organizational in nature and will move certain requirements from one section to another and delete repetitive language covered under multiple sections. Additionally, the proposed changes will allow the board to collect all the standards related to one issue under a single section.

Issues: The advantages these regulations provide to the public are the assurance of a minimum level of compliance required by all jails and lockups throughout the Commonwealth. Recommendations of the proposed regulatory action will amend internal procedures. These regulations secure the public safety and welfare by enhancing methods of inmate control, while providing flexibility in daily operations and clarifying regulatory requirements for localities and regions.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board of Corrections proposes to amend more than 30 sections of the minimum standards for jails and lockups related to requirements for administration, management, programs, services, operations, and physical plants. The proposed amendments are not substantive, but rather reorganize and clarify the current language to be more consistent with the actual practice in jails and lockups.

Estimated economic impact. Some of the proposed amendments are organizational in nature and will move the requirements from one section to another and delete repetitive language covered under multiple sections or the department policies. According to the agency, there will be no significant change in the current standards and the implementation of the regulation because of this reorganization. The proposed changes will allow the board to collect all the standards related to one issue under a single section and eliminate repetitive standards. For example, the Department of Corrections (the agency) indicated that the requirement to inspect the institution daily is already covered under the requirements for supervision of inmates and consequently this

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section will be repealed. Since there will be no change in the standards and the implementation of the standards, no significant economic impact is expected from the proposed reorganization. Although small, a potential benefit is likely to accrue to these facilities because they will not be cited more than once for a violation of one standard. Currently, multiple citations for the same standard are possible because the same standard may be covered under more than one section such as the requirement to supervise the inmates. The proposed reorganization is expected to reduce the chance of multiple citations occurring and the number of citations issued to the facility by the audit team.

Other proposed amendments will change and clarify the language in a number of standards to be consistent with the actual operations in these facilities. Examples include the proposals that written procedures outlining the release programs should address electronic monitoring in addition to other programs, that the facilities be inspected by the Virginia Department of Health every 12 months, and that the facility maintain a written agreement with the local school authority providing special education to inmates. The current implementation of the regulation related to these requirements is exactly as proposed. Similar to the reorganization of the language, none of the proposed amendments is expected to have a significant economic impact because there will be no change in practice. However, the proposed amendments may represent some small benefits to the agency. The audit team may be able to improve enforcement slightly because the updated language is more reflective of the actual practice in these facilities and the authority to ask for the required documentation will be established as in the case of the requirement to maintain a written agreement with the schools providing educational services.

Businesses and entities affected. Approximately 32,300 inmates, 23 regional jails, 62 local jails, and 23 lockups are subject to the proposed regulations and are likely to be affected.

Localities particularly affected. The proposed regulations will apply throughout the Commonwealth.

Projected impact on employment. No significant effect on employment is expected.

Effects on the use and value of private property. The proposed changes should not have any significant impact on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Corrections and the Department of Correction agree with the impact analysis; specifically that there will be no significant effect on employment or on the use and value of private property.

Summary:

The proposed amendments reorganize and clarify the current standards to be more consistent with the actual practice in jails and lockups, and eliminate duplicative provisions.

PART I.
INTRODUCTION GENERAL PROVISIONS.

6 VAC 15-40-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Administrative segregation" means a form of separation from the general population when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer can also be included.

"Annually" means an action performed each calendar year.

"Appeal" means the procedure for review of an action by a higher authority.

~~*"Appropriate heating"* means temperatures appropriate to the summer and winter comfort zones.~~

"Audit" means the determination of facility compliance with standards through an examination of records and operations by a team of qualified professionals.

"Certification" means an official approval by the Board of Corrections ~~which~~ that allows a facility to operate.

"Chief executive" means the elected or appointed individual who by law or position has the overall responsibility for the facility's administration and operation.

"Classification" means the process for determining inmate housing, custody and program assignments.

"Communication system" means a mechanical audio transmission such as telephone, intercom, walkie talkie or T.V. monitor.

"Contraband" means any item possessed by inmates or found within the jail or lockup ~~which~~ that is illegal by law or not specifically approved for inmate possession by the administrator of the facility.

"Daily log" means a written *or electronic* record for the recording of daily activities or unusual incidents.

"Department" means the Department of Corrections.

"Detainee" means any person confined but not serving a sentence.

"Director" means the Director of the Department of Corrections.

"Disciplinary detention" means the separation of an inmate from the general population for ~~major~~ *misconduct and/or* violations of ~~conduct~~ *or* regulations.

"Facility" means the actual physical setting in which a program or agency functions.

"Fire prevention practices and emergency plans" means the activities and written procedures utilized and rehearsed to ensure the safety of staff, inmates and public.

"Fire safety inspection" means an inspection conducted by the Office of State Fire Marshal or local fire department.

"Good time" means earned credits that will reduce an inmate's time served.

"Grievance procedure" means the method by which inmates may formally address complaints to the facility administration.

"Health care personnel" means individuals whose primary duties are to provide health services to inmates.

"Health inspection" means an inspection conducted by the local or state Department of Health.

"Impartial officer or committee" means individual(s) who are unbiased and are not directly involved in the particular incident or situation being reviewed.

"Inmate handbook" means a manual, pamphlet or handout which that contains information describing inmate activities and conduct.

"Inmate records" means written or electronic information concerning the individual's personal, criminal and medical history, behavior and activities while in custody.

"Juvenile" means a person less than 18 years of age.

"Legal mail" means mail addressed to or received from an attorney or court.

"Local offender" means an individual who has a conviction but who is not a state offender in accordance with § 53.1-20 of the Code of Virginia.

"Lockup" means a temporary detention facility where detainees are held for not more than 12 hours.

~~"Major violations" means those institutional violations for which an inmate may be punished either by being placed in disciplinary detention or by losing statutory good time.~~

"Medical authority" means physician or nurse.

"Medical screening" means an observation and interview process within the booking procedure designed to obtain pertinent information regarding an individual's medical or mental health condition.

~~"Minor violations" means those institutional violations punishable by less severe sanctions such as reprimand or loss of privileges.~~

"Permanent log record" means a written or electronic record of a facility's activities which that cannot be altered or destroyed subject to state law.

"Pharmaceuticals" means prescription and nonprescription drugs.

"Policy and procedures manual" means a written or electronic record containing all policies and procedures needed for the operation of the facility in accordance with the law and the minimum standards for local jails and lockups.

"Post order" means a list of specific job functions and responsibilities required of each duty position.

"Program" means the plan or system through which a correctional agency works to meet its goals; often the program requires a distinct physical setting.

"Protective custody" means a form of separation from the general population for inmates requesting or requiring protection from other inmates.

"Quarterly" means an action which that occurs once every three months within a calendar year.

"Recreational activities" means any out-of-cell activity ranging from scheduled outside or inside recreation to informal table top games.

"State offender" means an individual sentenced to a term of incarceration in accordance with § 53.1-20 of the Code of Virginia. For the purpose of 6 VAC 15-40-230 and 6 VAC 15-40-240 relative to work release, educational release or rehabilitative release, a state offender shall be defined in terms of the intake schedule pursuant to § 53.1-20 of the Code of Virginia.

"Universal precautions" means a set of procedural directives and guidelines detailing placing barriers between staff and all blood and body fluids. These directives include provision of protective barrier devices, standardized labeling of biohazards, mandatory training of employees in universal precautions, management of exposure incidents, and availability to employees of immunization against Hepatitis B.

"Volunteer" means an individual who provides services to the detention facility without compensation.

"Work day" means Monday through Friday.

PART II. JAIL ADMINISTRATION.

~~ARTICLE 1. PHILOSOPHY, GOALS AND OBJECTIVES.~~

~~ARTICLE 2. POLICIES AND PROCEDURES.~~

6 VAC 15-40-40. Policy and procedures manual.

Written policy and procedures shall be maintained in a manual and shall be available 24 hours a day to all staff. The facility's policy policies and procedures manual shall be reviewed every 12 months by the administration and updated to keep current with changes.

PART III. GENERAL ADMINISTRATION AND MANAGEMENT INFORMATION.

~~ARTICLE 1. RELEASE OF INFORMATION.~~

~~ARTICLE 2. INMATE RECORDS.~~

6 VAC 15-40-90. Content of personal inmate records.

Personal records shall be maintained on all inmates committed or assigned to the facility. These records shall contain, but not be limited to:

1. Inmate data form;
2. Commitment form or court order, or both;
3. Records developed as a result of classification;

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~~4. All medical orders issued by the facility's medical authority;~~

~~5.~~ 4. All disciplinary actions, or unusual incidents;

~~6.~~ 5. Work record and program involvement; and

~~7.~~ 6. Copies of inmates' property expenditure records and receipts.

7. *Victim notification when required.*

ARTICLE 3. FACILITY LOGS AND REPORTS.

6 VAC 15-40-100. Daily logs.

The facility shall maintain a daily log(s) ~~which~~ *that* records the following information:

1. Inmate count and location;

2. Intake and release of inmates;

3. Entries and exits of physicians, attorneys, ministers, and other nonfacility personnel;

4. Any unusual incidents such as those that result in physical harm to or threaten the safety of any person, or the security of the facility.

6 VAC 15-40-110. Serious incident report.

A report setting forth in detail the pertinent facts of deaths, escapes, and discharging firearms shall be reported to the ~~appropriate regional administrator~~ *local facilities unit*, Department of Corrections, or designee. The initial report should be made within 24 hours with a full report submitted at the end of the investigation.

ARTICLE 4. CLASSIFICATION.

6 VAC 15-40-120. Classification.

A. Written policy, procedure and practice shall ensure the following:

1. Classification of inmates as to level of housing assignment and participation in correctional programs;

2. Separate living quarters for males, females, and juveniles;

3. Inmates are not segregated by race, color, creed or national origin;

4. Security permitting, equal access to all programs and activities, through separate scheduling, or other utilization of combined programs under supervision; and

5. Any exception to the above to be documented in writing.

B. *If the facility is using objective classification, then the provisions of this subsection shall be followed:*

1. Classification is conducted upon intake and prior to final housing assignment.

2. Classification determines the custody level and housing assignment.

3. Classification is conducted through prisoner interviews and the use of data collection instruments or forms, which are maintained on file.

4. Classification instruments enable objective evaluation and/or scoring of:

a. Current offenses.

b. Prior convictions.

c. History of assaultive behavior.

d. Escape history.

e. Prior institutional adjustment.

f. Court status and pending charges.

g. Mental health or medical treatment history or needs.

h. Identified stability factors.

5. The classification system includes administrative review of decisions and periodic reclassifications and override procedures that are documented and maintained on file.

6. The classification system addresses both the potential security risks posed and treatment needs of the inmate.

7. Male, female and juvenile inmates are housed separately.

8. Inmates are not segregated by race, color, creed or national origin.

ARTICLE 5. GRIEVANCE PROCEDURE.

6 VAC 15-40-130. Written grievance procedure.

A written grievance procedure shall be developed and made available to all inmates with the following elements:

1. Grievance shall be responded to within nine ~~calendar~~ *work* days of receipt;

2. Written responses including the reason for the decision shall be made to all grievances;

3. A review shall be made by someone not directly involved in the grievance;

4. All inmates shall have access to the procedures with guaranty against reprisal; and

5. All inmates shall be afforded the opportunity to appeal the decision.

PART IV.

JAIL PROGRAMS AND SERVICES.

ARTICLE 1. INMATE PARTICIPATION.

6 VAC 15-40-150. Inmate participation exercise.

Written policy, procedure and practice shall: ~~provide that all inmates have access to regular physical exercise.~~

~~1. Provide inmates access to recreational activities consistent with health and security regulations;~~

~~2. Provide all inmates access to regular physical exercise;~~

- 3. Specify eligibility for work assignments; and
- 4. Govern the administration of local work programs.

Any exception to the above shall be documented in writing.

6 VAC 15-40-155. Access to recreational activities.

Written policy, procedure and practice shall provide inmates access to recreational activities.

~~ARTICLE 2. WORK RELEASE, EDUCATIONAL RELEASE AND OTHER REHABILITATIVE RELEASE PROGRAMS.~~

6 VAC 15-40-160. Written procedures for release program eligibility criteria.

Written procedures outlining the eligibility criteria for participation in a work release, educational , *electronic monitoring*, or rehabilitation release program shall be developed by each facility with a work release, educational release, *electronic monitoring*, or rehabilitation program. Offenders shall meet the established eligibility requirements prior to being released to participate in the program.

~~ARTICLE 3. RELIGIOUS, SOCIAL AND VOLUNTEER SERVICES.~~

~~ARTICLE 4. EDUCATION AND LIBRARY SERVICES.~~

6 VAC 15-40-280. Availability and administration of educational services.

Written policy, procedure and practice shall govern the availability and administration of educational services for inmates, including a written agreement with the local school authority for the provision of special education. The facility administrator shall coordinate and cooperate with local authorities for the provision of local community services and resources utilized for this purpose where they are available.

6 VAC 15-40-290. Provisions of reading materials.

The facility shall provide reading materials which that include current periodicals (not more than one year old).

~~ARTICLE 5. COMMISSARY.~~

~~ARTICLE 6. MEDICAL SERVICES.~~

6 VAC 15-40-360. Twenty-four-hour emergency medical care.

Written policy, procedure and practice shall provide 24-hour emergency medical care availability.

6 VAC 15-40-370. Receiving and medical screening of inmates.

Written policy, procedure and practice shall provide that receiving and medical screening be performed on all inmates upon admission to the facility. The medical screening shall:

- 1. Specify ~~assessment of screening for~~ current illnesses, health problems and conditions, and past history of ~~infections or~~ communicable diseases;
- 2. Specify ~~assessment of screening for~~ current symptoms regarding the inmate's mental health, dental problems, allergies, present medications, special dietary requirements, and symptoms of venereal disease;

3. Include inquiry into past and present drug and alcohol abuse, mental health status, depression, suicidal tendencies, and skin condition; and

4. For female inmates, include inquiry into possible pregnancy or gynecological problems.

6 VAC 15-40-380. Inmate access to medical services.

~~Written procedures~~ *policy, procedure and practice* shall be developed whereby inmates can be informed, at the time of admission to the facility, of the procedures for gaining access to medical services. ~~To ensure communicable disease control, the facility shall:~~

- 1. ~~Develop communicable disease screening items for inclusion on medical screening forms;~~
- 2. ~~Review, by the facility's medical authority, communicable disease screening procedures and subsequent documentation at least every 12 months;~~
- 3. ~~Develop procedures for communicable disease testing in jails; and~~
- 4. ~~Train jail staff in the identification and transmission of communicable diseases and in identification of hazardous conditions that may facilitate the spread of disease.~~

6 VAC 15-40-390. Training and competency of staff.

~~All certified security staff involved in security shall be trained and competent in rendering basic first aid equivalent to that defined by the American Red Cross in its use in emergency care procedures. Further, there shall be at least one person per shift who is competent in administering basic life support cardiopulmonary resuscitation (CPR) and CPR by a recognized certifying agency. All training shall be documented.~~

6 VAC 15-40-395. Universal precautions.

~~All regularly assigned facility staff shall be trained, competent and knowledgeable in the use of universal precautions. All training shall be documented.~~

6 VAC 15-40-400. Management of pharmaceuticals.

Written standard operating procedures for the management of pharmaceuticals shall be established and approved by the facility's physician or pharmacist. Written policy, procedure and practice shall provide for the proper management of pharmaceuticals, including receipt, storage, dispensing and distribution of drugs. Such procedures shall be reviewed every 12 months by the ~~facility administrator~~ *medical authority*. Such reviews shall be documented.

6 VAC 15-40-410. Inmate medical record.

The medical record for each inmate shall include:

- 1. The completed ~~receiving~~ screening form; and
- 2. All findings, diagnoses, treatment, dispositions, prescriptions, and administration of medication.

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6 VAC 15-40-450. Suicide prevention and intervention plan.

There shall be a written suicide prevention and intervention plan. These procedures shall be reviewed and documented by an appropriate medical or mental health authority prior to implementation and reviewed every ~~six~~ 12 months by all staff. ~~The six-month~~ These reviews shall be documented.

~~ARTICLE 7. MEDICAL TREATMENT PROGRAMS IN WHICH PRISONERS PAY A PORTION OF THE COSTS.~~

6 VAC 15-40-460. Applicability of medical treatment program standards.

The standards in this ~~article~~ *part* apply only to those facilities ~~which~~ *that* have established a medical treatment program in which prisoners pay a portion of the costs per § 53.1-133.01 of the Code of Virginia.

~~6 VAC 15-40-470. Written policy and procedure required Medical copayment.~~

Jail medical treatment programs wherein inmates pay a portion of the costs for medical services shall be governed by written policy and procedure.

6 VAC 15-40-490. Policy and procedure information.

Written policy and procedure shall specify, at a minimum, the following information:

1. Medical services ~~which~~ *that* are subject to fees;
2. Fee amounts;
3. Payment procedures;
4. Medical services ~~which~~ *that* are provided at no cost;
5. Fee application to medical emergencies, chronic care and pre-existing conditions; and
6. Written notification to inmates of proposed fee changes.

~~ARTICLE 8. FOOD SERVICES.~~

6 VAC 15-40-540. Standards for food service equipment and personnel.

Written policy, procedure and practice shall ensure that the facility's food service equipment and personnel meet the established safety and protection standards and requirements as set forth by the State Board of Health's ~~rules and Food Regulations governing restaurants and the requirements by the Virginia Department of Corrections (12 VAC 5-421).~~ *The facility shall have a Virginia Department of Health (VDH) inspection conducted every 12 months. Written reports of the VDH inspection shall be on file with the facility administrator.*

6 VAC 15-40-550. Food service program.

Written policy, procedure and practice shall ensure a food service program that meets the ~~requirements as set forth by the Virginia Department of Corrections which shall ensure that~~ *following:*

1. The menu meets the dietary allowances as stated in the Recommended Dietary Allowances, National Academy of Sciences;

2. There is at least a one-week advance menu preparation; and

3. Modifications in menus are based on inmates' medical or reasonable religious requirements. Medical or dental diets shall be prescribed by the facility's medical authority.

6 VAC 15-40-560. Meals served under direct supervision of staff.

Written policy, procedure and practice shall ~~ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall~~ ensure meals are served under the direct supervision of staff.

6 VAC 15-40-570. Records of meals served.

Written policy, procedure and practice shall ~~ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall~~ ensure that records of meals served are kept for a minimum of three years.

6 VAC 15-40-580. Food service program not a disciplinary measure.

Written policy, procedure and practice shall ensure a food ~~service program that~~ is not used as a disciplinary measure ~~and meets the requirements as set forth by the Virginia Department of Corrections.~~

~~ARTICLE 9. MAIL.~~

6 VAC 15-40-620. Postage allowance.

Written policy, procedure and practice shall make available, when requested by an indigent inmate (as defined by local jail policy), a postage allowance of ~~not more than~~ *at least* five first-class rate (one ounce) letters per week, including legal mail.

~~6 VAC 15-40-640. Reading of inmate mail Incoming general correspondence.~~

~~Inmate mail shall not~~ *In accordance with United States Postal Regulations, all incoming general correspondence will be opened, searched and may be read except by authorized staff where there is a reasonable suspicion that a particular item of correspondence threatens the safety or and security of the institution facility, the safety of any person, or is being used for furtherance of illegal activities. All incoming legal mail correspondence shall be opened with and searched in the presence of the inmate present.*

6 VAC 15-40-650. Notice of seizures of mail contraband.

Written policy, procedure and practice shall assure that notice of the seizures of mailed contraband be given to the inmate and the sender together with the written reason for the seizure. The sender shall be allowed the opportunity to appeal ~~and challenge~~ the seizure ~~before~~ *to* the facility administrator or a designee empowered to reverse seizure. Unless it is needed for a criminal investigation or prosecution, property ~~which~~ *that* can legally be possessed outside the facility shall be stored, returned to sender, *if known*, or destroyed, ~~as the inmate desires.~~

ARTICLE 10. TELEPHONE.

6 VAC 15-40-660. Access and expense of telephone facilities.

Written policy, procedure and practice shall ensure inmates reasonable access to telephone facilities, *except where safety and security considerations are documented.*

6 VAC 15-40-670. Delivery of emergency messages to inmates.

Written policy, procedure and practice shall ensure that emergency messages to inmates are delivered promptly and recorded. ~~When possible, the jail chaplain shall be notified of an immediate family member's death or serious illness.~~

ARTICLE 11. VISITING.

6 VAC 15-40-690. Approved items which that visitors may bring into facility.

The facility shall have a list of approved items which that visitors may bring into the facility. Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

PART V.
JAIL OPERATIONS.

ARTICLE 1. RECEPTION AND ORIENTATION.

ARTICLE 2. LINEN AND CLOTHING.

6 VAC 15-40-740. Requirements for linens and towels.

Written policy, procedure and practice shall provide that a record ~~be~~ *is* kept to show that clean linen and towels be supplied once a week, a clean change of clothing be provided twice a week and inmates shall be held accountable for their use.

ARTICLE 3. BATHING AND HYGIENE.

ARTICLE 4. INMATE MONEY AND PROPERTY CONTROL.

6 VAC 15-40-800. Accounting of inmate expenditures and receipts of money.

~~An itemized account shall be maintained of each inmate's expenditures and receipts of money while in the facility and acknowledged by the inmate in writing. Inmates' personal funds held by the facility are controlled by accepted accounting procedures. The facility shall provide the inmate with a copy of his itemized account upon reasonable request.~~

6 VAC 15-40-810. Return of inmate property and funds.

Inmate's property and funds shall be returned to him upon his release or transfer and receipted for by the inmate in writing, *when practical.*

ARTICLE 5. INMATE CONDUCT AND DISCIPLINE.

6 VAC 15-40-820. Conduct.

Written policy, ~~procedure~~ and ~~procedures practice~~ shall govern inmate ~~conduct~~ and shall *discipline*, to include:

1. Rules of conduct, *including sanctions for rule violations;*

2. Definition of major and minor violations; and

3. Prohibition of the use of food as a disciplinary measure.

4. ~~Upon assignment to general inmate housing, inmates shall be informed of, receive, and sign for a copy of inmate conduct rules and policy and procedures governing inmate conduct.~~

2. *Procedures and provisions for pre-hearing disciplinary detention; and*

3. *Procedures for processing violators that may include plea agreements that may waive the inmates' right to appeal.*

6 VAC 15-40-830. Discipline Inmate handbook.

~~Written policy, procedure and practice shall govern the reporting and disposition of disciplinary infractions by inmates and shall include:~~

1. ~~Procedures and provisions for pre- and post-disciplinary detention of inmates; and~~

2. ~~Procedures for handling minor violations:~~

- a. ~~The accused inmate shall be given written notice of the charge and the factual basis for it;~~

- b. ~~The accused inmate shall have an opportunity to explain or deny the charge;~~

- c. ~~The accused inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary action;~~

- d. ~~The accused inmate shall have an opportunity to appeal any finding of guilt to the facility administrator or designee; and~~

3. ~~Procedures for handling major violations:~~

- a. ~~The accused inmate shall be given written notice of the charge and the factual basis for it at least 24 hours prior to the hearing of the charge;~~

- b. ~~The charge shall be heard in the inmate's presence by an impartial officer or committee, unless that right is waived in writing by the inmate or through the inmate's behavior. The accused inmate may be excluded during the testimony of any inmate whose testimony must be given in confidence. The reasons for the inmate's absence or exclusion shall be documented;~~

- c. ~~The accused inmate shall be given an opportunity to have the assistance of a staff member or fellow inmate in defending the charge;~~

- d. ~~Witness statements and documentary evidence shall be permitted in his defense;~~

- e. ~~The accused inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary action; and~~

- f. ~~The accused inmate shall be permitted to appeal any finding of guilt to the facility administrator or designee.~~

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Upon initial assignment to a housing status following intake and reception processing, each inmate shall be informed of, receive, and sign for:

1. A copy of the inmate rules of conduct, including sanctions;
2. The policy and procedures governing inmate discipline.

6 VAC 15-40-833. Discipline.

The minimum procedural requirements whenever an inmate may be deprived of good time, or placed on disciplinary segregation include:

1. The accused inmate shall be given written notice of the charge and the factual basis for it at least 24 hours prior to hearing of the charge;
2. The charge shall be heard in the inmate's presence by an impartial officer or committee unless that right is waived in writing by the inmate or through the inmate's behavior. The accused inmate may be excluded during the testimony of any inmate whose testimony must be given in confidence. The reasons for the inmate's absence or exclusion shall be documented;
3. The accused inmate shall be given an opportunity to have the assistance of a staff member or fellow inmate in defending the charge;
4. The inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary action; and
5. The inmate shall be permitted to appeal any finding of guilt to the facility administrator or designee.

6 VAC 15-40-835. Sanctions.

The minimum procedural requirements whenever an inmate is punished, such as reprimand or loss of privileges, include:

1. The accused inmate shall have an opportunity to explain or deny the charge; and
2. The inmate shall have the opportunity to appeal any finding of guilt to the facility administrator or designee.

ARTICLE 6. SECURITY.

6 VAC 15-40-900. Examination and maintenance of security devices.

Written policy, procedure and practice shall specify that, at least once daily, a careful examination ~~be~~ is made of all security devices and that maintenance ~~be~~ is routinely performed to ensure their proper operation.

6 VAC 15-40-910. Searches of facility and inmates.

Written policy and procedures ~~shall specify the process for conducting and documenting searches of the facility and, procedure and practice provide for searches of facilities and inmates to control contraband and provide for the disposition of contraband. These procedures are not made available to inmates.~~

6 VAC 15-40-920. Policy for searches of contraband.

The facility shall post the policy regarding searches for the control of contraband or otherwise make it available to staff and inmates. ~~Further, the policy shall be reviewed by administrative staff at least every 12 months and updated as needed.~~

6 VAC 15-40-940. Tools, and culinary items and cleaning equipment.

Written policy, procedure and practice shall govern the control and use of tools, ~~and culinary items and cleaning equipment.~~

6 VAC 15-40-950. Flammable, toxic and caustic materials.

Written policy, procedure and practice shall specify the control, ~~and storage of cleaning equipment~~ and use of all flammables, toxic and caustic materials.

6 VAC 15-40-960. Functions of duty post.

Written post orders ~~or position descriptions~~ shall clearly describe the functions of each duty post in the facility and include copies in the policy and procedures manual.

6 VAC 15-40-970. Restriction of physical force.

Written policy, procedure and practice shall specify ~~restrict~~ the use of physical force ~~which is necessary for~~ to instances of ~~self-protection~~ justifiable self-defense, protection of others, protection of property, ~~orderly operation of the facility~~ and prevention of escapes. ~~Such physical force shall be restricted to that necessary only to overcome such force as is being exerted. In no event is physical force justifiable as punishment.~~ A written report shall be prepared following all such incidents described above and shall be submitted to the administrator for review and justification.

6 VAC 15-40-1020. Record of activities in disciplinary detention and administrative segregation units.

Written policy, procedure and practice shall ensure that a ~~log~~ ~~be record~~ is kept ~~to record~~ all of scheduled activities in disciplinary detention and administrative segregation units.

6 VAC 15-40-1030. Assessment of inmate in administrative segregation or disciplinary detention.

Written policy, procedure and practice shall require that ~~an~~ a documented assessment, ~~including by medical personnel that shall include~~ a personal interview and medical evaluation of vital signs, is conducted when an inmate remains in administrative segregation or disciplinary detention beyond 15 days and every 15 days thereafter.

6 VAC 15-40-1040. Supervision of inmates.

The facility shall provide for ~~around-the-clock~~ 24-hour supervision of all inmates by trained personnel. All inmate housing areas shall be inspected a minimum of twice per hour at random intervals between inspections. All inspections and unusual incidents shall be documented. No obstructions shall be placed in the bars or windows that would prevent the ability of jail staff to view inmates or the entire housing area.

~~6 VAC 15-40-1050. Institution inspection. (Repealed.)~~

~~Supervisory staff shall inspect the institution daily. Such inspections shall be documented. Unusual findings shall be indicated in writing and submitted to the senior supervisor on duty for review.~~

~~6 VAC 15-40-1070. Prohibition of inmate control over other inmates.~~

~~Written policy, procedure and practice shall prohibit inmates from supervising, controlling or exerting any authority over other inmates.~~

~~6 VAC 15-40-1080. Emergency situations.~~

~~Written policy and procedures shall specify the process to be followed in emergency situations: mass arrest, disturbance, taking of hostages, escapes, loss of utilities and natural disasters. All personnel shall be trained in the implementation of emergency plans. There shall be fire prevention practices and written emergency plans that outline duties of staff, procedures and evacuation routes. Emergency plans shall include responses in the event of fire, chemical release, loss of utilities, natural disaster, taking of hostages, riots, disturbances, escape, bomb threats and mass arrest. Emergency plans shall be reviewed every six 12 months by all staff. The six-month These reviews shall be documented.~~

~~ARTICLE 7. RELEASE.~~

~~PART VI.
JAIL PHYSICAL PLANT.~~

~~ARTICLE 1. FIRE AND HEALTH INSPECTION.~~

~~6 VAC 15-40-1100. Food service and Fire safety inspection.~~

~~The facility shall have state or local health food service and fire safety inspections conducted every 12 months. Localities that do not enforce the Virginia Statewide Fire Prevention Code (VSFPC) shall have the inspections performed by the Office of the State Fire Marshal. Written reports of the fire safety and health food service inspection shall be on file with the facility administrator.~~

~~ARTICLE 2. FIRE PREVENTION AND SAFETY.~~

~~6 VAC 15-40-1110. Fire prevention practices. (Repealed.)~~

~~Written policy, procedure and practice shall specify the facility's fire prevention practices to ensure the safety of staff, inmates, and the public. Fire prevention practices shall be reviewed every six months by all staff. The six-month reviews shall be documented.~~

~~6 VAC 15-40-1130. Master plan for safe and orderly evacuation. (Repealed.)~~

~~The facility shall have a written master plan for the safe and orderly evacuation of all persons in the event of a fire or an emergency. Such a plan shall be reviewed every six months by all staff. The six-month reviews shall be documented.~~

~~ARTICLE 3. FACILITY CLEANLINESS.~~

~~ARTICLE 4. HOUSING AREAS.~~

~~ARTICLE 5. SPECIAL PURPOSE AREA.~~

~~PART VII.
JUVENILES.~~

~~6 VAC 15-40-1190. Housing of juveniles.~~

~~A. Those facilities which, on occasion, house juveniles shall be certified by the Board of Corrections for the express purpose of holding juveniles.~~

~~B. 6 VAC 15-40-1193. Separation.~~

~~Juveniles shall be so housed as to be separated by a wall or other barrier which that would result in preventing visual contact and normal verbal communication with adult prisoners.~~

~~C. 6 VAC 15-40-1195. Contact.~~

~~The facility shall have one or more persons on duty at all times responsible for auditory and visual contact with each juvenile at least every 30 minutes. Contact shall be at least every 15 minutes when juveniles exhibit self-destructive or violent behavior.~~

~~PART VIII.
LOCKUPS.~~

~~6 VAC 15-40-1330. Visiting.~~

~~Written policy and procedures shall ensure that:~~

- ~~1. There be are visiting opportunities limited only by facility schedules, security, space and personnel constraints;~~
- ~~2. Visitors register upon entry into the facility;~~
- ~~3. Circumstances and methods under which visitors may be searched are delineated;~~
- ~~4. Attorneys be are permitted to have confidential visits with their clients; and~~
- ~~5. Any exception to the above be is documented in writing.~~

~~6 VAC 15-40-1350. Incident report.~~

~~A report setting forth in detail the pertinent facts of deaths, escapes, and discharging firearms shall be reported to the appropriate regional administrator local facilities unit, Department of Corrections, or designee. The initial report should be made within 24 hours by the end of the next work day with a full report submitted at the end of the investigation.~~

VA.R. Doc. No. R01-66; Filed February 6, 2002, 10:43 a.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a change from the proposed text of the regulation.

TITLE 4. CONSERVATION AND RECREATION

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulation filed by the Marine Resources Commission is exempt from the Administrative Process Act in accordance with § 2.2-2006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-620. Pertaining to Summer Flounder (amending 4 VAC 20-620-40).

Statutory Authority: §§ 28.2-201 and 28.2-204 of the Code of Virginia.

Effective Date: January 31, 2002.

Summary:

The amendments change the commercial vessel possession limits for Summer Flounder to provide for a more equitable distribution of Summer Flounder among industry participants during the first quarter offshore fishery.

Agency Contact: Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-620-40. Commercial vessel possession limitations.

A. From the first Monday in January through the first Sunday in February, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

~~A. B.~~ From the first Monday in ~~January~~ February through March 31 of each year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters an amount of Summer Flounder in excess of ~~40,000~~ 7,500 pounds.
2. Land Summer Flounder in Virginia for commercial purposes more than twice within each consecutive 10-day period, with the first 10-day period beginning on the first Monday in ~~January~~ February.
3. Land in Virginia more than a total of ~~40,000~~ 7,500 pounds of Summer Flounder during each consecutive 10-day period, with the first 10-day period beginning on the first Monday in ~~January~~ February.

~~B. C.~~ When it is projected and announced that 85% of the quota for the period from the first Monday ~~following in~~ January 4 through March 31 has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

~~C. D.~~ During the period of April 1 through June 30 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 2,500 pounds, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

~~D. E.~~ During the period of July 1 through October 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

~~E. F.~~ From the first Monday in November through December 31 of each year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters an amount of Summer Flounder in excess of 7,500 pounds.
2. Land Summer Flounder in Virginia for commercial purposes more than twice within each consecutive 10-day period, with the first 10-day period beginning on the first Monday in November.
3. Land in Virginia more than a total of 7,500 pounds of Summer Flounder during each consecutive 10-day period, with the first 10-day period beginning on the first Monday in November.

~~F. G.~~ For each of the time periods set forth in subsections A, B, C ~~and~~ , D, E ~~and~~ F of this section, the Marine Resources Commission will give timely notice of any changes in possession limits.

~~G. H.~~ Each possession limit described in subsections A, B, C, D ~~and~~ , E ~~and~~ F of this section shall be determined by the net weight of Summer Flounder as customarily packed, boxed and weighed by the seafood buyer or processor. The net weight of any Summer Flounder found in excess of this possession limit described in subsections A, B, C, D ~~and~~ , E ~~and~~ F of this section shall be prima facie evidence of violation of this chapter. Persons in possession of Summer Flounder, aboard any vessel, in excess of the possession limit shall be

in violation of this chapter. Any buyer or processor offloading or accepting any quantity of Summer Flounder from any vessel in excess of the possession limit shall be in violation of this chapter.

~~H.~~ I. If a person violates the possession limits described in this section, the entire amount of Summer Flounder in that person's possession shall be confiscated. Any confiscated Summer Flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine patrol officer shall inventory the confiscated Summer Flounder and, at a minimum, secure two bids for purchase of the confiscated Summer Flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth pending court resolution of the charge of violating the possession limits established by this chapter. All of the collected funds will be returned to the accused upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilty.

~~I.~~ J. It shall be unlawful for a licensed seafood buyer or federally permitted seafood buyer to fail to contact the Marine Resources Commission Operation Station prior to a vessel offloading Summer Flounder harvested outside of Virginia. The buyer shall provide to the Marine Resources Commission the name of the vessel and its captain and the anticipated or approximate offloading time. Once offloading of any vessel is complete and the weight of the landed Summer Flounder has been determined, the buyer shall contact the Marine Resources Commission Operations Station and report the vessel name and corresponding weight of Summer Flounder landed. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any Summer Flounder during the period of 10 p.m. to 7 a.m.

~~J.~~ K. Any boat or vessel possessing more than the lawful limit of Summer Flounder that has entered Virginia waters for safe harbor shall not offload any Summer Flounder.

~~K.~~ L. After any commercial harvest or landing quota as described in 4 VAC 20-620-30 has been attained and announced as such, any boat or vessel possessing Summer Flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.

VA.R. Doc. No. R02-122; Filed January 28, 2002, 12:15 p.m.

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Title of Regulation: 4 VAC 20-950. Pertaining to Black Sea Bass (amending 4 VAC 20-950-45).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: January 31, 2002.

Summary:

The amendments change the possession limits and harvest quotas for black sea bass to provide for a more equitable distribution of black sea bass among industry participants during the first quarter offshore fishery.

Agency Contact: Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-950-45. Possession limits and harvest quotas.

A. During the period January 1 through March 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than ~~9,000~~ 7,000 pounds of black sea bass, ~~except when it is announced that 75% of the coastwide quota for this period has been taken; then, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 4,500 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.~~

B. During the period April 1 through June 30 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 1,500 pounds of black sea bass. When it is announced that 40% of the coastwide quota for this period is projected to have been taken, the provisions of subsection E of this section shall apply.

C. During the period July 1 through September 30 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 1,000 pounds of black sea bass. When it is announced that 40% of the coastwide quota for this period is projected to have been taken, the provisions of subsection E of this section shall apply.

D. During the period October 1 through December 31 of each year, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia waters more than 2,000 pounds of black sea bass;
2. Land black sea bass in Virginia for commercial purposes more than four times within each consecutive seven-day period, with the first seven-day period beginning on October 1;
3. Land in Virginia more than a total of 2,000 pounds of black sea bass during each consecutive seven-day period, with the first seven-day period beginning on October 1;
4. Fail to contact within 24 hours of landing the Marine Resources Commission's Interactive Voice Recording system to report the name of the vessel and fisherman and the weight of each landing of black sea bass.

E. When it is announced that 40% of the coastwide quota for any of the periods designated in subsections B and C of this section has been taken, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia waters more than 1,000 pounds of black sea bass.
2. Land black sea bass in Virginia, for commercial purposes, more than four times within each consecutive seven-day period, with the first seven-day period beginning upon the announcement that 40% of the coastwide quota for the period has been taken.

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3. Land in Virginia more than a total of 1,000 pounds of black sea bass during each consecutive seven-day period, with the first seven-day period beginning upon the announcement that 40% of the coastwide quota for the period has been taken.

4. Fail to contact the Marine Resources Commission's Interactive Voice Recording system within 24 hours of landing to report the name of the vessel and fisherman and the weight of each landing of black sea bass.

F. It shall be unlawful for any person to possess or to land any black sea bass for commercial purposes after the coastwide quota for the designated period as described in subsections A through D of this section has been attained and announced as such.

G. It shall be unlawful for any buyer of seafood to receive any black sea bass after any commercial harvest quota has been attained and announced as such.

H. It shall be unlawful for any person to possess or to land any black sea bass for recreational purposes from March 1 through March 31 and from July 15 through August 14 of each year.

I. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than 25 black sea bass. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 25. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any black sea bass taken after the possession limit has been reached shall be returned to the water immediately.

J. Possession of any quantity of black sea bass that exceeds the possession limit described in subsection I of this section shall be presumed to be for commercial purposes.

VA.R. Doc. No. R02-123; Filed January 28, 2002, 12:15 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Title of Regulation: 8 VAC 20-21. Licensure Regulations for School Personnel (amending 8 VAC 20-21-10, 8 VAC 20-21-40, 8 VAC 20-21-50, 8 VAC 20-21-90, 8 VAC 20-21-100, 8 VAC 20-21-120, 8 VAC 20-21-170, 8 VAC 20-21-590, 8 VAC 20-21-660, 8 VAC 20-21-680).

Statutory Authority: § 22.1-298 of the Code of Virginia.

Effective Date: March 28, 2002.

Summary:

The amendments conform the regulations to statute by (i) providing for a three-year, nonrenewable Local Eligibility License; (ii) requiring that individuals seeking licensure who

graduate from Virginia institutions of higher education only be licensed if the endorsement areas offered at such institutions have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education; (iii) recognizing national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education for comparable endorsements on a license; and (iv) providing that acts related to secure mandatory tests as specified in the Code of Virginia may be reasons for revocation or suspension of a teaching license.

In addition, the amendments expand provisions for license renewal and initial licensure by requiring demonstration of proficiency in educational technology and training to promote academic progress and preparation for the Standards of Learning and modifying certain professional studies requirements regarding identification of gifted students, improved school/family communication and increased family involvement. The regulations also add a fourth option for obtaining a division superintendent license.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Dr. Thomas Elliott, Assistant Superintendent, Division of Teacher Education and Licensure, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522 or FAX (804) 225-2524.

8 VAC 20-21-10. Definitions.

The following words and terms when used in this chapter shall have the meanings indicated, unless the context clearly implies otherwise:

"Accredited institution" means an institution of higher education accredited by a regional accrediting agency recognized by the United States Department of Education.

"Alternative route to licensure" means one route to licensure available to individuals employed by a Virginia educational agency who meet the guidelines specified in 8 VAC 20-21-80.

"Approved program" means a professional education program recognized as meeting state standards for the content and operation of such programs so graduates of the program will be eligible for state licensure. The Board of Education has the authority to approve programs in Virginia.

"Cancellation" means the annulment, voiding, or invalidation of a teaching license following voluntary surrender of the license by the license holder.

"Certified provider" means a provider certified by the Department of Education to provide preparation and training for applicants seeking the eligibility license specified in 8 VAC 20-21-80.

"Collegiate Professional License" means a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including the professional teacher's assessment prescribed by the Board of Education.

"Competency" means a capability or skill that a person possesses and can demonstrate, given the appropriate

resources and conditions. As used in this chapter, a competency refers to a behavior that a licensure candidate should be able to demonstrate prior to being issued a teaching license. In most cases, entry level proficiency relative to the competency is specified rather than desired mastery level proficiency.

"Content area course work" means courses at the undergraduate level (i.e., two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social science, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts or sciences.

"Denial" means the refusal to grant a teaching license to a new applicant or to an applicant who is reapplying after the expiration of a license.

"Division Superintendent License" means a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited institution of higher education and meets the requirements specified in 8 VAC 20-21-590. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

"Eligibility License" means a one-year license dated July 1 - June 30. The Eligibility License is issued upon successful completion of Level I of the career switcher program. This license requires a bachelor's degree from a regionally accredited institution; the completion of requirements for an endorsement in a teaching area as set forth in this chapter, or the equivalent through verifiable experience or academic study; and Virginia qualifying scores on the professional teacher's assessment as prescribed by the Board of Education. If the Eligibility License expires prior to the individual receiving employment in Virginia, the license holder must reapply for the second Eligibility License. The intensive program (Level I) must be repeated if the individual has not gained employment prior to the expiration of the second Eligibility License.

"Local Eligibility License" means a license established by the Virginia General Assembly issued to an individual by a local school board based on specified criteria set forth by the Code of Virginia. The license is valid for three years and is not transferable to another school division. The Local Eligibility License is a nonrenewable credential and is not reciprocal with other states.

"Mentor" means a classroom teacher hired by the local school division who has achieved continuing contract status or other instructional personnel including retired teacher who meets local mentor selection criteria. The mentor should work in the same building as the teachers he is assisting or be instructional personnel who is assigned solely as a mentor. A mentor should be assigned a limited number of teachers at any time. Instructional personnel who are not assigned solely as mentors should not be assigned to more than four teachers at any time. Mentors guide teachers in the program through demonstrations, observations, and consultations.

"Postgraduate Professional License" means a five-year, renewable license available to an individual who has qualified

for the Collegiate Professional License and who holds an appropriate earned graduate degree from an accredited institution.

"Provisional License" means a nonrenewable license issued for a period of three years to individuals who have been employed by a Virginia educational agency and meet the requirements specified in 8 VAC 20-21-50 A 4.

"Pupil Personnel Services License" means a five-year, renewable license available to an individual who has earned an appropriate graduate degree from an accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, or visiting teacher. This license does not require teaching experience.

"Reciprocity" means an agreement between two or more states that will recognize and accept one another's regulations and laws for privileges for mutual benefit. See 8 VAC 20-21-90 for conditions for teacher licensure by reciprocity.

"Revocation" means the annulment by recalling, repealing, or rescinding a teaching license.

"Special Education Conditional License" means a three-year, nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement but meets the criteria specified in 8 VAC 20-21-50 A 5. This conditional license is not applicable to individuals employed as speech pathologists.

"Suspension" means the temporary withdrawal of a teaching license.

"Technical Professional License" means a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and meets the requirements specified in 8 VAC 20-21-50 A 3.

8 VAC 20-21-40. Conditions for licensure.

A. Applicants for licensure must:

1. Be at least 18 years of age;
2. Pay the appropriate fees as determined by the Board of Education and complete the application process;
3. Have earned a baccalaureate degree (with the exception of the Technical Professional License) from an accredited institution of higher education with a Board of Education approved teacher education program. *Persons seeking initial licensure who graduate from Virginia institutions of higher education shall, on or after July 1, 2002, only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such institutions have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education; and*
4. Possess good moral character (free of conditions outlined in Part VII (8 VAC 20-21-660 et seq.) of this chapter).

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B. All candidates who hold at least a bachelor's degree and who seek an initial Virginia teaching license must obtain passing scores on a professional teacher's assessment prescribed by the Board of Education. Candidates seeking a Technical Professional License or the Pupil Personnel Services License are not required to take the professional teacher's assessment. Individuals who have completed a minimum of two years of full-time, successful teaching experience in an accredited public or nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the assessment requirement.

8 VAC 20-21-50. Types of licenses; dating of licenses.

A. The following types of licenses are available:

1. Collegiate Professional License. The Collegiate Professional License is a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including the professional teacher's assessment prescribed by the Board of Education.

2. Postgraduate Professional License. The Postgraduate Professional License is a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from an accredited institution.

3. Technical Professional License. The Technical Professional License is a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and has completed nine semester hours of specialized professional studies credit from an accredited college or university. The nine semester hours of professional studies course work must include human growth and development (three semester hours), curriculum and instructional procedures (three semester hours), and applications of instructional technology or foundations of education (three semester hours). The Technical Professional License is issued at the recommendation of an employing educational agency in the areas of vocational education, educational technology, and military science. In addition to demonstrating competency in the endorsement area sought, the individual must:

- a. Hold a license issued by the appropriate Virginia board for those program areas requiring a license and a minimum of two years of satisfactory experience at the journeyman level or an equivalent;
- b. Have completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade; or
- c. Have four years of work experience at the management or supervisory level or equivalent or have a combination of four years of training and work experience at the management or supervisory level or equivalent.

Individuals holding the Technical Professional License who seek the Collegiate Professional or Postgraduate

Professional License must meet the professional teacher's assessment requirement.

4. Provisional License. The Provisional License is a three-year, nonrenewable license available to individuals who are employed by a Virginia educational agency and are:

- a. Entering the teaching field through the alternative route to licensure upon recommendation of the employing educational agency;
- b. Failing to meet an allowable portion of general, professional, or specific endorsement requirements;
- c. Seeking the Technical Professional License; or
- d. Eligible for licensure but need to complete successfully the professional teacher's assessment prescribed by the Board of Education.

5. Special Education Conditional License. A Special Education Conditional License is a three-year, nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement. The conditional license is not applicable to individuals employed as speech pathologists. To be issued the Special Education Conditional License an individual must:

- a. Be employed by a Virginia public or nonpublic school and have the recommendation of the employing educational agency;
- b. Hold a baccalaureate degree from an accredited college or university;
- c. Have an assigned mentor endorsed in special education; and
- d. Have a planned program of study in the assigned endorsement area and have completed a minimum of six semester hours in the core competencies of characteristics of students with disabilities and legal aspects associated with students with disabilities.

During the three years the Special Education Conditional License is valid, the individual must complete all requirements for the special education endorsement area, complete professional studies requirements, and meet Virginia's professional teacher's assessment requirement prescribed by the Board of Education.

6. Pupil Personnel Services License. The Pupil Personnel Services License is a five-year, renewable license available to an individual who has earned an appropriate graduate degree from an accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, or visiting teacher. This license does not require teaching experience.

7. Division Superintendent License. The Division Superintendent License is a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited institution of higher

education and meets the requirements specified in 8 VAC 20-21-590. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

8. "Eligibility License" means a one-year license dated July 1 - June 30. The Eligibility License is issued upon successful completion of Level I of the career switcher program. This license requires a bachelor's degree from a regionally accredited institution; the completion of requirements for an endorsement in a teaching area as set forth in this chapter, or the equivalent through verifiable experience or academic study; and Virginia qualifying scores on the professional teacher's assessment as prescribed by the Board of Education. If the Eligibility License expires prior to the individual receiving employment in Virginia, the license holder must reapply for the second Eligibility License. The intensive program (Level I) must be repeated if the individual has not gained employment prior to the expiration of the second Eligibility License.

9. *Local Eligibility License. The Local Eligibility License, established by the Virginia General Assembly, is a valid, three-year nonrenewable license issued by a local school board to an individual who has met specified criteria set forth in § 22.1-299.3 of the Code of Virginia. The license is not transferable to another division. The Local Eligibility License is a nonrenewable credential and is not reciprocal with other states.*

B. All licenses will be effective from July 1 in the school year in which the application is made.

8 VAC 20-21-90. Conditions for licensure by reciprocity.

A. An individual coming into Virginia from any state may qualify for a Virginia teaching license with comparable endorsement areas if the individual has completed a state-approved teacher training program through a regionally accredited four-year college or university, or if the individual holds a valid out-of-state teaching license which must be in force at the time the application for a Virginia license is made. An individual seeking licensure must establish a file in the Department of Education by submitting a complete application packet, which includes official student transcripts. A professional teacher's assessment prescribed by the Board of Education must be satisfied.

B. An individual coming into Virginia will qualify for a Virginia teaching license with comparable endorsement areas if the individual holds national certification from the National Board for Professional Teaching Standards (NBPTS) or a nationally recognized certification program approved by the Board of Education.

8 VAC 20-21-100. Requirements for renewing a license.

A. The Division Superintendent, Postgraduate Professional, Collegiate Professional, Technical Professional, and Pupil Personnel Services Licenses may be renewed upon the completion of 180 professional development points within a five-year validity period based on an individualized professional development plan. Professional development points can be accrued by the completion of activities from one or more of the following options: college credit, professional conference, peer observation, educational travel, curriculum

development, publication of article, publication of book, mentorship/supervision, educational project, and employing educational agency professional development activity.

B. A minimum of 90 points (three semester hours in a content area) in the license holder's endorsement area or areas shall be required of license holders without a master's degree and may be satisfied at the undergraduate (two-year or four-year institution) or graduate level. Special education course work designed to assist classroom teachers and other school personnel in working with students with disabilities, a course in gifted education, a course in educational technology, or a course in English as a second language may be completed to satisfy the content course requirement for one cycle of the renewal process. Professional development activities designed to support the Virginia Standards of Learning, Standards of Accreditation, and Assessments may be accepted in lieu of the content course for one renewal cycle. The substance of the activities must clearly support these initiatives and address one or more of the following areas: (i) new content knowledge to implement the Virginia Standards of Learning; (ii) curriculum development initiative designed to translate the standards from standards to classroom objectives; (iii) teaching beginning reading skills including phonemic awareness and the structure of language (phonics); (iv) staff development activities in assessment to assist classroom teachers in the utilization of test results to improve classroom instruction; and (v) professional development designed to implement the technology standards in the schools. Technical Professional License holders without baccalaureate degrees may satisfy the requirement through vocational education workshops, vocational education institutes, or through undergraduate course work at two-year or four-year institutions.

C. Content area courses are courses at the undergraduate level (two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social science, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts and sciences. License holders with elementary education, middle education, special education, or reading endorsements must satisfy the 90-point requirement through content course work in one of the areas listed above. Courses available through the college's or institution's department of education may be used to satisfy the content requirement for those license holders with endorsements in health and physical education, vocational education, and library science education.

D. With prior approval of the division superintendent, the 90 points in a content area also may be satisfied through course work taken to obtain a new teaching endorsement or course work taken because of a particular need of a particular teacher.

E. The remaining 90 points may be accrued by activities drawn from one or more of the 10 options described in The Virginia Renewal Manual. Renewal work is designed to provide licensed personnel with opportunities for professional development relative to the grade levels or teaching fields to which they are assigned or for which they seek an added

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endorsement. Such professional development encompasses (i) responsible remediation of any area of an individual's knowledge or skills that fails to meet the standards of competency and (ii) responsible efforts to increase the individual's knowledge of new developments in his field and to respond to new curricular demands within the person's area of professional competence.

F. The proposed work toward renewal in certain options must be approved in advance by the chief executive officer or designee of the employing educational agency. Persons who are not employed by an educational agency may renew or reinstate their license by submitting to the Office of Professional Licensure, Department of Education, their individualized renewal record and verification of points, including official student transcripts of course work taken at an accredited two-year or four-year college or university.

G. Accrual of professional development points shall be determined by criteria set forth by the Virginia Department of Education.

H. On and after July 1, 2003, persons seeking license renewal as teachers must demonstrate proficiency in the use of educational technology for instruction.

H. I. Virginia school divisions and nonpublic schools will recommend renewal of licenses using the renewal point system. On or after July 1, 2003, the renewal recommendation must include verification of demonstrated proficiency in the use of educational technology for instruction.

J. Training in instructional methods tailored to promote academic progress and effective preparation for the Standards of Learning tests and end-of-grade assessments is required for licensure renewal on and after July 1, 2004.

8 VAC 20-21-120. Professional studies requirements.

Professional studies requirements for early/primary education, elementary education, and middle education: 18 semester hours.

1. Human growth and development (birth through adolescence): 3 semester hours. Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual differences—economic, social, racial, ethnic, religious, physical, and mental—should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to attention deficit disorders, *gifted education including the use of multiple criteria to identify gifted students*, substance abuse, child abuse, and family disruptions.

2. Curriculum and instructional procedures: 6 semester hours.

a. Early/primary education preK-3 or elementary education preK-6 curriculum and instructional procedures. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication

processes; classroom management; selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for gifted and talented students and those students with disabling conditions, must be appropriate for the level of endorsement (preK-3 or preK-6) *and be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Study in methods of improving communication between schools and families, ways of increasing family involvement in student learning at home and in school, and the Standards of Learning shall be included. On and after July 1, 2003, demonstrated proficiency in the use of educational technology for instruction shall be included.* Pre-student teaching experiences (field experiences) should be evident within these skills.

b. Middle education 6-8 curriculum and instructional procedures. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes, classroom management; selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for gifted and talented students and students with disabling conditions, must be appropriate for the middle education endorsement *and be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Study in methods of improving communication between schools and families, ways of increasing family involvement in student learning at home and in school, and the Standards of Learning shall be included. On and after July 1, 2003, demonstrated proficiency in the use of educational technology for instruction shall be included.* Pre-student teaching experiences (field experiences) should be evident within these skills.

3. Foundations of education: 3 semester hours. Skills in this area shall be designed to develop an understanding of the historical, philosophical, and sociological foundations underlying the role, development and organization of public education in the United States. Attention should be given to the legal status of teachers and students, including federal and state laws and regulations, school as an organization/culture, and contemporary issues in education.

4. Reading: 6 semester hours.

a. Early/primary preK-3 and elementary education preK-6—language acquisition and reading: 6 semester hours. Skills in this area shall be designed to impart a thorough understanding of the complex nature of language acquisition and reading, to include: phonemic awareness, an understanding of sound/symbol relationships, explicit phonics instruction, syllables, phonemes, morphemes, decoding skills, word attack skills, and a knowledge of how phonics, syntax, and semantics interact. Additional skills shall include proficiency in a wide variety of comprehension strategies, as well as the ability to foster appreciation of a variety of literature and independent reading.

b. Middle education—language acquisition: 3 semester hours and reading in the content areas: 3 semester hours. Skills in this area shall be designed to impart an understanding of comprehension skills in all content areas, including a repertoire of questioning strategies, summarizing and retelling skills, and strategies in literal, interpretive, critical, and evaluative comprehension, as well as the ability to foster appreciation of a variety of literature and independent reading.

5. Supervised classroom experience. The student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 300 clock hours with at least half of that time spent supervised in direct teaching activities (providing direct instruction) at the level of endorsement. One year of successful full-time teaching experience in the endorsement area in any accredited public or nonpublic school may be accepted in lieu of the supervised teaching experience. A fully licensed, experienced teacher must be available in the school building to assist a beginning teacher employed through the alternative route.

8 VAC 20-21-170. Professional studies requirements.

Professional studies requirements for adult education, preK-12 endorsements, special education, and secondary grades 6-12 endorsements: 15 semester hours.

1. Human growth and development (birth through adolescence): 3 semester hours. Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual differences—economic, social, racial, ethnic, religious, physical, and mental—should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to attention deficit disorders, *gifted education including the use of multiple criteria to identify gifted students*, substance abuse, child abuse, and family disruptions.

2. Curriculum and instructional procedures: 6 semester hours. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; classroom management; selection and use of materials, including media and computers; and evaluation of pupil performance. Teaching methods appropriate for exceptional students, including gifted and talented and those with disabling conditions, and appropriate for the level of endorsement sought shall be included. *Teaching methods shall be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and in school and the Standards of Learning shall be included. On and after July 1, 2003, demonstrated proficiency in the use of educational technology for instruction shall be included.* Curriculum and instructional procedures for secondary grades 6-12 endorsements must

include middle and secondary education. Pre-student teaching experiences (field experiences) should be evident within these skills. For preK-12, field experiences must be at the elementary, middle, and secondary levels.

3. Foundations of education: 3 semester hours. Skills in this area shall be designed to develop an understanding of the historical, philosophical, and sociological foundations underlying the role, development and organization of public education in the United States. Attention should be given to the legal status of teachers and students, including federal and state laws and regulations, school as an organization/culture, and contemporary issues in education.

4. Reading.

a. Adult education, preK-12, and secondary grades 6-12—reading in the content area: 3 semester hours. Skills in this area shall be designed to impart an understanding of comprehension skills in all content areas, including a repertoire of questioning strategies, summarizing and retelling skills, and strategies in literal, interpretive, critical, and evaluative comprehension, as well as the ability to foster appreciation of a variety of literature and independent reading.

b. Special education—language acquisition and reading: 6 semester hours. Skills in this area shall be designed to impart a thorough understanding of the complex nature of language acquisition and reading to include: phonemic awareness, an understanding of sound/symbol relationships, explicit phonics instruction, syllables, phonemes, morphemes, decoding skills, word attack skills, and a knowledge of how phonics, syntax, and semantics interact. Additional skills shall include proficiency in a wide variety of comprehension strategies, as well as the ability to foster appreciation of a variety of literature and independent reading.

5. Supervised classroom experience. The student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 300 clock hours with at least half of that time spent supervised in direct teaching activities (providing direct instruction) in the endorsement area sought. If a preK-12 endorsement is sought, teaching activities must be at the elementary and middle or secondary levels. Individuals seeking the endorsement in library media must complete the supervised experience in a school library media setting. Individuals seeking an endorsement in an area of special education must complete the supervised classroom experience requirement in the area of special education for which the endorsement is sought. One year of successful full-time teaching experience in the endorsement area in any accredited public or nonpublic school may be accepted in lieu of the supervised teaching experience. A fully licensed, experienced teacher must be available in the school building to assist a beginning teacher employed through the alternative route.

8 VAC 20-21-590. Division Superintendent License.

An individual may be a candidate for the list of eligible division superintendents and the renewable Division Superintendent

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License through the completion of the requirements in one of the following [~~three~~ *four*] options:

1. Option one. The individual must:

- a. Hold an earned doctorate degree in educational administration or educational leadership from an accredited institution; and
- b. Have completed five years of educational experience in a public and/or accredited nonpublic school, two of which must be teaching experience at the preK-12 level and two of which must be in administration/supervision at the preK-12 level.

2. Option two. The individual must:

- a. Hold an earned master's degree from an accredited institution plus 30 completed hours beyond the master's degree;
- b. Have completed requirements for administration and supervision preK-12 endorsement which includes the demonstration of competencies in the following areas:

(1) Knowledge and understanding of student growth and development, including:

- (a) Applied learning and motivational theories;
- (b) Curriculum design, implementation, evaluation and refinement;
- (c) Principles of effective instruction, measurement, evaluation and assessment strategies;
- (d) Diversity and its meaning for educational programs; and
- (e) The role of technology in promoting student learning.

(2) Knowledge and understanding of systems and organizations, including:

- (a) Systems theory and the change process of systems, organizations and individuals;
- (b) The principles of developing and implementing strategic plans;
- (c) Information sources and processing, including data collection and data analysis strategies;
- (d) Learning goals in a pluralistic society; and
- (e) Effective communication, including consensus building and negotiation skills.

(3) Knowledge and understanding of theories, models, and principles of organizational development, including:

- (a) Operational procedures at the school and division/district level;
- (b) Principles and issues of school safety and security;
- (c) Human resources management and development, including adult learning and professional development models;

(d) Principles and issues related to fiscal operations of school management;

(e) Principles and issues related to school facilities and use of space;

(f) Legal issues impacting school operations and management; and

(g) Technologies that support management functions.

(4) Knowledge and understanding of the values and ethics of leadership, including:

(a) The role of leadership in modern society;

(b) Emerging issues and trends that impact the school community;

(c) Community resources and partnerships of school, family, business, government and higher education institutions;

(d) Community relations and marketing strategies and processes; and

(e) Conditions and dynamics of the diverse school community.

(5) Knowledge and understanding of the purpose of education and its role in a modern society, including:

(a) The philosophy and history of education; and

(b) Various ethical frameworks and professional ethics.

(6) Knowledge and understanding of principles of representative governance that undergird the system of American schools, including:

(a) The role of public education in developing and renewing a democratic society and an economically productive nation;

(b) The law as related to education and schooling;

(c) The political, social, cultural and economic systems and processes that impact schools;

(d) Models and strategies of change and conflict resolution as applied to the larger political, social, cultural and economic contexts of schooling;

(e) Global issues and forces affecting teaching and learning; and

(f) The importance of diversity and equity in a democratic society.

c. Have completed five years of educational experience in a public and/or accredited nonpublic school, two of which must be teaching experience at the preK-12 level and two of which must be in administration/supervision at the preK-12 level.

3. Option three. The individual must:

a. Hold an earned master's degree from an accredited institution;

b. Hold a current, valid out-of-state license with an endorsement as a division/district superintendent; and

c. Have completed five years of educational experience in a public and/or accredited nonpublic school, two of which must be teaching experience at the preK-12 level and two of which must be in administration/supervision.

4. *Option four. The individual must:*

a. *Hold a master's degree, or its equivalent, from an accredited institution;*

b. *Have held a senior leadership position such as Chief Executive Officer or senior military officer; and*

c. *Be recommended by a school board interested in employing the individual as superintendent.*

8 VAC 20-21-660. Revocation.

A. A license issued by the Board of Education may be revoked for the following reasons:

1. Obtaining or attempting to obtain such license by fraudulent means or through misrepresentation of material facts;
2. Falsification of school records, documents, statistics, or reports;
3. Conviction of any felony;
4. Conviction of any misdemeanor involving moral turpitude;
5. Conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of the Commonwealth of Virginia;
6. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted; or
7. *Acts related to secure mandatory tests as specified in § 22.1-292.1 of the Code of Virginia; or*
7. 8. Other good and just cause of a similar nature.

B. Procedures.

1. Submission of complaints. A complaint may be filed by anyone, but it shall be the duty of a division superintendent, principal or other responsible school employee to file a complaint in any case in which he has knowledge that a holder of a license is guilty of any offense set forth in subsection A of this section. The person making the complaint shall submit it in writing to the appropriate division superintendent.
2. Action by division superintendent; investigation. Upon receipt of the complaint against the holder of a license, a division superintendent or his duly authorized representative shall investigate the charge. If, on the basis of such investigation, the division superintendent finds the complaint to be without merit, he shall so notify the complaining party or parties in writing and then close his file on the matter. This action shall be final unless the local school board, on its own motion, votes to proceed to a hearing on the

complaint or unless circumstances are present making subsection A of this section applicable.

C. Petition for revocation. Should the division superintendent or local school board conclude that there is reasonable cause to believe that a complaint against the holder of a license is well founded, the teacher shall be notified of the complaint by a written petition for revocation of a license signed by the division superintendent. A copy of such petition shall be sent by registered mail, return receipt requested, to the teacher's last known address. If not otherwise known, the last known address shall be the address shown in the records of the Department of Education.

D. Form of petition. The petition for the revocation of a license shall set forth:

1. The name and last known address of the person against whom the petition is being filed;
2. The social security number of and the type of license held by the person against whom the petition is being filed;
3. The offenses alleged and the specific actions which comprise the alleged offenses;
4. The name and address of the party filing the original complaint against the license holder;
5. A copy of the regulations containing a statement of the rights of the person charged under this chapter; and
6. Any other pertinent information.

E. Filing of petition. The original petition shall be entered in the files of the local school board where the license holder is employed.

F. Response to petition. The license holder shall present his written answer to the petition, if any, within 14 days after the date of service of the petition as certified by the United States Postal Service.

1. If the teacher responding to the petition states that he does not wish to contest the charges, he may voluntarily return the license to the division superintendent with a written, signed statement requesting cancellation. The Superintendent of Public Instruction is authorized, upon receipt of the license holder's written, signed request from the division superintendent, to cancel the license.
2. If the license holder files a written answer admitting the charges, or refuses to accept the copy of the petition from the postal authorities, or fails to file a written answer within 14 days after service of the petition or has failed to provide postal authorities with a forwarding address so that the petition can be delivered, the local school board shall proceed to a hearing as described in subdivisions 3 and 4 of this subsection.
3. If the license holder files his written answer denying the charges in the petition, the local school board shall provide a hearing at the time and place of its regular meeting or at such other reasonable time and place it may specify. The license holder or his representative, if any, shall be given at least 14 days notice of the hearing.

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4. Following the hearing, the local school board shall receive the recommendation of the division superintendent and then either dismiss the charges or make such recommendations as it deems appropriate relative to revocation of a license. A decision to dismiss the charges shall be final, except as specified in subsection G of this section, and the investigative file on the charges shall be closed and destroyed or maintained as a separate sealed file under provision of the Code of Virginia. Any record or material relating to the charges in any other file shall be removed or destroyed. Should the local school board recommend the revocation or suspension of a license, this recommendation, along with the investigative file, shall promptly be forwarded by the division superintendent to the Superintendent of Public Instruction.

G. Revocation on motion of the Board of Education. The Board of Education reserves the right, in situations not covered by this chapter, to act directly in revoking a license. No such revocation will be ordered without the involved license holder being given the opportunity for the hearing specified in 8 VAC 20-21-710 B.

H. Reinstatement of license. A license that has been revoked may be reinstated by the Board of Education after five years if the board is satisfied that reinstatement is in the best interest of the former license holder and the public schools of the Commonwealth of Virginia. The individual must apply to the board for reinstatement. Notification to all appropriate parties will be communicated in writing by the state agency.

8 VAC 20-21-680. Suspension.

A. A license may be suspended for the following reasons:

1. Physical, mental, or emotional incapacity as shown by a competent medical authority;
2. Incompetence or neglect of duty;
3. Failure or refusal to comply with school laws and regulations, including willful violation of contractual obligations; ~~or~~
4. *Acts related to secure mandatory tests as specified in § 22.1-292.1 of the Code of Virginia; or*
- ~~4- 5.~~ Other good and just cause of a similar nature.

B. Procedures.

1. Submission of complaints. A complaint may be filed by anyone, but it shall be the duty of a division superintendent, principal, or other responsible school employee to file a complaint in any case in which he has knowledge that a holder of a license is guilty of any offense set forth in subsection A of this section. The person making the complaint shall submit it in writing to the appropriate division superintendent.
2. Action by division superintendent; investigation. Upon receipt of the complaint against the holder of a license, a division superintendent or his duly authorized representative shall investigate the charge. If, on the basis of such investigation, the division superintendent finds the complaint to be without merit, he shall so notify the complaining party or parties in writing and then close his file on the matter.

This action shall be final unless the local school board on its own motion votes to proceed to a hearing on the complaint or unless circumstances are present making ~~subsection~~ *subsection C* of this section applicable.

C. Petition for suspension. Should the division superintendent or local school board conclude that there is reasonable cause to believe that a complaint against the holder of a license is well founded, the teacher shall be notified of the complaint by a written petition for suspension of a license signed by the division superintendent. A copy of such petition shall be sent by registered mail, return receipt requested, to the teacher's last known address. If not otherwise known, the last known address shall be the address shown in the records of the Department of Education.

D. Form of petition. The petition for the suspension of a license shall set forth:

1. The name and last known address of the person against whom the petition is being filed;
2. The social security number and the type of license held by the person against whom the petition is being filed;
3. The offenses alleged and the specific actions that comprise the alleged offenses;
4. The name and address of the party filing the original complaint against the license holder;
5. A statement of the rights of the person charged under this chapter; and,
6. Any other pertinent information.

E. Filing of petition. The original petition shall be entered in the files of the local school board where the license holder is employed.

F. Response to petition. The license holder shall present his written answer to the petition, if any, within 14 days after the date of service of the petition as certified by the United States Postal Service.

1. If the teacher responding to the petition states that he does not wish to contest the charges, he may voluntarily return his license to the division superintendent with a written and signed statement requesting suspension. The Superintendent of Public Instruction is authorized, upon receipt of the license holder's written, signed request from the division superintendent, to cancel the license.
2. If the license holder files a written answer admitting the charges, or refuses to accept the copy of the petition from the postal authorities, or fails to file a written answer within 14 days after service of the petition, or has failed to provide postal authorities with a forwarding address so that the petition can be delivered, the local school board shall proceed to a hearing as described in subdivisions 3 and 4 of this subsection.
3. If the license holder files his written answer denying the charges in the petition, the local school board shall provide a hearing at the time and place of its regular meeting or at such other reasonable time and place it may specify. The

license holder or his representative, if any, shall be given at least 14 days notice of the hearing.

4. Following its hearing, the local school board shall receive the recommendation of the division superintendent and then either dismiss the charges or make such recommendations relative to suspension of a license as it deems appropriate. A decision to dismiss the charges shall be final, except as specified in subsection G of this section, and the file on the charges shall be closed and all materials expunged. Should the local school board recommend the suspension of a license, this recommendation, along with supporting evidence, shall promptly be forwarded by the division superintendent to the Superintendent of Public Instruction.

G. Suspension on motion of Board of Education. The Board of Education reserves the right, in situations not covered by this chapter, to act directly in suspending a license. No such suspension will be ordered without the involved license holder being given the opportunity for the hearing as specified in 8 VAC 20-21-710 B.

H. Reinstatement of license. A license may be suspended for a period of time not to exceed five years. The license may be reinstated by the Department of Education, upon request, with verification that all requirements for license renewal have been satisfied. The individual must apply to the board for reinstatement. Notification to all appropriate parties will be communicated in writing by the Department of Education.

VA.R. Doc. No. R01-135; Filed January 30, 2002, 12:28 p.m.

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The Department of Education will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 8 VAC 20-80. Regulations Governing Special Education Programs for Children with Disabilities in Virginia (amending 8 VAC 20-80-30, 8 VAC 20-80-40, 8 VAC 20-80-54, 8 VAC 20-80-56, 8 VAC 20-80-60, 8 VAC 20-80-66, 8 VAC 20-80-70, 8 VAC 20-80-76).

Statutory Authority: § 22.1-16 of the Code of Virginia.

Effective Date: March 27, 2002.

Summary:

The United States Department of Education, in its review and analysis of these regulations to determine Virginia's eligibility for federal special education funds, identified certain components of the regulations that needed to be changed. The required changes are designed to ensure that:

1. Meetings of the state special education advisory committee are announced early enough for the public to attend;

- 2. State reports of assessment do not disaggregate data for children with disabilities if doing so is not statistically sound;
- 3. Confidentiality notices to parents comply with § 300.561 of the Individuals with Disabilities Education Act;
- 4. IEPs are developed appropriately for children placed in non-educational placements by Comprehensive Services Act teams;
- 5. IEP teams determine when services will begin for children who turn two during summer months;
- 6. Children aged birth to 21 have a free educational opportunity goal and the state and localities intend on meeting this goal by 2010;
- 7. Private schools where children with disabilities are placed are described as private schools rather than private special education schools;
- 8. Parents of children placed by a Comprehensive Services Act team for special education reasons have the full rights for parental involvement in placement decisions;
- 9. Expedited due process hearing timelines are the same for hearings requested by parents or by local educational agencies;
- 10. Virginia's language does not place a statute of limitations on federal appeals.

Agency Contact: Lissa Power-deFur, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2402, e-mail lpower-d@mail.vak/2ed.edu.

8 VAC 20-80-30. Functions of the Virginia Department of Education.

The Virginia Department of Education (state educational agency) shall perform the following functions:

- 1. Ensure that all children with disabilities, aged two to 21, inclusive, residing in Virginia have a right to a free appropriate public education, including, but not limited to, children with disabilities who:
 - a. Are migrant;
 - b. Are homeless;
 - c. Have been suspended or expelled from school, in accordance with this chapter;
 - d. Are incarcerated in a state, regional, or local adult or juvenile correctional facility, with the exception of those provisions identified in 8 VAC 20-80-62 H.
 - e. Are in special education and related services, even though they are advancing from grade to grade;
 - f. Are in state-operated programs; or
 - g. Are in public charter schools in accordance with the Code of Virginia.
- 2. Except as provided in 8 VAC 20-80-56 D, ensure that each local school division develops an IEP for each child with a disability served by that local school division and that

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an IEP is developed for each child with a disability placed in a private school by a local school division or Comprehensive Services Act team.

3. Review and submit to the Virginia Board of Education for approval a plan for the provision of special education and related services from each local educational agency responsible for providing educational services to children with disabilities.

4. Prepare and submit for public hearing; receive comment from the public, members of the state special education advisory committee and private special education schools; and place on file with the U.S. Department of Education, final policies and procedures to ensure that the conditions of state eligibility for funding under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) are met.

5. Develop procedures for implementing state and federal laws and regulations pertaining to the education of children with disabilities.

6. Assist local educational agencies and other participating state agencies in the implementation of state and federal laws and regulations pertaining to the education of children with disabilities by providing technical assistance and consultative services.

7. Review and evaluate compliance of local educational agencies with state and federal laws and regulations pertaining to the education of children with disabilities and require corrective actions where needed.

a. Administer a special education due process hearing system that provides procedures for training of hearing officers, requests for a hearing, appointment of hearing officers, management and monitoring of hearings, and administration of the hearing system.

b. Maintain and operate a complaint system that provides for the investigation and issuance of findings regarding alleged violations of the educational rights of parents or children with disabilities. Allegations may be made by public or private agencies, individuals or organizations.

8. Review and evaluate compliance of private nonsectarian special education schools that are licensed or have a certificate to operate in order to ensure that each child with a disability placed in the school by a local school division or Comprehensive Services Act team is provided special education and related services at no cost to the parent or parents in conformance with an IEP that meets the requirements of this chapter and meets the standards that apply to education provided by local educational agencies.

9. Review and evaluate compliance of the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton to ensure that each child with a disability placed in the school by a local school division is provided special education and related services at no cost to the parent or parents in accordance with an IEP that meets the requirements of this chapter and meets the standards that apply to education provided by local educational agencies.

10. Establish and maintain a state special education advisory committee composed of individuals involved in or concerned with the education of children with disabilities.

a. Membership. The membership shall consist of individuals appointed by the Board of Education who are involved in, or concerned with, the education of children with disabilities. The majority shall be individuals with disabilities or parents of children with disabilities. Membership shall include one or more of the following:

(1) Parents of children with disabilities;

(2) Individuals with disabilities;

(3) Teachers;

(4) Representatives of institutions of higher education that prepare special education and related services personnel;

(5) State and local education officials;

(6) Administrators of programs for children with disabilities;

(7) Representatives of other state agencies involved in the financing or delivery of related services to children with disabilities;

(8) Representatives of private schools and public charter schools;

(9) At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and

(10) Representatives from Virginia's juvenile and adult correctional educational agency.

b. Duties. The state special education advisory committee shall:

(1) Advise the Virginia Department of Education and the Virginia Board of Education of unmet needs within the state in the education of children with disabilities;

(2) Comment publicly on any rules or regulations proposed by the Virginia Board of Education regarding the education of children with disabilities;

(3) Advise the Virginia Department of Education in developing evaluations and reporting on data to the U.S. Secretary of Education under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.);

(4) Advise the Virginia Department of Education in developing corrective action plans to address findings identified in federal monitoring reports under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.);

(5) Advise the Virginia Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities;

(6) Advise the Virginia Department of Education on eligible children with disabilities in state, regional, or local adult or juvenile correctional facilities; and

(7) Review the policies and procedures for the provision of special education and related services under 8 VAC 20-80-90 B 1 submitted by state-operated programs, the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton.

c. Procedures.

(1) The state special education advisory committee shall meet as often as necessary to conduct its business.

(2) By July 1 of each year, the state special education advisory committee shall submit an annual report of committee activities and suggestions to the Virginia Board of Education. The report must be made available to the public in a manner consistent with other public reporting requirements of Part B of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.).

(3) Official minutes must be kept on all committee meetings and must be made available to the public on request.

(4) All meetings and agenda items must be publicly announced ~~prior to~~ *enough in advance* of the meeting *to afford interested parties a reasonable opportunity to attend*, and meetings must be open to the public.

(5) Interpreters and other necessary services shall be provided for advisory committee members or participants.

(6) The advisory committee shall serve without compensation, but the Virginia Department of Education shall reimburse the committee for reasonable and necessary expenses for attending meetings and performing duties.

11. Provide at least annually to the state special education advisory committee all findings and decisions of due process hearings, with all personally identifiable information deleted, and in addition, a summary of the complaint findings.

12. Establish goals for the performance of children with disabilities that will promote the purposes of the Individuals with Disabilities Education Act as stated in 34 CFR § 300.1 and are consistent, to the maximum extent appropriate, with other goals and standards as established by the Virginia Board of Education and the Code of Virginia for all children as follows:

a. Establish performance indicators to assess progress toward achieving those goals that address, at a minimum, dropout rates, graduation rates, and performance of children with disabilities on assessments; and

b. Every two years, report to the public and the United States Secretary of Education on progress of the state and children with disabilities in the state toward meeting the goals.

13. Develop and implement a comprehensive personnel development plan which is designed to ensure an adequate supply of qualified special education, regular education, and related services personnel, including paraprofessionals, and meets the requirements for a state improvement plan relating to personnel development.

14. Demonstrate that children with disabilities are included in state and local assessment programs, with accommodations and modifications, or in an alternate assessment. Report to the public, with the same frequency and in the same detail as reports on assessments are issued for children without disabilities, the number of children with disabilities participating in regular and alternate assessments, and performance results on regular and alternate assessments, including both aggregated and disaggregated data. *The reports shall include this information if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children.*

15. Establish procedures for disseminating significant information derived from research, demonstration programs, and projects involving children with disabilities.

16. Secure agreements with state agency heads regarding appropriate roles and responsibilities for the identification, evaluation, placement, and delivery of or payment for educational and related services in order to ensure that a free appropriate public education is provided to all children with disabilities. The agreements shall address financial responsibility for each nonpublic educational agency for the provision of services. The agreements shall include procedures for resolving interagency disputes and for securing reimbursement from other agencies, including procedures under which local educational agencies may initiate proceedings.

17. Disburse the appropriated funds for the education of children with disabilities in the Commonwealth to local school divisions and state-operated programs which are in compliance with state and federal laws and regulations pertaining to the education of children with disabilities, including submission of revised policies and procedures for provision of special education and related services.

18. Ensure that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services. Report and certify to the United States Department of Education, no later than February 1 of each year, the number of children with disabilities in local educational agencies who are receiving special education and related services.

19. Establish procedures designed to fully inform parents and children with disabilities of educational rights and due process procedures.

20. Provide private special education schools that are licensed or have a certificate to operate with copies of all state regulations and standards relating to the education of children with disabilities and revisions as they occur.

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21. Establish and implement a mediation process in accordance with the Individuals with Disabilities Education Act (20 USC § 1400 et seq.), including providing for the cost of mediators and support personnel.
22. Ensure that requirements regarding use of public or private insurance to pay for services required under this chapter are met.
23. If the Virginia Department of Education provides direct services to children with disabilities, it shall comply with state and federal requirements as if it is a local educational agency and use federal funds under Part B of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) to provide services.
- a. The Virginia Department of Education shall use payments that would otherwise have been available to a local educational agency to provide special education services directly to children with disabilities residing in the local school division or served by a state-operated program in accordance with the conditions of § 1413(h) of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.).
- b. The Virginia Department of Education may provide special education and related services in the manner and at the location it considers appropriate, consistent with least restrictive environment requirements.
24. Ensure that children who participate in early intervention services assisted under Part C of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) and who will participate in preschool programs assisted under Part B of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) experience a smooth and effective transition to early childhood special education programs in a manner consistent with the Virginia Part C lead agency's early intervention policies and procedures, as follows:
- a. For those children who at age two (on or before September 30) are found eligible for Part B early childhood special education programs, IEPs are developed and implemented for those children; and
- b. The local educational agency will participate in transition planning conferences arranged by the designated local Part C early intervention agency.
25. Ensure the protection of the confidentiality of any personally identifiable information collected, maintained, or used under Part B of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.). This shall include notice to fully inform parents about the confidentiality of information, as specified in 34 CFR 300.561, and policies and procedures that are used in the event that parents refuse to provide consent for disclosure of education records.
- 8 VAC 20-80-40. Responsibility of local school divisions and state-operated programs.**
- A. The requirements set forth in this chapter are applicable to local school divisions and state-operated programs providing education and related services for children with disabilities and are developed in accordance with state and federal laws and regulations.
- B. Each local school division shall ensure that all children with disabilities, aged two to 21, inclusive, residing in that school division have a right to a free appropriate public education, including:
1. Children with disabilities who are migrant;
 2. Children with disabilities who are homeless;
 3. Children with disabilities who are in need of special education and related services, even though they are advancing from grade to grade;
 4. Children with disabilities who are served in a charter school in accordance with the Code of Virginia;
 5. Children with disabilities who have been suspended or expelled from school, in accordance with this chapter;
 6. Children with disabilities who are incarcerated for 10 or more days in a regional or local jail in its jurisdiction, with the exception of those provisions identified in 8 VAC 20-80-62;
 7. Children with disabilities who are residents of the school division and who are on house arrest, as ordered by a court of competent jurisdiction; services shall be provided at a mutually agreed upon location;
 8. Children with disabilities who are in foster care and residents of Virginia, but not residents of the school division, under the following conditions:
 - a. The child has been placed in foster care or other custodial care within the geographical boundaries of the school division, placed by a Virginia agency, whether state or local, that is authorized by the Code of Virginia to place children;
 - b. The child has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia that is located within the geographical boundaries of the school division; and
 - c. If the child's individualized education program prescribes placement in a private day or residential special education facility, the responsibility for a free and appropriate public education shall transfer to the local school division that is the participant in the Community Policy and Management Team of the locality that has responsibility for the child under the Comprehensive Services Act (§ 2.1-745 et seq. of the Code of Virginia);
 9. Children with disabilities who are placed in a private residential placement by a Comprehensive Services Act team. The local school division that is part of the Comprehensive Services Act team that places the child in the private residential placement for noneducational reasons shall ensure, ~~to the extent reasonable, a free appropriate public education that the child's IEP team develops an IEP appropriate for the child's needs while the child is in the residential placement;~~

10. Children with disabilities who are placed for noneducational reasons and are not physically present in the school division, but whose parent or parents continue to reside in the local school division in accordance with § 22.1-3 of the Code of Virginia.

a. For the purpose of determining residency, the residence of the child with a disability shall be determined as follows:

(1) If placed for noneducational reasons in a nursing facility, a long stay hospital, or an intermediate care facility for the mentally retarded under funding from the Virginia Department of Medical Assistance Services, the child is a resident of the division where the parent or parents reside, unless the child is in a state-operated program;

(2) If placed for noneducational reasons in a group home by a community services board, a court service unit, or a court of competent jurisdiction, the child is a resident of the division where the parent or parents reside, unless the child is in a state-operated program;

(3) If aged 18 or older, placed for noneducational reasons in a nursing facility, a long stay hospital, or an intermediate care facility for the mentally retarded under funding from the Virginia Department of Medical Assistance Services, and who has been declared legally incompetent or legally incapacitated by a court of competent jurisdiction and for whom the court has appointed a guardian to make decisions, the adult child is a resident of the division where the guardian resides, unless the adult child with a disability is in a state-operated program; and

(4) If aged 18 or older, placed for noneducational reasons in a group home by a community services board and who has been declared legally incompetent or legally incapacitated by a court of competent jurisdiction and for whom the court has appointed a guardian to make decisions, the adult child is a resident of the division where the guardian resides, unless the adult child with a disability is in a state-operated program.

b. If there is a dispute between local school divisions regarding the parent's, parents', or legal guardian's residence, the local school division of the parent's, parents', or legal guardian's last known place of residence is responsible until such dispute is resolved or the parent's, parents', or legal guardian's residence is established in another local school division;

11. Children with disabilities, aged 18 or older, who have not been declared legally incompetent or legally incapacitated by a court of competent jurisdiction and for whom the court has not appointed a guardian to make decisions and who reside in the school division, unless the adult child is in a state-operated program. The adult child's residence shall be the fixed home to which the adult child will return following a temporary absence and at which the adult child intends to stay. No adult child shall have more than one residence at a time; and

12. Children with disabilities, aged 18 or older, who have been declared incompetent or legally incapacitated by a court of competent jurisdiction and for whom the court has appointed a guardian to make decisions and guardian resides in the school division, unless the adult child with a disability is in a state-operated program. The adult child's residence shall be the fixed home to which the adult child will return following a temporary absence and at which the adult child with a disability intends to stay. No adult child with a disability shall have more than one residence at a time.

C. Each state-operated program shall ensure that all children with disabilities, aged two to 21, inclusive, in that institution have the right to a free appropriate public education.

8 VAC 20-80-54. Evaluation.

A. Each local educational agency shall ensure that all children, aged two to 21, inclusive, who reside within its jurisdiction, who may have disabilities, and who may need special education and related services, are evaluated, including children who:

1. Are highly mobile, such as migrant and homeless children;
2. Attend private schools, including children who are home instructed or home tutored;
3. Are suspected of being children with disabilities and are in need of special education, even though they are advancing from grade to grade; and
4. Are under age 18, suspected of having a disability and in need of special education, and who are incarcerated for 10 or more days in a regional or local jail in its jurisdiction.

B. Each local educational agency shall conduct a full, individual, and initial evaluation in accordance with subsections D and E of this section before the initial provision of special education and related services to a child with a disability.

C. The local educational agency shall establish procedures for the initial evaluation and reevaluation of referred children which include the following:

1. Written prior notice (in the parent's or parents' native language or mode of communication unless it is clearly not feasible to do so);
2. Notice of procedural safeguards;
3. Opportunity for independent educational evaluation;
4. Informed parental consent;
5. Assignment of a surrogate parent when necessary;
6. Opportunity for an impartial due process hearing;
7. Confidentiality;
8. Opportunity for examination of records; and
9. Nondiscriminatory testing.

D. Determination of needed evaluation data.

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1. Review of existing evaluation data. As part of an initial evaluation, if appropriate, a group that is comprised of the same individuals as an IEP team, and other qualified professionals, as appropriate, shall:
 - a. Review existing evaluation data on the child, including:
 - (1) Evaluations and information provided by the parent or parents of the child;
 - (2) Current classroom-based assessments and observations;
 - (3) Observations by teachers and related services providers; and
 - b. On the basis of that review and input from the child's parent or parents, identify what additional data, if any, are needed to determine:
 - (1) Whether the child has a particular disability or disabilities;
 - (2) The present levels of performance and educational needs of the child;
 - (3) Whether the child needs special education and related services; and
 - (4) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.
2. Conduct of review. The group completing the review may conduct its review without a meeting. The local educational agency shall provide notice to ensure that the parent or parents have the opportunity to participate in the review. If there is a meeting, the local educational agency shall provide notice of the meeting early enough to ensure that the parent or parents will have an opportunity to participate. The notice must indicate the purpose, date, time, and location of the meeting and who will be in attendance.
3. Need for additional data. The local educational agency shall administer tests and other evaluation materials as may be needed to produce the data identified in this subsection.
4. This process shall be considered the evaluation if no additional data are needed.
- E. The local educational agency shall establish policies and procedures to ensure that the following requirements are met.
 1. Tests and other evaluation materials used to assess a child under this chapter:
 - a. Are selected and administered so as not to be discriminatory on a racial or cultural basis; and
 - b. Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.
 2. Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
 3. A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent or parents, and information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining whether the child is a child with a disability and the content of the child's IEP.
 4. The assessment tools and strategies used provide relevant information that directly assists persons in determining the educational needs of the child.
 5. Any standardized tests that are given to a child:
 - a. Have been validated for the specific purpose for which they are used; and
 - b. Are administered by *knowledgeable and* trained personnel in accordance with the instructions provided by the producer of the tests.
 6. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test or the method of test administration) must be included in the evaluation report.
 7. Any nonstandardized test, administered by qualified personnel, may be used to assist in determining whether the child is a child with a disability and the contents of the child's IEP.
 8. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
 9. Tests are selected and administered so as to best ensure that if a test is administered to a child with impaired sensory, motor, or communication skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure rather than reflecting the child's impaired sensory, motor, or communication skills (except where those skills are the factors that the test purports to measure).
 10. The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
 11. Technically sound instruments are used that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
 12. No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for a child.
 13. If the evaluation requires assessments in more than one area relating to the suspected disability, a group of persons, including at least one teacher or other specialist with

knowledge in the area of the suspected disability, shall complete the assessments.

14. For a child suspected of having a specific learning disability, the evaluation must include an observation of academic performance in the regular classroom by at least one team member other than the child's regular teacher. In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

15. Each child is assessed by a qualified professional in all areas relating to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, motor abilities, and adaptive behavior. This may include educational, medical, sociocultural, psychological, or developmental assessments.

a. The hearing of each child suspected of having a disability shall be screened during the eligibility process prior to initial determination of eligibility for special education and related services.

b. A complete audiological assessment, including tests which will assess inner and middle ear functioning, shall be performed on each child who is hearing impaired or deaf or who fails two hearing screening tests.

16. A written copy of the evaluation report shall be provided to the parent or parents. The report shall be available to the parent or parents no later than two business days before the meeting to determine eligibility.

F. Reevaluation.

1. A reevaluation shall be conducted:

- a. If conditions warrant a reevaluation;
- b. If the child's parent, parents, or teacher requests a reevaluation; or
- c. At least once every three years.

2. Review of existing evaluation data. As part of a reevaluation, the local educational agency shall ensure that a group comprised of the same individuals as an IEP team, and other qualified professionals, as appropriate:

a. Reviews the reason for the reevaluation request, if applicable, and existing evaluation data on the child, including:

- (1) Evaluations and information provided by the parent or parents of the child;
- (2) Current classroom-based assessments and observations; and
- (3) Observations by teachers and related services providers; and

b. Identifies, on the basis of the above review, and input from the child's parent or parents, what additional data, if any, are needed to determine:

(1) Whether the child continues to have a particular disability or has any additional disabilities;

(2) The present levels of performance and educational needs of the child;

(3) Whether the child continues to need special education and related services; and

(4) Whether any modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

3. Conduct of review. The group may conduct its review without a meeting.

4. Need for additional data. The local educational agency shall administer tests and other evaluation materials, in accordance with subsection E of this section, as may be needed to produce the data identified in subdivision 2 b of this subsection.

5. Requirements if additional data are not needed.

a. If the determination identified in subdivision 2 of this subsection is that no additional data are needed to determine whether the child continues to be a child with a disability, the local educational agency shall notify the child's parent or parents of (i) that determination and the reasons for it; and (ii) the right of the parent or parents to request an evaluation to determine whether, for purposes of services under this chapter, the child continues to be a child with a disability.

b. The local educational agency is not required to conduct the evaluation to gather additional information to determine whether the child continues to have a particular disability, unless requested to do so by the child's parent or parents.

c. This process shall be considered the evaluation if no additional data are needed.

G. Notice and parental consent.

1. The local educational agency shall provide notice in accordance with 8 VAC 20-80-70 C.

2. Parental consent is required before gathering new evaluation data.

a. If for a reevaluation the local educational agency can demonstrate that it has taken reasonable measures to obtain that consent and the child's parent or parents have failed to respond, the local educational agency shall proceed as if consent has been given by the parent or parents. Reasonable measures include providing notice to the parent or parents in writing (or by telephone or in person with proper documentation).

b. If the parent or parents refuse consent for an evaluation or reevaluation, the local educational agency may continue to pursue those evaluations by using due process or mediation procedures.

3. Parental consent is not required before:

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- a. Review of existing data as part of an evaluation or reevaluation; or
- b. A teacher's or related service provider's observations or ongoing classroom evaluations.

H. Timelines.

1. Evaluations shall be completed within 65 business days of the receipt of the referral by the special education administrator or designee.
2. If the reevaluation is the evaluation required every three years, the evaluation shall be initiated no less than 65 business days prior to the third anniversary of the date eligibility was last determined. The evaluation shall be completed in 65 business days.

8 VAC 20-80-56. Eligibility.

A. The local educational agency shall establish procedures to ensure that the decision regarding eligibility for special education and related services is made:

1. Within 65 business days after the referral for evaluation is received for an initial evaluation;
2. No later than the third anniversary of the date the child was last found eligible for special education and related services; or
3. Within 65 business days after the parent or parents are notified of the decision not to reevaluate, made in accordance with 8 VAC 20-80-54 F.

B. Upon completing the administration of tests and other evaluation materials or after determining that additional data are not needed, in accordance with 8 VAC 20-80-54 D, a group of qualified professionals and the parent or parents of the child must determine whether the child is, or continues to be, a child with a disability.

1. The group shall include, but not be limited to, local educational agency personnel representing the disciplines providing assessments, the special education administrator or designee, and the parent or parents.
2. At least one local educational agency representative in the group must have either assessed or observed the child.
3. The group may be an IEP team, as defined in 8 VAC 20-80-62 C, as long as the above requirements and notice requirements of 8 VAC 20-80-70 C are met.
4. If determining whether a child suspected of having a specific learning disability is a child with a disability, as defined by this chapter, the group shall include:

a. The child's regular teacher:

- (1) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of that age; or
- (2) For a child less than school age, an individual qualified to teach a child of that age; and

b. At least one person qualified to conduct diagnostic examinations of children, such as school psychologist,

speech-language pathologist, teacher of specific learning disabilities, or teacher of remedial reading.

C. Procedures for determining eligibility.

1. In interpreting evaluation data for the purpose of determining if a child is a child with a disability and determining the educational needs of the child, the local educational agency shall:

- a. Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, adaptive behavior; and
- b. Ensure that information from all these sources is documented and carefully considered.

2. The group shall provide procedural safeguards in determining eligibility and in ensuring the confidentiality of records.

3. A child may not be determined to be eligible under this chapter if the determinant factor is lack of instruction in reading or math or limited English proficiency and the child does not otherwise meet the eligibility criteria.

4. The group making the decision regarding the child's eligibility shall work toward consensus. The local educational agency shall obtain parental consent for the initial eligibility determination. Thereafter, parental consent shall be secured for any change in identification. The group shall have a written summary that consists of the basis for making its determination as to the eligibility of the child for special education and related services. This summary shall be signed by each group member present. The written summary shall be maintained in the child's scholastic record.

5. The local educational agency shall provide a copy of the documentation of the determination of eligibility to the parent or parents.

6. The summary statement of the group's essential deliberations shall be forwarded to the IEP team upon determination of eligibility. The summary statement may include other recommendations.

a. Each group member shall certify in writing whether the report reflects his conclusions. If the group does not reach consensus and the report does not reflect a particular member's conclusion, then the group member must submit a separate statement presenting that member's conclusions.

b. No changes shall be made to a child's eligibility for special education and related services without parental consent.

7. For a child suspected of having a specific learning disability, the documentation of the group's determination of eligibility must also include a statement of:

- a. Whether the child has a specific learning disability;
- b. The basis for making the determination;

- c. The relevant behavior noted during the observation of the child;
- d. The relationship of the behavior to the child's academic functioning;
- e. The educationally relevant medical findings, if any;
- f. Whether there is a severe discrepancy between the child's achievement and ability that is not correctable without special education and related services; and
- g. The determination of the group concerning the effects of any environmental, cultural, or economic disadvantage.

D. Eligibility for related services. A child with a disability must be found eligible for special education in order to receive related services. Related services are those supportive services that are required to assist a child with a disability to benefit from special education. Once a child is found eligible for special education, decisions about the need for related services are made by and added to the IEP by the IEP team. An evaluation may be conducted, if needed.

E. ~~Eligibility of~~ Two-year-old children, *previously served by Part C*. A child, aged two, previously participating in early intervention services assisted under Part C of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) shall meet the requirements of this chapter to be determined eligible under Part B of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.). *For a child served by Part C after age two, and whose third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin.*

F. Eligibility as a child with a developmental delay.

1. The local educational agency shall include developmental delay as one of the disability categories when determining whether a preschool child, aged two to five, inclusive, is eligible under this chapter. The local educational agency may include developmental delay as one of the disability categories when determining whether a school-aged child, aged five to eight, inclusive, is eligible under this chapter.
2. Other disability categories may be used for any child with a disability aged two to eight, inclusive. However, teacher assignment requirements specified in 8 VAC 20-80-45 shall apply.

G. Criteria for determining the existence of a specific learning disability. The group may determine that a child has a specific learning disability if:

1. The child does not achieve commensurate with the child's age and ability levels in one or more of the areas listed in subdivision 2 of this subsection if provided with learning experiences appropriate for the child's age and ability levels; and
2. The team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:
 - a. Oral expression;
 - b. Listening comprehension;

- c. Written expression;
- d. Basic reading skill;
- e. Reading comprehension;
- f. Mathematical calculations; or
- g. Mathematical reasoning.

3. The group may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of:

- a. A visual, hearing, or motor impairment;
- b. Mental retardation;
- c. Emotional disturbance; or
- d. Environmental, cultural, or economic disadvantage.

H. Nothing in this chapter requires that children be identified by their disability, as long as each child has a disability under this chapter and by reason of that disability needs special education and related services and is regarded as a child with a disability. Children with disabilities may be identified as having more than one disability.

I. Children found not eligible for special education. Information relevant to instruction for a child found not eligible for special education shall be provided to the child's teachers or any appropriate committee. Parental consent to release information shall be secured for children in private schools, as necessary.

J. If the determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with this chapter.

K. Child's status; previous enrollment in special education.

1. If a child with a disability has been receiving special education from one local educational agency in Virginia and transfers to another, the new local educational agency is responsible for ensuring that the child has available special education and related services in conformity with the existing IEP.

a. The local educational agency shall adopt and implement the existing IEP of the former local educational agency with consent of the parent or parents or develop a new IEP for the child. The new local educational agency may provide interim services agreed to by both the parent or parents and the local educational agency.

b. If the parent or parents and the local educational agency are unable to agree on interim services, the local educational agency must implement the existing IEP until a new IEP is developed and implemented.

2. When a child with a disability under the Individual with Disabilities Education Act (20 USC § 1400 et seq.) transfers to a local educational agency in Virginia from another state, the Virginia local educational agency must decide whether it will adopt the most recent evaluation and IEP developed for the child by the local educational agency in the previous state. The Virginia local educational agency must determine, as an initial matter, whether it believes that the

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child has a disability and whether the most recent evaluation of the child conducted by the local educational agency in the previous state and the IEP developed by that local educational agency meet the requirements of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) and this chapter.

a. If the local educational agency accepts the determination made by the local educational agency that the child has a disability in the previous state and adopts that local educational agency's evaluation, the Virginia local educational agency must provide notice to the child's parent or parents in accordance with 8 VAC 20-80-70.

b. If the local educational agency determines that the IEP developed by the school division in the previous state meets the requirements of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) and this chapter, the local educational agency shall:

(1) Serve the child consistent with the IEP if a copy of the IEP is available, if the parent or parents consent to the implementation of the IEP, and if the local educational agency believes the IEP is appropriate for the child; or

(2) Conduct an IEP meeting without undue delay if the parent or parents and local educational agency are not satisfied with the IEP developed for the child in the previous state or a revision to the IEP is indicated for other reasons, in no case later than 30 calendar days after the date the local educational agency determined that it would accept the evaluation and eligibility determination from the previous state. The most recent IEP must be implemented until the new IEP is developed and agreed upon.

c. If the local educational agency does not adopt the previous state's evaluation of the transferring child or does not receive a copy of the evaluation, the local educational agency shall provide proper notice, initiate evaluation procedures, and conduct the evaluation in accordance with this chapter.

(1) During the evaluation, the child shall receive services in accordance with the existing IEP, excluding the sections of the IEP that are not in accordance with this chapter. The local educational agency shall inform the parent or parents of the sections of the existing IEP that are not in accordance with this chapter.

(2) Once the evaluation is completed and eligibility has been determined, an IEP meeting must be held without undue delay, but in no case later than 30 calendar days after the date the child is determined to be eligible, to develop an appropriate IEP for the child.

d. If the child's parent or parents disagree with the local educational agency's evaluation or proposed IEP, they may initiate a due process hearing. During the pendency of the hearing, the child may be placed as described in subdivision 2 c of this subsection in the program developed by the IEP team with consent of the parent or parents or in another placement agreeable to the parent

or parents and local educational agency. If the parent or parents do not agree to place the child in the program proposed by the IEP team and no other interim placement can be agreed upon, the local educational agency is not required to implement the IEP developed by the school division in the previous state or to approximate the services in that IEP during the pendency of the due process proceedings.

3. When a child with a disability who was placed in a private residential school under the Comprehensive Services Act transfers to a new local school division, the new local school division must review the current placement and adopt or revise and implement the IEP within 30 calendar days of receipt of written notification of the child's transfer. The former Comprehensive Services Act team shall be responsible for paying for services until 30 calendar days after the new Comprehensive Services Act team receives written notification of the child's residence in the new locality from the former Comprehensive Services Act team.

8 VAC 20-80-60. Free appropriate public education.

A. Age of eligibility.

1. A free appropriate public education shall be available to all children with disabilities who need special education and related services, aged two to 21, inclusive, residing within the jurisdiction of each local educational agency. This includes children with disabilities who are in need of special education and related services even though they are advancing from grade to grade or who have been suspended or expelled from school in accordance with the provisions of 8 VAC 20-80-68. *The Virginia Department of Education has a goal of providing full educational opportunity to all children with disabilities aged birth through 21, inclusive, by 2010.* Each local educational agency shall establish a goal of providing a full educational opportunity for all children with disabilities from ~~two~~ birth to 21, inclusive, residing within its jurisdiction *by 2010.*

a. The services provided to the child under this chapter shall address all of the child's identified special education and related services needs.

b. The services and placement needed by each child with a disability to receive a free appropriate public education must be based on the child's unique needs and not on the child's disability.

2. Exceptions. The obligation to make a free appropriate public education to all children with disabilities does not apply to:

a. Children with disabilities who have graduated from high school with a standard or advanced studies high school diploma. This exception does not apply to students who have graduated but have not been awarded a standard or advanced studies high school diploma.

b. Children with disabilities, aged 18 to 21, inclusive, who, if in their last educational placement prior to their incarceration in an adult correctional facility, were not identified as being a child with a disability and did not have an IEP. This exception does not apply to children with disabilities, aged 18 to 21, inclusive, who had been

identified as children with disabilities and had received services in accordance with their IEPs, but who left school prior to their incarceration or did not have IEPs in their last educational setting but who had actually been identified as children with disabilities under this chapter.

B. Program options. Each local school division shall take steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to children without disabilities in the area served by the local educational agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.

C. Residential placement. If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.

D. Proper functioning of hearing aids. Each local educational agency shall ensure that the hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.

E. Assistive technology.

1. Each local educational agency shall ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in this chapter, are made available to a child with a disability if required as part of the child's:

- a. Special education;
- b. Related services; or
- c. Supplementary aids and services.

2. On a case-by-case basis, the use of school-purchased or leased assistive technology devices in a child's home or in other settings is required if the child's IEP team determines that the child needs access to those devices in order to receive a free appropriate public education.

F. Transportation.

1. Each child with a disability placed in an education program, including private special education day or residential placements, by the local school division shall be entitled to transportation to and from such program at no cost if such transportation is necessary to enable such child to benefit from educational programs and opportunities. Children with disabilities and children without disabilities shall share the same transportation unless a child's IEP requires specialized transportation.

2. If the IEP team determines that a child with a disability requires accommodations or modifications to participate in transportation, the accommodations or modifications must be provided in the least restrictive environment. Transportation personnel may be on the IEP team or be consulted before any modifications or accommodations are written into the student's IEP to ensure that the modifications and accommodations do not violate any state or federal standard or any nationally recognized safety practices.

3. If a local educational agency enters an agreement with another local educational agency for the provision of special education or related services for a child with a disability, such child shall be transported to and from such program at no cost to the parent or parents.

4. If a child with a disability is placed in a the Virginia school for the Deaf and the Blind at Staunton or the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton, the Virginia school shall be responsible for the provision of transportation services. When such children are educated as day students, the local school division shall be responsible for the provision of transportation services to and from school.

G. Nonacademic and extracurricular services and activities.

1. Each local educational agency shall take steps to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.

2. Nonacademic and extracurricular services and activities may include but not be limited to counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the local educational agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the local educational agency and assistance in making outside employment available.

H. Physical education.

1. General. Physical education services, specially designed if necessary, must be made available to every child with a disability receiving a free appropriate public education.

2. Regular physical education. Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to children without disabilities, unless:

- a. The child is enrolled full time in a separate facility; or
- b. The child needs specially designed physical education, as prescribed in the child's IEP that cannot be provided in the regular physical education program.

3. Special physical education. If specially designed physical education is prescribed in a child's IEP, the local educational agency responsible for the education of that child shall provide the services directly or make arrangements for those services to be provided through other public or private programs.

4. Education in separate facilities. The local educational agency responsible for the education of a child with a disability who is enrolled in a separate facility shall ensure that the child receives appropriate physical education services in compliance with subdivisions 1 and 3 of this subsection.

I. Extended school year services.

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1. Each local educational agency shall ensure that extended school year services are available as necessary to provide a free appropriate public education, consistent with subdivision 2 of this subsection.
 2. Extended school year services must be provided only if a child's IEP team determines on an individual basis in accordance with this chapter that the services are necessary for the provision of a free appropriate public education to the child.
 3. In implementing the requirements of this section, a local educational agency may not:
 - a. Limit extended school year services to particular categories of disability; or
 - b. Unilaterally limit the type, amount, or duration of those services.
- J. Children with disabilities in public charter schools.
1. Children with disabilities who attend charter schools must be served by the local school division in the same manner as children with disabilities in its other schools.
 2. The local school division must ensure that all requirements of this chapter are met.
- K. Length of school day. School-aged students with disabilities shall be provided a school day comparable in length to the day provided to school-aged students without disabilities unless their IEP specifies otherwise.
- 8 VAC 20-80-66. Private school placement.**
- A. Private school placement by a local school division or Comprehensive Services Act team.
1. When a child with a disability is placed by a local school division or is placed for noneducational reasons by a Comprehensive Services Act team that includes the school division in a private special education school or facility that is licensed or has a certificate to operate, the local school division shall be responsible for ensuring compliance with the requirements of this chapter, including participation in state and division-wide assessments. The local school division shall ~~not be responsible for ensuring compliance with the least restrictive education requirements of this chapter for children placed for noneducational reasons by a Comprehensive Services Act team~~ ensure that the child's IEP team develops an IEP appropriate for the child's needs while the child is in the residential placement.
 2. Before a local school division places a child with a disability in a private ~~special education~~ school or facility that is licensed or has a certificate to operate, the local school division shall initiate and conduct a meeting in accordance with 8 VAC 20-80-62 to develop an IEP for the child. The local school division shall ensure that a representative of a private special education school or facility attends the meeting. If the representative cannot attend, the agency shall use other methods to ensure participation by a private school or facility, including individual or conference telephone calls.
 3. When a child is presently receiving the services of a private ~~special education~~ school or facility that is licensed or has a certificate to operate, the local school division shall ensure that a representative of the private special education school or facility attends the meeting. If the representative cannot attend, the local school division shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.
 4. After a child with a disability enters a private ~~special education~~ school or facility that is licensed or has a certificate to operate, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the local school division.
 5. If the private ~~special education~~ school or facility initiates and conducts these meetings, the local school division shall ensure that the parent or parents and a local school division representative:
 - a. Are involved in any decision affecting the child's IEP;
 - b. Agree to any proposed changes in the program before those changes are implemented; and
 - c. Are involved in any meetings that are held regarding reevaluation.
 6. If the private ~~special education~~ school or facility implements a child's IEP, responsibility for compliance with the requirements regarding procedural safeguards, IEPs, assessment, reevaluation, and termination of services remains with the local school division.
 7. When a child with a disability is placed by a local school division or a Comprehensive Services Act team in a private ~~special education~~ school or facility that is licensed or has a certificate to operate, all rights and protections under this chapter shall be extended to the child.
 8. If the parent or parents request a due process hearing to challenge the child's removal from a placement that was made for noneducational reasons by a Comprehensive Services Act team, the child shall remain in the previous IEP placement agreed upon by the parent or parents and the local educational agency prior to placement by the Comprehensive Services Act team.
 9. When a child with a disability is placed in a private ~~special education~~ school or facility that is out of state, the placement shall be processed through the Interstate Compact on the Placement of Children, in accordance with the Code of Virginia.
- B. Placement of children by parents if a free appropriate public education is at issue.
1. This section does not require a local school division to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if the local school division made a free appropriate public education available to the child and the parent or parents elected to place the child in a private school or facility.
 2. Disagreements between a parent or parents and a local school division regarding the availability of an appropriate

program for the child and the question of financial responsibility are subject to the due process procedures of 8 VAC 20-80-76.

3. If the parent or parents of a child with a disability, who previously received special education and related services under the authority of a local school division, enroll the child in a private preschool, elementary, middle, or secondary school without the consent of or referral by the local school division, a court or a hearing officer may require the local school division to reimburse the parent or parents for the cost of that enrollment if the court or hearing officer finds that the local school division had not made a free appropriate public education available to the child in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the standards of the Virginia Department of Education that apply to education provided by the Virginia Department of Education and provided by the local school division.

4. The cost of reimbursement described in this section may be reduced or denied:

a. If (i) at the most recent IEP meeting that the parent or parents attended prior to removal of the child from the public school, the parent or parents did not inform the IEP team that they were rejecting the placement proposed by the local school division to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense or (ii) at least 10 business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parent or parents did not give written notice to the local school division of the information described above;

b. If, prior to the parent's or parents' removal of the child from the public school, the local school division informed the parent or parents, through the notice requirements described in 8 VAC 20-80-76, of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parent or parents did not make the child available for the evaluation; or

c. Upon a judicial finding of unreasonableness with respect to actions taken by the parent or parents.

5. Notwithstanding the above notice requirement, the cost of reimbursement may not be reduced or denied for the parent's or parents' failure to provide the notice to the local school division if:

- a. The parent is illiterate or cannot write in English;
- b. Compliance with this section would likely result in physical or serious emotional harm to the child;
- c. The school prevented the parent or parents from providing the notice; or
- d. The parent or parents had not received notice of the notice requirement in this section.

C. Child find for private school, home-instructed, and home-tutored children with disabilities.

1. Each local school division shall locate, identify, and evaluate all private school children with disabilities, including children attending religious schools, who reside in the jurisdiction of the local school division. The provisions of this subsection shall apply to children who are home instructed and home tutored in accordance with the Code of Virginia. The activities undertaken to carry out this responsibility for private school children with disabilities must be comparable to activities undertaken for children with disabilities in public schools.

2. Each local school division shall consult with appropriate representatives of private school children with disabilities on how to carry out the child find activities.

D. Placement of children by parents when a free appropriate public education is not at issue. To the extent consistent with their number and location in the state, provision must be made for the participation of private school children with disabilities in the program carried out under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) by providing them with special education and related services in accordance with a services plan developed and implemented under this subsection.

1. The provisions of this subsection shall apply to children who are home instructed or home tutored in accordance with the Code of Virginia.

2. Each local school division shall ensure that a services plan is developed and implemented for each private school child with a disability who has been designated to receive special education and related services under this part.

3. Expenditures.

a. To meet the requirement of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.), each local school division must spend the following on providing special education and related services to private school children with disabilities:

(1) For children, aged three to 21, inclusive, an amount that is the same proportion of the local school division's total subgrant under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) as the number of private school children with disabilities, aged three to 21, inclusive, residing in its jurisdiction is to the total number of children with disabilities in its jurisdiction, aged three to 21, inclusive; and

(2) For children, aged three to five, inclusive, an amount that is the same proportion of the local school division total subgrant under the act as the number of private school children with disabilities, aged three to five, inclusive, residing in its jurisdiction, is to the total number of children with disabilities in its jurisdiction, aged three to five, inclusive.

b. Each local school division shall consult with representatives of private school children in deciding how to conduct the annual count of the number of private school children with disabilities and ensure that the count

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is conducted on December 1. The child count must be used to determine the amount that the local school division must spend on providing special education and related services to private school children with disabilities in the subsequent fiscal year.

c. Expenditures for child find activities, including evaluation and eligibility, described in 8 VAC 20-80-50 through 8 VAC 20-80-56, may not be considered in determining whether the local school division has met the expenditure requirements of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.).

d. Local school divisions are not prohibited from providing services to private school children with disabilities in excess of those required by this section.

4. Services determined.

a. No private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. Decisions about the services that will be provided to private school children with disabilities must be made in accordance with subdivisions 4 b and c of this subsection.

b. Consultation with representatives of private school children with disabilities.

(1) Each local school division shall consult, in a timely and meaningful way, with appropriate representatives of private school children with disabilities in light of the funding, the number of private school children with disabilities, the needs of private school children with disabilities, and their location to decide (i) which children will receive services; (ii) what services will be provided; (iii) how and where the services will be provided; and (iv) how the services provided will be evaluated.

(2) Each local school division shall give appropriate representatives of private school children with disabilities a genuine opportunity to express their views regarding each matter that is subject to the consultation requirements in this section.

(3) The consultation required by this section must occur before the local school division makes any decision that affects the opportunities of private school children with disabilities to participate in services.

(4) The local school division shall make the final decisions with respect to the services to be provided to eligible private school children.

c. Services plan for each child served under this section. If a child with a disability is enrolled in a religious or other private school and will receive special education or related services from a local school division, the local school division shall:

(1) Initiate and conduct meetings to develop, review, and revise a services plan for the child; and

(2) Ensure that a representative of the religious or other private school attends each meeting. If the

representative cannot attend, the local school division shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

5. Services provided.

a. The services provided to private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools.

b. Private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

c. No private school child with a disability is entitled to any service or to any amount of a service the child would receive if enrolled in a public school.

d. Services provided in accordance with a services plan.

(1) Each private school child with a disability who has been designated to receive services under this subsection must have a services plan that describes the specific special education and related services that the local school division will provide to the child in light of the services that the local school division has determined it will make available to private school children with disabilities.

(2) The services plan must, to the extent appropriate, meet the requirements for the content of the IEP (8 VAC 20-80-62 F) with respect to the services provided, and be developed, reviewed, and revised consistent with 8 VAC 20-80-62 B 1, B 2, B 3, B 4, C, D, and E.

6. Location of services. Services provided to a private school child with a disability may be provided on-site at the child's private school, including a religious school, to the extent consistent with law.

7. Transportation.

a. If necessary for the child to benefit from or participate in the services provided under this part, a private school child with a disability must be provided transportation:

(1) From the child's school or the child's home to a site other than the private school; and

(2) From the service site to the private school or to the child's home depending on the timing of the services.

b. Local school divisions are not required to provide transportation from the child's home to the private school.

c. The cost of the transportation described in this subsection may be included in calculating whether the local school division has met the requirement of this section.

8. Procedural safeguards, due process, and complaints.

a. Due process inapplicable. The procedures relative to procedural safeguards, consent, mediation, due process hearings, attorneys' fees, and surrogate parents do not

apply to complaints that a local school division has failed to meet the requirements of this subsection, including the provision of services indicated on the child's services plan.

b. Due process applicable. The procedures relative to procedural safeguards, consent, mediation, due process hearings, attorneys' fees, and surrogate parents do apply to complaints that a local school division has failed to meet the requirements of child find (including the requirements of referral for evaluation, evaluation, and eligibility) for private school children with disabilities (subsection C of this section).

c. State complaints. Complaints that the Virginia Department of Education or local school division has failed to meet the requirements of this section may be filed under the procedures in 8 VAC 20-80-78.

9. Separate classes prohibited. A local school division may not use funds available under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) for classes that are organized separately on the basis of school enrollment or religion of the students if (i) the classes are at the same site and (ii) the classes include students enrolled in public schools and students enrolled in private schools.

10. Requirement that funds not benefit a private school. A local school division may not use funds provided under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) to finance the existing level of instruction in a private school or to otherwise benefit the private school. The local school division shall use funds provided under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) to meet the special education and related services needs of students enrolled in private schools, but not for the needs of a private school or the general needs of the students enrolled in the private school.

11. Use of public school personnel. A local school division may use funds available under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) to make public school personnel available in nonpublic facilities to the extent necessary to provide services under this section for private school children with disabilities and if those services are not normally provided by the private school.

12. Use of private school personnel. A local school division may use funds available under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) to pay for the services of an employee of a private school to provide services to a child enrolled in private school by the child's parent or parents, if the employee performs the services outside of the employee's regular hours of duty and the employee performs the services under public supervision and control.

13. Requirements concerning property, equipment, and supplies for the benefit of private school children with disabilities.

a. A local school division must keep title to and exercise continuing administrative control of all property, equipment, and supplies that the local school division acquires with funds under the Individuals with Disabilities

Education Act (20 USC § 1400 et seq.) for the benefit of private school children with disabilities.

b. The local school division may place equipment and supplies in a private school for the period of time needed for the program.

c. The local school division shall ensure that the equipment and supplies placed in a private school are used only for purposes of special education and related services for children with disabilities and can be removed from the private school without remodeling the private school facility.

d. The local school division shall remove equipment and supplies from a private school if (i) the equipment and supplies are no longer needed for purposes of special education and related services for children with disabilities or (ii) removal is necessary to avoid unauthorized use of the equipment and supplies for purposes other than special education and related services for children with disabilities.

e. No funds under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) may be used for repairs, minor remodeling, or construction of private school facilities.

8 VAC 20-80-70. Procedural safeguards.

A. Opportunity to examine records; parent participation.

1. Procedural safeguards. Each local educational agency shall establish, maintain, and implement procedural safeguards as follows:

a. The parent or parents of a child with a disability shall be afforded an opportunity to:

(1) Inspect and review all education records with respect to (i) the identification, evaluation, and educational placement of the child; and (ii) the provision of a free appropriate public education to the child as set forth in the Management of the Student's Scholastic Record in the Public Schools of Virginia (8 VAC 20-150-10 et seq.)

(2) Participate in meetings with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child.

b. Parent participation in meetings.

(1) Each local educational agency shall provide notice to ensure that the parent or parents of a child with a disability have the opportunity to participate in meetings described in subdivision 1 a (2) of this subsection, including notifying the parent or parents of the meeting early enough to ensure that they will have an opportunity to participate. The notice must: (i) indicate the purpose, date, time, and location of the meeting and who will be in attendance; (ii) inform the parent or parents that at their discretion or at the discretion of the local educational agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate,

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may participate in meetings with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child; and (iii) inform the parent that the determination of the knowledge or special expertise shall be made by the party who invited the individual.

(2) A meeting does not include informal or unscheduled conversations involving local educational agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that local educational agency personnel engage in to develop a proposal or a response to a parent proposal that will be discussed at a later meeting.

c. Parent involvement in placement decisions. Each local educational agency shall ensure that the parent or parents of each child with a disability are members of: ~~(4)~~ the IEP team that makes decisions on the educational placement of their child; or ~~(2)~~ any Comprehensive Services Act team that makes decisions on the educational placement of their child.

If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the local educational agency shall use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing;

A placement decision may be made by the IEP or Comprehensive Services Act team without the involvement of the parent or parents if the local educational agency is unable to obtain the parent's or parents' participation in the decision. In this case, the local educational agency shall have a record of its attempt to ensure the parent's or parents' involvement, including information that is consistent with the requirements for parent participation in an IEP meeting in 8 VAC 20-80-62 D.

The local educational agency shall make reasonable efforts to ensure that the parent or parents understand and are able to participate in any group discussions relating to the educational placement of their child, including arranging for an interpreter for a parent or parents with deafness, or whose native language is other than English.

B. Independent educational evaluation.

1. General.

a. The parent or parents of a child with a disability shall have the right to obtain an independent educational evaluation of the child.

b. The local educational agency shall provide to the parent or parents of a child with a disability, upon request, information about where an independent educational evaluation may be obtained and the applicable criteria for independent educational evaluations.

2. Parental right to evaluation at public expense.

a. The parent or parents have the right to an independent educational evaluation at public expense if the parent or parents disagree with an evaluation obtained by the local educational agency.

b. If the parent or parents request an independent educational evaluation at public expense, the local educational agency must, without unnecessary delay, either:

(1) Initiate a due process hearing to show that its evaluation is appropriate; or

(2) Ensure that an independent educational evaluation is provided at public expense, unless the local educational agency demonstrates in a hearing that the evaluation obtained by the parent or parents does not meet local educational agency criteria.

c. If the local educational agency initiates a hearing and the final decision is that the local educational agency's evaluation is appropriate, the parent or parents still have the right to an independent educational evaluation, but not at public expense.

d. If the parent or parents request an independent educational evaluation, the local educational agency may ask the reasons for the parent's or parents' objection to the public evaluation. However, the explanation by the parent or parents may not be required and the local educational agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

e. If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the local educational agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's or parents' right to an independent educational evaluation. Except for the criteria, a local educational agency may not impose conditions or timelines related to obtaining an independent educational evaluation.

3. Parent-initiated evaluations. The results of an independent educational evaluation whether or not at public expense:

a. Must be considered by the local educational agency, if it meets local educational agency criteria, in any decision regarding a free appropriate public education for the child; and

b. May be presented as evidence at a hearing under 8 VAC 20-80-76.

C. Prior notice by the local educational agency; content of notice.

1. Written notice must be given to the parent or parents of a child with a disability within a reasonable time before the local educational agency:

a. Proposes to initiate or change the identification, evaluation, or educational placement (including graduation with a standard or advanced studies diploma) of the child, or the provision of a free appropriate public education for the child; or

b. Refuses to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education for the child.

2. If the notice relates to an action proposed by the local educational agency that also requires parental consent, the local educational agency may give notice at the time it requests parental consent.

3. The notice shall include:

a. A description of the action proposed or refused by the local educational agency;

b. An explanation of the local educational agency's proposal or refusal to take the action;

c. A description of any other options the local educational agency considered and the reasons for the rejection of those options;

d. A description of each evaluation procedure, test, record, or report the local educational agency used as a basis for the proposed or refused action;

e. A description of any other factors that are relevant to the local educational agency's proposal or refusal;

f. A statement that the parent or parents of a child with a disability have protection under the procedural safeguards of this chapter and, if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

g. Sources for the parent or parents to contact in order to obtain assistance in understanding the provisions of this section.

4. The notice shall be (i) written in language understandable to the general public and (ii) provided in the native language of the parent or parents or other mode of communication used by the parent or parents, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent or parents is not a written language, the local educational agency shall take steps to ensure that:

a. The notice is translated orally or by other means to the parent or parents in their native language or other mode of communication;

b. The parent or parents understand the content of the notice; and

c. There is written evidence that the requirements of subdivisions a and b of this subdivision have been met.

D. Procedural safeguards notice.

1. A copy of the procedural safeguards available to the parent or parents of a child with a disability must be given to the parent or parents at a minimum upon:

a. Initial referral for evaluation;

b. Each notification of an IEP meeting;

c. Reevaluation of the child;

d. Receipt of a request for a due process hearing; and

e. Notification of a decision to take disciplinary action, in accordance with 8 VAC 20-80-68 C 5.

2. The procedural safeguards notice must include a full explanation of all of the procedural safeguards relating to:

a. Independent educational evaluation;

b. Prior written notice;

c. Parental consent;

d. Access to educational records;

e. Opportunity to present complaints and to initiate due process hearings;

f. The child's placement during pendency of due process proceedings;

g. Procedures for students who are subject to placement in an interim alternative educational setting;

h. Requirements for unilateral placement by parents of children in private schools at public expense;

i. Mediation;

j. Due process hearings, including requirements for disclosure of evaluation results and recommendations;

k. Civil actions;

l. Attorneys' fees; and

m. The state complaint procedures, including a description of how to file a complaint and the timelines under those procedures.

3. The notice required under this subsection must meet the prior notice requirements regarding understandable language in subsection C of this section.

E. Parental consent.

1. General. Informed parental consent shall be obtained before:

a. Conducting an initial evaluation or reevaluation, including a functional behavioral assessment if such assessment is not a review of existing data conducted at an IEP meeting;

b. Any change in identification of a child with a disability;

c. Initial provision of special education and related services to a child with a disability and any revision to the child's IEP services;

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- d. Any partial or complete termination of special education and related services, except for graduation with a standard or advanced studies diploma; and
 - e. Accessing a parent's or parents' private insurance proceeds in accordance with this chapter.
2. Consent for initial evaluation may not be construed as consent for initial placement.
 3. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).
 4. Parental consent is not required before:
 - a. Review of existing data as part of an evaluation or a reevaluation, including a functional behavioral assessment;
 - b. Administration of a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of the parent or parents of all children;
 - c. Administration of a test or other evaluation that is used to measure progress on the child's goals and benchmarks or objectives and is included in the IEP; or
 - d. A teacher's or related service provider's observations or ongoing classroom evaluations.
 5. If the parent or parents of a child with a disability refuse consent for initial evaluation or a reevaluation, the local educational agency may use mediation or due process hearing procedures to pursue the evaluation.
 6. Failure to respond to request for reevaluation.
 - a. Informed parental consent need not be obtained for reevaluation if the local educational agency can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent or parents have failed to respond.
 - b. To meet the reasonable measures requirement, the local educational agency must have a record of its attempts to secure the consent, such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parent or parents and any responses received; and
 - (3) Detailed records of visits made to the parent's or parents' home or place of employment and the results of those visits.
 7. A local educational agency may not use a parent's or parents' refusal to consent to one service or activity to deny the parent, parents, or child any other service, benefit, or activity of the local educational agency, except as provided by this chapter.
- F. Parental rights regarding use of public or private insurance.
1. Each local educational agency using Medicaid or other public insurance to pay for services required under this chapter, as permitted under the public insurance program, shall:
 - a. Provide notice to the parent or parents that:
 - (1) The parent or parents are not required to sign up for public insurance in order for their child to receive a free appropriate public education;
 - (2) The parent or parents are not required to incur out-of-pocket expenses, such as payment of a deductible or copay amount incurred in filing a claim for services; and
 - (3) The local educational agency may not use a child's benefits under a public insurance program if that use would (i) decrease available lifetime coverage or any other insured benefit; (ii) result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the child outside of the time the child is in school; (iii) increase premiums or lead to the discontinuation of insurance; or (iv) risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
 - b. Obtain parental consent to release educational records to the public insurance program for billing purposes in accordance with the provisions of the Management of the Student's Scholastic Record in the Public Schools of Virginia (8 VAC 20-150-10 et seq.).
 2. Each local educational agency using private insurance to pay for services required under this chapter shall:
 - a. Obtain parental consent each time the local education agency proposes to access the parent's private insurance proceeds.
 - b. Obtain parental consent and inform the parent that their refusal to permit the local educational agency to access their private insurance does not relieve the local educational agency of its responsibility to ensure that all required services are provided at no cost to the parent or parents each time it proposes to access the parent's or parents' private insurance.
 - c. Obtain parental consent to release educational information to the private insurance company for billing purposes in accordance with the provisions of the Management of the Student's Scholastic Record in the Public Schools of Virginia (8 VAC 20-150-10 et seq.).
- G. Confidentiality of information.
1. Access rights.
 - a. The local educational agency shall permit a parent or parents to inspect and review any education records relating to their children that are collected, maintained, or used by the local educational agency under this chapter. The local educational agency shall comply with a request without unnecessary delay and before any meeting regarding an IEP or any hearing in accordance with

8 VAC 20-80-76 and 8 VAC 20-80-68, and in no case more than 45 days after the request has been made.

b. The right to inspect and review education records under this section includes:

(1) The right to a response from the local educational agency to reasonable requests for explanations and interpretations of the records;

(2) The right to request that the local educational agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

(3) The right to have a representative of the parent inspect and review the records.

c. A local educational agency may presume that a parent has authority to inspect and review records relating to his children unless the local educational agency has been advised that the parent does not have the authority under applicable Virginia law governing such matters as guardianship, separation, and divorce.

2. Record of access. Each local educational agency shall keep a record of parties, except parents and authorized employees of the local educational agency, obtaining access to education records collected, maintained, or used under Part B of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.), including the name of the party, the date of access, and the purpose of the access.

3. Record on more than one child. If any education record includes information on more than one child, the parent or parents of those children have the right to inspect and review only the information relating to their child or to be informed of the specific information requested.

4. List of types and locations of information. Each local educational agency shall provide on request to a parent or parents a list of the types and locations of education records collected, maintained, or used by the local educational agency.

5. Fees.

a. Each local educational agency may charge a fee for copies of records that are made for a parent or parents under this chapter if the fee does not effectively prevent the parent or parents from exercising their right to inspect and review those records.

b. A local educational agency may not charge a fee to search for or to retrieve information under this section.

6. Amendment of records at parent's request.

a. A parent or parents who believe that information in the education records collected, maintained, or used under this chapter is inaccurate or misleading or violates the privacy or other rights of the child may request the local educational agency that maintains the information to amend the information.

b. The local educational agency shall decide whether to amend the information in accordance with the request

within a reasonable period of time of receipt of the request.

c. If the local educational agency decides to refuse to amend the information in accordance with the request, it shall inform the parent or parents of the refusal and advise the parent or parents of the right to a hearing under subdivision 7 of this subsection.

7. Opportunity for a hearing. The local educational agency shall provide on request an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

8. Results of hearing.

a. If, as a result of the hearing, the local educational agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.

b. If, as a result of the hearing, the local educational agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the child's education records a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

c. Any explanation placed in the records of the child under this section must:

(1) Be maintained by the local educational agency as part of the records of the child as long as the record or contested portion is maintained by the local educational agency; and

(2) If the records of the child or the contested portion is disclosed by the agency to any party, the explanation must also be disclosed to the party.

9. Hearing procedures. A hearing held under subdivision 7 of this subsection must be conducted in accordance with the procedures under 34 CFR 99.22 of the Family Educational Rights and Privacy Act (20 USC § 1232g).

10. Consent.

a. Except as to disclosure to law enforcement and judicial authorities in accordance with 8 VAC 20-80-68, for which parental consent is not required under the Family Educational Rights and Privacy Act (20 USC § 1232g), parental consent must be obtained before personally identifiable information is:

(1) Disclosed to anyone other than officials of the local educational agencies collecting, maintaining, or using the information under this chapter, subject to subdivision 10 b of this subsection; or

(2) Used for any purpose other than meeting a requirement of this chapter.

b. A local educational agency subject to the Family Educational Rights and Privacy Act (20 USC § 1232g) may not release information from education records to any

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agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) without parental consent unless authorized to do so under the Family Education Rights and Privacy Act.

c. In the event that a parent refuses to provide consent under this section, a local educational agency shall use established policies and procedures.

11. Safeguards.

a. Each local educational agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

b. One official at each local educational agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information.

c. All persons collecting, maintaining, or using personally identifiable information must receive training or instruction on Virginia's policies and procedures for ensuring confidentiality of information.

d. Each local educational agency shall maintain for public inspection a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

12. Destruction of information.

a. The local educational agency shall inform parents when personally identifiable information collected, maintained, or used under this chapter is no longer needed to provide educational services to the child.

b. The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

c. The local educational agency shall comply with the Records Retention and Disposition Schedule of the Library of Virginia.

8 VAC 20-80-76. Due process hearing.

A. The Virginia Department of Education administers a special education due process hearing system that provides procedures for the training of hearing officers, requests for a hearing, appointment of hearing officers, the management and monitoring of hearings, and the administration of the hearing system. The Virginia Department of Education is responsible for the operation of the due process system; however, the local educational agency shares responsibility for the hearing process by ensuring the timely appointment of officers, communicating with the Virginia Department of Education, assisting with the hearing, and implementing the hearing officer's decision. A hearing officer's decision may be appealed directly to any state court of competent jurisdiction or to a district court of the United States.

B. Basis for due process hearing request.

1. Either a parent or parents or a local educational agency may request a due process hearing when a disagreement arises regarding any of the following:

a. Identification of a child with a disability;

b. Evaluation of a child with a disability (including disagreements regarding payment for an independent educational evaluation);

c. Educational placement and services of the child; and

d. Provision of a free appropriate public education to the child.

2. A local educational agency may initiate a due process hearing to resolve a disagreement when the parent or parents withhold consent for an action that requires parental consent to provide services to a student who has been identified as a student with a disability or who is suspected of having a disability.

3. In circumstances involving disciplinary actions, the parent or parents of a student with a disability may request an expedited due process hearing if the parent or parents disagree with:

a. A determination that the child's behavior was not a manifestation of the child's disability; or

b. Any decision regarding placement under the disciplinary procedures.

4. The local educational agency may request an expedited hearing if the school division maintains that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative setting) during the pendency of the due process proceedings.

C. Procedure for requesting a due process hearing.

1. A request for a hearing shall be made in writing to the local educational agency, with a copy to the Virginia Department of Education. If the request is received solely by the Virginia Department of Education, the Virginia Department of Education shall immediately notify the local educational agency by telephone or by facsimile and forward a copy of the request to the local educational agency within one day of the Virginia Department of Education's receipt, including those cases where mediation is requested. The request for a hearing shall be kept confidential by the local educational agency and the Virginia Department of Education.

2. The notice of request must include the following information:

a. The name of the child;

b. The address of the residence of the child;

c. The name of the school the child is attending;

d. A description of the nature of the child's problem relating to the proposed or refused initiation or change, including facts relating to the problem; and

e. A proposed resolution of the problem to the extent known and available to the parent or parents at the time of the notice.

3. The local educational agency shall upon receipt of a request for a due process hearing, inform the parent or parents of the availability of mediation described in 8 VAC 20-80-74 and of any free or low-cost legal and other relevant services available in the area. The local educational agency must also provide the parent or parents with a procedural safeguards notice.

4. The local educational agency shall appoint the hearing officer within five business days of the request for a hearing. The local educational agency contacts the Supreme Court of Virginia to secure the name of a hearing officer, contacts the hearing officer to confirm availability, and upon acceptance, appoints the hearing officer in writing, with a copy to the Virginia Department of Education. In the case of an expedited hearing, the local educational agency must appoint the hearing officer within three business days of the request for a hearing.

D. Assignment of hearing officer.

1. A hearing officer is appointed to a case from a list maintained by the Supreme Court of Virginia.

2. Upon a request by the local educational agency, the Supreme Court identifies a hearing officer from its list and provides the name to the local educational agency. If the first person selected is unavailable or disqualified, the local educational agency shall immediately request another name to ensure that a timely appointment is made.

3. Upon request, the Virginia Department of Education shall share information on qualifications of the hearing officer with the parent or parents and the local educational agency, and either party has two business days to object to the appointment on the basis of conflict of interest.

4. A hearing shall not be conducted by a person who:

a. Has a personal or professional interest which would conflict with that person's objectivity in the hearing;

b. Is an employee of the Virginia Department of Education or the local educational agency that is involved in the education and care of the child. A person who otherwise qualifies to conduct a hearing is not an employee of the agency solely because he is paid by the agency to serve as a hearing officer.

c. Represents schools or parents in any matter involving special education or disability rights, or is an employee of any parent rights agency or organization, or disability rights agency or organization.

5. If a hearing officer recuses himself or is otherwise disqualified, the local educational agency shall ensure that another hearing officer is promptly appointed.

E. Child's status during administrative or judicial proceedings.

1. Except as provided in 8 VAC 20-80-68 C 4, during the pendency of any administrative or judicial proceeding, the child must remain in the current educational placement

unless the parent or parents of the child and local educational agency agree otherwise; or

2. If the proceeding involves an application for initial admission to public school, the child, with the consent of the parent or parents, must be placed in the public school until the completion of all the proceedings; or

3. If the decision of a hearing officer agrees with the child's parent or parents that a change of placement is appropriate, that placement shall be treated as an agreement between the local educational agency and the parent or parents for the purposes of maintaining the child's placement during the pendency of any administrative or judicial appeal proceeding; or

4. The child's placement during administrative or judicial proceedings regarding a disciplinary action by the local educational agency shall be in accordance with 8 VAC 20-80-68; or

5. The child's placement during administrative or judicial proceedings regarding a placement for noneducational reasons by a Comprehensive Services Act team shall be in accordance with 8 VAC 20-80-66 A 8.

F. Rights of parties in the hearing.

1. Any party to a hearing has the right to:

a. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

b. Present evidence and confront, cross examine, and request that the hearing officer compel the attendance of witnesses;

c. Move that the hearing officer prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing or in the case of an expedited hearing, two business days before the hearing;

d. Obtain a written or, at the option of the parent or parents, electronic, verbatim record of the hearing; and

e. Obtain written or, at the option of the parent or parents, electronic findings of fact and decisions.

2. Additional disclosure of information shall be given as follows:

a. At least five business days prior to a nonexpedited hearing and two business days prior to an expedited hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing; and

b. A hearing officer may bar any party that fails to comply with the disclosure requirements from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

3. Parental rights at hearings.

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a. A parent or parents involved in a hearing must be given the right to:

- (1) Have the child who is the subject of the hearing present; and
- (2) Open the hearing to the public.

b. The record of the hearing and the findings of fact and decisions must be provided at no cost to the parent or parents.

G. Responsibilities of the Virginia Department of Education. The Virginia Department of Education shall:

1. Maintain and monitor the due process hearing system and establish procedures for its operation;
2. Ensure that the local educational agency discharges its responsibilities in carrying out the requirements of state and federal statutes and regulations;
3. Develop and disseminate a model form to be used by the parent or parents to give notice of the following when filing a request for due process hearing: the name of the child; the address of the residence of the child; the name of the school the child is attending; a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and a proposed resolution of the problem to the extent known and available to the parent or parents at the time of the notice;
4. Ensure that the hearing is conducted by individuals who are impartial and who are not employees of the Virginia Department of Education or the local educational agency providing education or care of the child, or by anyone with a personal or professional interest that would conflict with his objectivity in the case;
5. Maintain and ensure that each local educational agency maintains a list of persons who serve as hearing officers. This list shall include a statement of the qualifications of each officer;
6. Notify the Supreme Court of the receipt of either the hearing officer's written decision or other conclusion of the case; and
7. Provide findings and decisions of all due process hearings to the state advisory committee and to the public after deleting any personally identifiable information.

H. Responsibilities of the parent. In a due process hearing, the parent or parents shall:

1. Decide whether the hearing will be open to the public;
2. Make timely and necessary responses to the hearing officer personally or through counsel or other authorized representatives;
3. Assist in clarifying the issues for the hearing and participate in the prehearing conference scheduled by the hearing officer;

4. Provide information to the hearing officer to assist in the hearing officer's administration of a fair and impartial hearing;

5. Provide documents and exhibits necessary for the hearing within required timelines; and

6. Comply with timelines, orders, and requests of the hearing officer.

I. Responsibilities of the local educational agency. The local educational agency shall:

1. Maintain a list of the persons serving as hearing officers. This list shall include a statement of the qualifications of each officer;

2. Provide the parent or parents a form for use to provide notice that they are requesting a due process hearing and a copy of their procedural safeguards;

3. Maintain the confidentiality of the completed notice form and its contents;

4. Ensure that the parent's or parents' right to a hearing is not delayed or denied for failure to complete the notice;

5. Ensure that a hearing officer is appointed within five business days of a request for a nonexpedited hearing and three business days of a request for an expedited hearing;

6. Inform the parent or parents at the time the request is made of the availability of mediation;

7. Inform the parent or parents of any free or low-cost legal and other relevant services if the parent or parents request it, or anytime the parent, parents, or the local educational agency initiates a hearing;

8. Assist the hearing officer, upon request, in securing the location and recording equipment for the hearing;

9. Make timely and necessary responses to the hearing officer;

10. Assist in clarifying the issues for the hearing and participate in the pre-hearing conference scheduled by the hearing officer;

11. Upon request, provide information to the hearing officer to assist in the hearing officer's administration of a fair and impartial hearing;

12. Provide documents and exhibits necessary for the hearing within required timelines;

13. Comply with timelines, orders, and requests of the hearing officer;

14. Maintain a file, which is a part of the child's scholastic record, containing communications, exhibits, decisions, and the implementation plan, including mediation communications, except as prohibited by laws or regulations;

15. Forward all necessary communications to the Virginia Department of Education and parties as required;

16. Develop and submit an implementation plan within 45 calendar days of the rendering of a decision or the

withdrawal of a hearing request with the following exception: the appeal or consideration of an appeal of the decision by the local school division and the decision is not an agreement by the hearing officer with the parent or parents of the child that a change in placement is appropriate. In such cases, the hearing officer's order must be implemented while the case is appealed and an implementation plan must be submitted. Such plan shall be based upon the decision of the hearing officer or agreement between the parties. The implementation plan shall state how and when the decision or agreement will be put into operation. If the case is closed pursuant to a settlement or mediation agreement, that agreement shall be made a part of the implementation plan. If the decision or agreement affects the child's educational program, the revised IEP shall be made a part of the implementation plan. The implementation plan shall contain the name and position of a case manager in the local educational agency charged with implementing the decision. Copies of this plan shall be forwarded to the parties to the hearing, the hearing officer, and the Virginia Department of Education;

17. Notify the Virginia Department of Education when the local educational agency is considering an appeal of the hearing officer's decision or when a hearing officer's decision has been appealed to court by either the parent or parents or the local educational agency; and

18. Forward the record of the due process proceeding to the appropriate court for any case that is appealed.

J. Responsibilities of the hearing officer. The hearing officer shall:

1. Affirm, by accepting appointment, that he has complied with all training requirements and agrees to complete the hearing within the regulatory timelines: 45 calendar days if assigned to a nonexpedited due process hearing and 20 business days if assigned to an expedited hearing;

2. Ensure impartiality, and decline the appointment if the hearing officer is an employee of the Virginia Department of Education or of the local educational agency that is involved in the education or care of the child;

3. Ensure that the rights of all parties are protected and that the laws and regulations regarding the educational placement or services of the child are followed in the conduct of the hearing and in rendering the decision;

4. Within five business days of appointment, secure a date, time, and location for the hearing that are convenient to both parties, and notify both parties to the hearing and the Virginia Department of Education, in writing, of the date, time, and location of the hearing. If the hearing is an expedited hearing, the hearing officer shall complete these responsibilities within two business days of appointment;

5. Ascertain whether the parties will have attorneys or others assisting them at the hearing. The hearing officer shall send copies of correspondence to the parties and their attorneys;

6. Conduct a prehearing conference via a telephone conference call or in person unless the hearing officer deems such conference unnecessary. The prehearing

conference may be used to clarify or narrow issues and determine the scope of the hearing. If a prehearing conference is not held, the hearing officer shall document in the written prehearing report to the Virginia Department of Education the reason for not holding the conference;

7. At the prehearing stage, inform the parties of their rights regarding mediation, of their opportunity to settle the case, and at the end of the hearing and upon receiving the decision, of their right to appeal the case directly to either a state or federal court at their discretion;

8. Monitor the mediation process, if the parties agree to mediate, to ensure that mediation is not used to deny or delay the right to a due process hearing, that parental rights are protected, and that the hearing is concluded within regulatory timelines;

9. Ascertain from the parent or parents whether the hearing will be open to the public;

10. Ensure that the parties have the right to a written or, at the option of the parent or parents, an electronic verbatim record of the proceedings and that the record is forwarded to the local educational agency for the file after making a decision;

11. Receive a list of witnesses and documentary evidence for the hearing (including all evaluations and related recommendations that each party intends to use at the hearing) no later than five business days prior to the hearing. If the hearing is an expedited hearing, receipt must be no later than two business days prior to the hearing;

12. Ensure that the local educational agency has appointed a surrogate parent in accordance with 8 VAC 20-80-64 when the parent, parents, or guardian is not available or cannot be located;

13. Ensure that an atmosphere conducive to impartiality and fairness is maintained at all times in the hearing;

14. Not require the parties or their representatives to submit extensive briefs as a condition of rendering a decision;

15. Make no presumptions in the case and base findings of fact and decisions solely upon the preponderance of the evidence presented at the hearing and applicable state and federal law and regulations;

16. Report findings of fact and decisions in writing to both parties, their attorneys, and the Virginia Department of Education. If the hearing is an expedited hearing, the hearing officer may issue an oral decision at the conclusion of the hearing, followed by a written decision within five business days of the hearing being held;

17. Include in the written findings of a nonexpedited due process hearing, a determination of whether the:

a. Requirements of notice to the parent or parents were satisfied;

b. Child has a disability;

c. Child needs special education and related services; and

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d. Local educational agency is providing a free appropriate public education;

18. Maintain an organized and well-documented record and return the official record to the local educational agency upon conclusion of the case;

19. Determine in a hearing regarding a manifestation determination whether the local educational agency has demonstrated that the child's behavior was not a manifestation of the child's disability consistent with the following requirements:

a. The IEP team first considered, in terms of the behavior subject to disciplinary action, all relevant information, including:

- (1) Evaluation and diagnostic results, including such results or other relevant information supplied by the parent or parents of the child;
- (2) Observations of the child; and
- (3) The child's IEP and placement; and

b. The IEP team then determined that:

- (1) In relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;
- (2) The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and
- (3) The child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

c. If the IEP team determined that any of these standards were not met, the behavior must be considered a manifestation of the child's disability; and

20. In hearing a case in an expedited due process hearing regarding the authority of local educational agency personnel to change the child's placement to an interim alternative educational placement for up to 45 days:

a. Consider whether the child's current placement is appropriate;

b. Consider whether the local educational agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services;

c. Determine that the local educational agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others; and

d. Determine that the interim alternative educational setting meets the following requirements:

- (1) Is selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and

modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

(2) Includes services and modifications designed to address the behavior so that it does not recur, such as a functional assessment and a positive behavior support plan.

K. Authority of the hearing officer. The hearing officer has the authority to:

1. Exclude any documentary evidence which was not provided and any testimony of witnesses who were not identified at least five business days prior to the hearing unless the hearing is an expedited hearing, in which case the information must be received and witnesses identified at least two business days prior to the hearing;

2. Bar any party from introducing evaluations or recommendations at the hearing that have not been disclosed to all other parties at least five business days prior to the hearing (or two business days if an expedited hearing) without the consent of the other party;

3. Issue subpoenas requiring testimony or the productions of books, papers, and physical or other evidence.

a. The hearing officer may request an order of enforcement for a subpoena in the circuit court of the jurisdiction in which the hearing is to be held.

b. Any person so subpoenaed may petition the circuit court for a decision regarding the validity of such subpoena if the hearing officer does not quash or modify the subpoena after objection;

4. Stop hostile or irrelevant pursuits in questioning and require that the parties and their attorneys, advocates, or advisors comply with the hearing officer's rules and with relevant laws and regulations;

5. Excuse witnesses after they testify to limit the number of expert witnesses present at the same time or sequester witnesses during the hearing;

6. Refer the matter in dispute to a conference between the parties when informal resolution and discussion appear to be desirable and constructive. This action shall not be used to deprive the parties of their rights and shall be exercised only when the hearing officer determines that the best interests of the child will be served;

7. Require an independent educational evaluation of the child. This evaluation shall be at public expense and shall be conducted in accordance with the regulations governing evaluation and assessment;

8. At the request of either party for a nonexpedited hearing, grant specific extensions of time beyond the periods set out in this chapter, if in the best interest of the child. This action shall in no way be used to deprive the parties of their rights and should be exercised only when the requesting party has provided sufficient information that the best interests of the child will be served by the grant of an extension. The hearing officer may grant such requests for cause, but not for attorney convenience. Changes in hearing dates or

timeline extensions shall be noted in writing and sent to all parties, their attorneys, and to the Virginia Department of Education;

9. Take action to move the case to conclusion, including dismissing the pending proceeding if either party refuses to comply in good faith with the hearing officer's orders;

10. Set guidelines regarding media coverage if the hearing is open to the public;

11. Enter a disposition as to every issue presented for decision and identify and determine the prevailing party on each issue that is decided;

12. Order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing is an expedited hearing, and after:

a. Determining whether the local educational agency has demonstrated by substantial evidence (i.e., beyond a preponderance of the evidence) that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;

b. Considering whether the child's current placement is appropriate;

c. Considering whether the local educational agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

d. Determining whether the interim alternative educational setting that is proposed by school personnel who have consulted with the child's special education teacher meets the following requirements:

(1) Is selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in the IEP; and

(2) Includes services and modifications designed to address the behavior so that it does not recur; and

13. In an expedited hearing, determine whether it is dangerous for a child to remain in the current placement (placement prior to removal to the interim alternative educational setting) during the pendency of due process proceedings. In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the following standards:

a. Determine whether the local educational agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;

b. Consider whether the child's current placement is appropriate;

c. Consider whether the local educational agency has made reasonable efforts to minimize the risk of harm in

the child's current placement, including the use of supplementary aids and services; and

d. Determine whether the interim alternative educational setting was determined by the IEP team and meets the following requirements:

(1) Is selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP;

(2) Includes services and modifications designed to address the behavior so that it does not recur; and

(3) Is for not longer than 45 calendar days and is repeated if proper procedures are followed.

The procedures in subdivisions 13 a through d of this subsection may be repeated as necessary.

L. Timelines for nonexpedited due process hearings. The hearing officer shall:

1. Render a final written decision within 45 calendar days after the request for the hearing is received by the local educational agency;

2. Grant an extension only when it serves the best interests of the child; and

3. Document in writing within five business days changes in hearing dates or extensions and send documentation to all parties and the Virginia Department of Education.

M. Timelines for expedited due process hearings. The hearing officer shall:

1. Render a final written decision within 20 business days after the receipt of the request for the expedited hearing by the local educational agency without exceptions or extensions. *The 20-business day timeline shall be the same for hearings requested by the parents or local educational agencies;* and

2. Document in writing within two business days any changes in hearing dates and send documentation to all parties and the Virginia Department of Education.

N. Costs of due process hearing and attorneys' fees.

1. The costs of an independent educational evaluation, hearing officer, court reporters, and transcripts which are incidental to the hearing are shared equally by the local educational agency and the Virginia Department of Education. Costs for any services incurred by a party for the specific benefit of that party's case are the responsibility of that party.

2. The local educational agency is responsible for its own attorneys' fees.

3. The parent or parents are responsible for their attorneys' fees. If the parent or parents are the prevailing party, they have the right to petition either a state circuit court or a

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federal district court for an award of reasonable attorneys' fees as part of the costs.

4. A state circuit court or a federal district court may award reasonable attorneys' fees as part of the costs to the parent or parents of a child with a disability who is the prevailing party.

5. The court may award reasonable attorneys' fees only if the award is consistent with the limitations, exclusions, exceptions, and reductions in accordance with the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) and its implementing regulations and 8 VAC 20-80-155.

O. Right of appeal.

1. A decision by the hearing officer in any hearing, including an expedited hearing, shall be final and binding unless the decision is appealed by a party *in a state circuit court* within one year of the issuance of the decision *or in a federal district court*. The appeal may be filed in either a state circuit court or a federal district court without regard to the amount in controversy. The district courts of the United States have jurisdiction over actions brought under § 1415 of the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) without regard to the amount in controversy.

2. On appeal, the court shall receive the record of the administrative proceedings, shall hear additional evidence at the request of a party, shall base its decision on a preponderance of evidence, and shall grant the relief that the court determines to be appropriate.

3. If the hearing officer's decision is appealed in court, implementation of the hearing officer's order is held in abeyance except in those cases where the hearing officer has agreed with the child's parent or parents that a change in placement is appropriate in accordance with subsection E of this section. In those cases, the hearing officer's order must be implemented while the case is being appealed.

4. In every case within 45 days of the final decision of the hearing officer, an implementation plan must be filed by the local educational agency, with copies to the parties, the Virginia Department of Education, and the hearing officer unless the school division has appealed or is considering an appeal of the decision and the decision is not an agreement by the hearing officer with the parent or parents of the child that a change in placement is appropriate as noted in subdivision 3 of this subsection.

5. If the local educational agency does not file an implementation plan, the local educational agency must notify the Virginia Department of Education within 45 days of the issuance of the decision of the hearing officer that the local educational agency is considering appealing the hearing officer's decision or either the local educational agency or the parent or parents have appealed the hearing officer's decision.

6. If the hearing officer's decision is not implemented as required by this chapter, a complaint may be filed with the Virginia Department of Education for an investigation through the state's complaint system.

P. Special authority of the Virginia Department of Education.

1. The Virginia Department of Education may take action to ensure that the hearing officer:

- a. Complies with all training requirements;
- b. Conducts the hearing in a manner that protects the rights of all parties;
- c. Issues written findings of fact and decisions solely upon the preponderance of the evidence presented at the hearing and applicable state and federal law;
- d. Provides reports and the decision in writing to both parties and to the Virginia Department of Education;
- e. Does not require the submission of burdensome legal research of case law or legal briefs from parties before rendering a decision; and
- f. Complies with timelines as specified in this section.

2. If the hearing officer does not meet the administrative responsibilities for management of the hearing proceedings in a case, the Virginia Department of Education may take action in the best interest of the child to remove the hearing officer from the case.

3. The Virginia Department of Education may impose training and assessment requirements for new and continuing hearing officers as part of the specialized training requirements set by the Supreme Court of Virginia and as otherwise determined by the Virginia Department of Education to be necessary. The Virginia Department of Education may develop training and assessment methodology, including academic or alternative means for completing training requirements. The training requirements may include, but not be limited to, the following topics:

- a. Knowledge of disabilities and their implications in the education setting;
- b. Special education law generally, both federal and state;
- c. Other relevant statutory law;
- d. Knowledge of special education services and placements, including interim alternative educational placements;
- e. Knowledge of special education standards, procedures, and regulations impacting the delivery of educational services to students;
- f. Skill development and understanding of characteristics unique to disabilities.

4. The Virginia Department of Education may establish the number of hearing officers who will be trained and certified to hear special education due process cases.

5. Any hearing officer who has been suspended or removed pursuant to Rule 4 of the Hearing Officer System Rules of Administration or has withdrawn from the Virginia Supreme Court's hearing officer list shall submit a written petition to the Virginia Department of Education requesting approval to be recertified to hear special education cases.

6. If a special education complaint asserting errors by a hearing officer is received, the Virginia Department of Education may require the hearing officer to respond to the complaint. If the Virginia Department of Education determines that the complainant's allegations are valid, the Virginia Department of Education may disallow any claim for compensation by the hearing officer for responding to the complaint.

7. Any hearing officer who exceeds the timelines as prescribed in this section for reasons unrelated to the best interest of the child and not properly documented prior to the mandated timelines shall be required by the Virginia Department of Education to attend specialized training on these requirements before being assigned to another case.

Q. Management and monitoring of the due process hearing system.

1. The Virginia Department of Education shall conduct an analysis of special education hearing officers' decisions and the hearing system procedures that incorporates input from the parties to the hearing. Summary information developed from the analysis will be provided to the Virginia Supreme Court, upon request, and may be utilized by the Supreme Court in its evaluation of hearing officers as required in the Hearing Officer System Rules of Administration. Upon request, the Virginia Department of Education shall provide to the Supreme Court information regarding the hearing officer's participation in training, management of the hearing process, actual administration of any hearings, and a review of any decisions rendered.

2. Review and analysis of special education hearing officers' decisions.

a. Within 30 calendar days of receipt of the special education hearing officer's decision, the Virginia Department of Education shall review the decision relative to:

- (1) Apparent bias to either party;
- (2) Correct use of citations;
- (3) Readability; and
- (4) Other errors, such as incorrect names or conflicting data, but not errors of law which are reserved for appellate review.

b. Procedures.

(1) In conducting its internal review, the Virginia Department of Education may be assisted by external resources.

(2) The Virginia Department of Education may inform the hearing officer in writing of any concerns and may require the hearing officer to issue an error correction or a statement of clarification.

R. Nothing in this chapter prohibits or limits rights under other federal laws or regulations.

VA.R. Doc. No. R02-115; Filed January 15, 2002, 11:22 a.m.

Title of Regulation: 8 VAC 20-630. Standards for State-Funded Remedial Programs.

Statutory Authority: § 22.1-199.2 of the Code of Virginia.

Effective Date: March 28, 2002.

Summary:

The amendments institute a maximum pupil-teacher ratio for state-funded remedial programs. Also, the board proposes to require that local school divisions record and report specified data pertaining to their state-funded remedial programs, and to annually evaluate the success of those programs. The amendments also set forth a formula for funding transportation for state-funded remediation outside regular school hours.

The proposed regulation was amended to (i) broaden the definition of state-funded remediation programs as those programs defined in the local school division's remediation plan that serve eligible students from state funding sources; (ii) permit the use of locally designed or selected tests in place of the Standards of Learning assessments, when applicable, as pre- and post-tests for the remediation program; and (iii) include individuals who work in the state-funded remedial program as eligible to teach or to work under the direct supervision of a licensed teacher in Virginia.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Dr. James Heywood, Department of Education, James Monroe Building, 101 N. 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2924.

CHAPTER 630.
STANDARDS FOR STATE-FUNDED REMEDIAL PROGRAMS.

8 VAC 20-630-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings [,] unless the context clearly indicates otherwise:

"Eligible students" are those students who meet either (i) the criteria identifying students who are educationally at risk that have been established by the local school board or (ii) the state criteria identifying students who are educationally at risk as specified in § 22.1-253.13:1 of the Code of Virginia.

"Regular instructional day" means the length of the school day in which instruction is provided for all children, but excluding before and after school programs for state-funded remedial programs.

"Regular school year" means the period of time during which the local school division provides instruction to meet the Standards of Quality, exclusive of summer school, Saturday sessions, or intercession periods.

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~~“State-funded remedial programs” [are comprised of the following three state-funded programs: (i) Standards of Learning Assessment Remediation, (ii) Remedial Summer School, and (iii) Standards of Quality Remediation include those programs defined in the local school division’s remediation plan which serve eligible students from state funding sources].~~

8 VAC 20-630-20. [~~Program Remediation plan~~] development and approval.

~~Each local school division shall develop a remediation [program plan] designed to strengthen and improve the academic achievement of [these eligible] students [who demonstrate substandard performance. Annually,] Local school divisions shall submit these plans [to the department at a time to be determined by the Superintendent of Public Instruction] for [review and] approval [by the Board of Education. Following approval of the plan, each local school division shall submit a budget for the remediation plan that identifies the sources of state funds in the plan].~~

8 VAC 20-630-30. Individual student record.

~~Each local school division shall record for each eligible student attending a state-funded remedial program: (i) the state or local criteria used to determine eligibility; (ii) the expected remediation goal for the student in terms of [measurable student performance a target score on a locally designed or selected test which measures the SOL content being remediated]; [in the case of failure to pass a Standards of Learning test, the goal will be to pass the test; (iii) the pre- and post-test scores assessing the level of student performance before remediation and at the conclusion of the remedial program; in the case of students in grades 3, 5, 8 and for those taking end-of-course tests in high school, the pre- and post-test instrument will be the appropriate Standards of Learning test;] and [(iv) (iii)] whether the student did or did not meet the expected remediation goal.~~

8 VAC 20-630-40. Program evaluation.

~~[Annually,] Each local school division shall [annually] evaluate [the success of its state-funded remedial programs and modify, as appropriate, their remediation plan] based on [an analysis of] the percentage of students meeting their remediation goals [, as measured by locally developed assessment tools and, as required in 8 VAC 20-630-30.] The pass rate on the Standards of Learning assessments [shall also be a measure of the effectiveness of the remedial program].~~

8 VAC 20-630-50. Reporting requirements.

~~Annually, each local school division shall collect and report to the Department of Education, on-line or on forms provided by the department, the following data pertaining to eligible students:~~

- ~~1. The number of students failing a state-sponsored test required by the Standards of Quality or Standards of Accreditation;~~
- ~~2. A demographic profile of students attending state-funded remedial programs;~~

- ~~3. The academic status of each student attending state-funded remedial programs;~~
- ~~4. The types of instruction offered;~~
- ~~5. The length of the program;~~
- ~~6. The cost of the program;~~
- ~~7. The number of ungraded and disabled students, and those with limited English proficiency; [and]~~
- ~~8. As required, the pass rate on Standards of Learning assessments [-; and~~
- ~~9. The percentage of students at each grade level who have met their remediation goals.]~~

~~[The local school division shall utilize this data to make appropriate adjustments in improving the quality of its state-funded remedial programs.]~~

8 VAC 20-630-60. Teacher qualifications and staffing ratios.

~~Each local school division implementing a state-funded remedial summer school program shall provide a minimum of 20 hours of instruction per subject, exclusive of field trips, assemblies, recreational activities, lunch or post-program testing time.~~

~~For state-funded remedial summer school programs in grades K-5 that offer an integrated curriculum, a minimum of 40 hours of instruction shall be required.~~

~~The pupil-teacher ratios for state-funded summer remedial programs shall not exceed 18:1.~~

~~[Teachers providing Individuals who provide] instruction in the state-funded remedial programs shall be licensed to teach in Virginia [or work under the direct supervision of an individual who is licensed to teach in Virginia; be], qualified to [teach in their assigned provide instruction in the] area [to be remediated;] and [be] trained in remediation techniques.~~

8 VAC 20-630-70. Transportation formula.

~~[Pursuant to the provisions of the state's Appropriation Act,] funding for transportation services provided for students who are required to attend state-funded remedial programs outside the regular instructional day shall be based on a per pupil per day cost multiplied by the number of student days the program operates (i.e., the number of instructional days the state-funded remedial programs are offered multiplied by the number of students who attend the state-funded remedial programs). The per pupil per day cost shall be based on the latest prevailing cost data used to fund pupil transportation through the Standards of Quality.~~

~~For state-funded remedial programs that operate on days that are in addition to the regular school year, 100% of the per pupil per day cost shall be used in the formula. For state-funded remedial programs that begin before or end after the regular instructional day, 50% of the per pupil per day cost shall be used in the formula. The state share of the payment shall be based on the composite index.~~

VA.R. Doc. No. R00-151; Filed February 6, 2002, 11:30 a.m.

CHAPTER 66.
REGULATIONS GOVERNING DURABLE DO NOT
RESUSCITATE ORDERS.

PART I.
DEFINITIONS.

◆ ————— ◆
TITLE 12. HEALTH

STATE BOARD OF HEALTH

Title of Regulation: **12 VAC 5-65. Rules and Regulations Governing Emergency Medical Services Do Not Resuscitate Program (REPEALED).**

Title of Regulation: **12 VAC 5-66. Regulations Governing Durable Do Not Resuscitate Orders (adding 12 VAC 5-66-10 through 12 VAC 5-66-110).**

Statutory Authority: § 54.1-2987.1 of the Code of Virginia.

Effective Date: March 27, 2002.

Summary:

The Virginia General Assembly adopted new legislation creating a Durable Do Not Resuscitate Order to replace the Emergency Medical Services Do Not Resuscitate Order. This action repeals the Emergency Medical Services Do Not Resuscitate Order and establishes a Durable Do Not Resuscitate (DDNR) Order that follows the patient throughout the entire health care setting. This creates a document that will depend less on the situation in which declarants find themselves and will be more likely to be honored. Once issued by a physician for his patient, the DDNR Order would apply wherever that patient may be - home, emergency vehicle, adult care residence, nursing home or hospital.

Patients in consultation with physicians determine advanced directives concerning terminal illness and/or life sustaining measures. With a Durable Do Not Resuscitate Order, the affected patient is allowed to have some measure of control over his or her illness and/or injury through determination not to employ life-sustaining measures. These regulations establish a process that enables qualified health care providers to respond more appropriately to the expressed desires and needs of certain patients. The regulations will also provide an appropriate framework to guide the operation of this important program.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: David E. Cullen, Jr., Regulation and Compliance Manager, State Board of Health, 1538 East Parham Road, Richmond, Virginia 23228, telephone (804) 371-3500, FAX (804) 371-3543 or toll-free 1-800-523-6019.

12 VAC 5-66-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Agent" means an adult appointed by the declarant under an advance directive, executed or made in accordance with the provisions of § 54.1-2983 of the Code of Virginia to make health care decisions for him.

"Board" means the State Board of Health.

"Cardiac arrest" means the cessation of a functional heartbeat.

"Commissioner" means the State Health Commissioner.

"Durable Do Not Resuscitate Order" or "Durable DNR Order" means a written physician's order issued pursuant to § 54.1-2987.1 of the Code of Virginia in a form authorized by the board to withhold cardiopulmonary resuscitation from an individual in the event of cardiac or respiratory arrest. For purposes of this chapter, cardiopulmonary resuscitation shall include cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, and defibrillation and related procedures. As the terms "advance directive" and "Durable Do Not Resuscitate Order" are used in this article, a Durable Do Not Resuscitate Order is not and shall not be construed as an advance directive. When used in these regulations, the term "Durable DNR Order" shall include any authorized alternate form of identification issued in conjunction with an original Durable DNR Order form.

"Emergency Medical Services" or "EMS" means the services rendered by an agency licensed by the Virginia Office of Emergency Medical Services, an equivalent agency licensed by another state or a similar agency of the federal government when operating within this Commonwealth.

"Emergency medical services agency" or "EMS agency" means any person, licensed to engage in the business, service, or regular activity, whether or not for profit, of transporting and/or rendering immediate medical care to such persons who are sick, injured, wounded or otherwise incapacitated or helpless.

"Incapable of making an informed decision" means the inability of an adult patient, because of mental illness, mental retardation, or any other mental or physical disorder that precludes communication or impairs judgment and that has been diagnosed and certified in writing by his physician with whom he has a bona fide physician/patient relationship and a second physician or licensed clinical psychologist after personal examination of such patient, to make an informed decision about providing, withholding or withdrawing a specific medical treatment or course of treatment because he is unable to understand the nature, extent or probable consequences of the proposed medical decision, or to make a

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rational evaluation of the risks and benefits of alternatives to that decision. For purposes of this article, persons who are deaf, dysphasic or have other communication disorders, who are otherwise mentally competent and able to communicate by means other than speech, shall not be considered incapable of making an informed decision.

"Person authorized to consent on the patient's behalf" means any person authorized by law to consent on behalf of the patient incapable of making an informed decision or, in the case of a minor child, the parent or parents having custody of the child or the child's legal guardian or as otherwise provided by law.

"Physician" means a person licensed to practice medicine in the Commonwealth of Virginia or in the jurisdiction where the treatment is to be rendered or withheld.

"Qualified emergency medical services personnel" means personnel as defined by § 32.1-111.1 of the Code of Virginia when acting within the scope of their certification.

"Qualified health care personnel" means any qualified emergency medical services personnel and any licensed healthcare provider or practitioner functioning in any facility, program or organization operated or licensed by the State Board of Health, or by the Department of Mental Health, Mental Retardation and Substance Abuse Services or operated, licensed or owned by another state agency.

"Respiratory arrest" means cessation of breathing.

PART II. PURPOSE AND APPLICABILITY.

12 VAC 5-66-20. Authority for regulation.

Section 54.1-2987.1 of the Code of Virginia vests authority for the regulation of Durable DNR Orders in the State Board of Health and directs the board to prescribe by regulation the procedures, including the requirements for forms to authorize qualified health care personnel to follow Durable DNR Orders. All EMS DNR Orders [and all Durable Do Not Resuscitate Orders issued or] issued or in effect between July 1, 1999, and [the effective date of this regulation March 27, 2002,] are to be considered [valid] Durable DNR Orders and shall remain valid until revoked.

12 VAC 5-66-30. Purpose of regulations.

The board has promulgated these regulations in order to carry out the intent of Virginia law that a person shall have the opportunity to execute a Durable DNR Order that comports with his wishes.

PART III. REQUIREMENTS AND PROVISIONS.

12 VAC 5-66-40. The Durable Do Not Resuscitate Order Form.

The Durable DNR Order Form shall be a unique document printed on distinctive paper, as approved by the board, and consistent with these regulations. The following requirements and provisions shall apply to the approved Durable DNR Order Form.

1. Content of the Form – A Durable DNR Order Form shall contain, from a physician with whom the patient has a bona fide physician/patient relationship, a do not resuscitate determination, signature and the date of issue, the signature of the patient or, if applicable, the person authorized to consent on the patient's behalf.

2. Effective Period for a Signed Durable DNR Order Form – A signed Durable DNR Order shall remain valid until revoked.

3. Original Durable DNR Order Form – An original Durable DNR Order or an alternate form that complies with 12 VAC 5-66-50 shall be valid for purposes of withholding or withdrawing cardiopulmonary resuscitation by qualified health care personnel in the event of cardiac or respiratory arrest. The original Durable DNR Order or an alternate form that complies with 12 VAC 5-66-50 shall be maintained and displayed at the patient's current location or residence in one of the places designated on the form, or should accompany the patient, if traveling. Photocopies of the Durable DNR Order may be given to other providers or persons for information, with the express consent of the patient or the patient's designated agent or the person authorized to consent on the patient's behalf. However, such photocopies of the Durable DNR Order are not valid for withholding cardiopulmonary resuscitation.

4. Revocation of a Durable DNR Order – A Durable DNR Order may be revoked at any time by the patient (i) by physical cancellation or destruction by the patient or another in his presence and at his direction of the Durable DNR Order Form and/or any alternate form of identification; or (ii) by oral expression of intent to revoke. The Durable DNR Order may also be revoked by the patient's designated agent or the person authorized to consent on the patient's behalf [unless that person knows the patient would object to such revocation] .

5. Distribution of Durable DNR Order Forms - Authorized Durable DNR Forms, with instructions, shall be available only to physicians.

12 VAC 5-66-50. Authorized alternate forms of Durable DNR Order identification.

The board authorizes the issuance of alternate forms of Durable DNR Order identification in conjunction with the issuance of Durable DNR Orders. These alternate forms shall be uniquely-designed and uniquely-identifiable bracelets and necklaces that are available from a vendor approved by the Virginia Department of Health. These alternate forms of identification must be purchased from the approved vendor by the person to whom a Durable DNR Order applies, or that person authorized to consent on the patient's behalf, and in conjunction with a Durable DNR Order. Such a necklace or bracelet may be utilized either to validate the Durable DNR Order or in place of an original Durable DNR Order in the event that the original order is not readily available at the site where the person to whom the order applies is found. In order to be honored by qualified health care personnel in place of the original Durable DNR Order, this alternate form of identification must contain the minimum information approved by the State Board of Health.

12 VAC 5-66-60. Other DNR Orders.

A. Nothing in these regulations shall be construed to preclude licensed health care practitioners from following any other written orders of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest.

B. Additionally, nothing in these regulations or in the definition of Durable DNR Orders provided in § 54.1-2982 of the Code of Virginia shall be construed to limit the authorization of qualified health care personnel to follow Do Not Resuscitate Orders other than Durable DNR Orders that are written by a physician [, with whom the patient has a bona fide physician/patient relationship, for the duration of the patient's transfer to another facility. Such other DNR Orders issued in this manner shall be valid until a Durable DNR Order or other valid DNR Order is issued by the physician assuming responsibility for the treatment and care of the patient, but not to exceed 24 hours] . Such other DNR Orders issued in this manner [, to be honored by EMS personnel,] shall contain the information listed in subdivision 1 of 12 VAC 5-66-40 and the time of issuance by the physician [in accordance with accepted medical practice, for patients who are currently admitted to a hospital or other health care facility] .

C. Nothing in these regulations shall prohibit qualified health care personnel from following any direct verbal order issued by a licensed physician not to resuscitate a patient in cardiac or respiratory arrest when such physician is physically present in attendance of such patient.

PART IV.
IMPLEMENTATION PROCEDURES.

12 VAC 5-66-70. Issuance of a Durable DNR Order.

A. A Durable DNR Order may be issued to a patient by a physician, with whom the patient has established a bona fide physician/patient relationship, as defined by the Board of Medicine in their current guidelines, only with the consent of the patient or, if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the person authorized to consent on the patient's behalf.

B. The physician shall explain to the patient or the person authorized to consent on the patient's behalf, the alternatives available, including issuance of a Durable DNR Order. If the option of a Durable DNR Order is agreed upon, the physician shall have the following responsibilities:

1. Obtain the signature of the patient or the person authorized to consent on the patient's behalf.
2. Execute and date the Physician Order on the Durable DNR Order Form.
3. Issue the original Durable DNR Order Form.
4. Explain how to, and who may revoke the Durable DNR Order.

C. The person to whom a Durable DNR order applies or the person authorized to consent on the patient's behalf must present the following information to the approved vendor in order to purchase and be issued an approved Durable DNR

necklace or bracelet. The necklace or bracelet must contain the following information:

1. The patient's full legal name;
2. The Durable DNR number on the Virginia Durable DNR form or a number unique to the patient that is assigned by the vendor;
3. The physician's name and phone number; and
4. The Virginia Durable DNR [effective issuance] date.

12 VAC 5-66-80. Durable DNR Order implementation procedures.

A. Qualified health care personnel shall comply with the following general procedures and published Virginia Durable DNR Order Implementation Protocols when caring for a patient who is in cardiac or respiratory arrest and who is known or suspected to have a Durable DNR Order in effect.

B. Initial assessment and intervention. Perform routine patient assessment and resuscitation or intervention until the Durable DNR Order or other DNR Order validity status is confirmed, as follows:

1. Determine the presence of a Durable DNR Order Form or an approved alternate form of Durable DNR identification.
2. Determine that the Durable DNR item is not altered.
3. Verify, through driver's license or other identification with photograph and signature or by positive identification by a family member or other person who knows the patient, that the patient in question is the one for whom the Durable DNR Order or other DNR Order was issued.
4. If no Durable DNR Order or approved alternate form of identification is found, ask a family member or other person to look for the original Durable DNR Order Form or other written DNR order.
5. If the Durable DNR Order or approved alternate form of identification is not intact or has been altered or other DNR Order is produced, the qualified health care personnel shall consider the Durable DNR Order to be invalid.

C. Resuscitative measures to be withheld or withdrawn. In the event of cardiac or respiratory arrest of a patient with a valid Durable DNR Order under the criteria set forth above, the following procedures should be withheld or withdrawn by qualified health care personnel unless otherwise directed by a physician physically present at the patient location:

1. Cardiopulmonary Resuscitation (CPR);
2. Endotracheal Intubation or other advanced airway management;
3. Artificial ventilation;
4. Defibrillation; [or]

[~~5. Cardiac resuscitation medications; or]~~

[~~6. 5.] Continuation of related procedures [~~7. or cardiac resuscitation medications~~] as prescribed by the patient's physician or medical protocols.~~

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D. Procedures to provide comfort care or to alleviate pain. In order to provide comfort care or to alleviate pain for a patient with a valid Durable DNR Order or other DNR Order, the following interventions may be provided, depending on the needs of the particular patient:

1. Airway management (excluding intubation or advanced airway management);
2. Suctioning;
3. Supplemental oxygen delivery devices;
4. Pain medications or intravenous fluids;
5. Bleeding control;
6. Patient positioning; or
7. Other therapies deemed necessary to provide comfort care or to alleviate pain.

E. Revocation.

1. These regulations shall not authorize any qualified health care personnel to follow a Durable DNR Order for any patient who is able to, and does, express to such qualified health care personnel the desire to be resuscitated in the event of cardiac or respiratory arrest.

If the patient is a minor or is otherwise incapable of making an informed decision, the expression of the desire that the patient be resuscitated by the person authorized to consent on the patient's behalf shall so revoke the qualified health care personnel's authority to follow a Durable DNR Order or other DNR Order.

2. The expression of such desire to be resuscitated prior to cardiac or respiratory arrest shall constitute revocation of the order; however, a new order may be issued upon consent of the patient or the person authorized to consent on the patient's behalf.

3. The provisions of this section shall not authorize any qualified emergency medical services personnel or licensed health care provider or practitioner who is attending the patient at the time of cardiac or respiratory arrest to provide, continue, withhold or withdraw treatment if such provider or practitioner knows that taking such action is protested by the patient incapable of making an informed decision. No person shall authorize providing, continuing, withholding or withdrawing treatment pursuant to this section that such person knows, or upon reasonable inquiry ought to know, is contrary to the religious beliefs or basic values of a patient incapable of making an informed decision or the wishes of such patient fairly expressed when the patient was capable of making an informed decision.

F. Documentation. When following a Durable DNR Order or other DNR Order for a particular patient, qualified health care personnel shall document in the patient's medical record the care rendered or withheld in the following manner:

1. Use standard patient care reporting documents (i.e. patient chart, pre-hospital patient care report).
2. Describe assessment of patient's status.

3. Document which identification (Durable DNR Order Form or other DNR Order or alternate form of identification) was used to confirm Durable DNR status and that it was intact, not altered, not canceled or not officially revoked.

4. Record the Durable DNR Order Number and name of patient's physician.

5. If the patient is being transported, keep the Durable DNR Order with the patient.

G. General considerations. The following general principles shall apply to implementation of Durable DNR Orders.

1. If there is misunderstanding with family members or others present at the patient's location or if there are other concerns about following the Durable DNR Order or other DNR Order, contact the patient's physician or EMS medical control for guidance.

2. If there is any question about the validity of a Durable DNR Order, resuscitative measures should be administered until the validity of the Durable DNR Order is established.

NOTICE: The form used in administering 12 VAC 5-66, Regulations Governing Durable Do Not Resuscitate Orders, is listed and printed below.

FORMS

Durable Do Not Resuscitate Order Form, eff. [~~4/04~~ 3/02] .

DURABLE DO NOT RESUSCITATE ORDER FORM
VIRGINIA DEPARTMENT OF HEALTH

Order Number: _____

Date Order Written: _____

Patient's Full Legal Name _____

Physician's Order

I, the undersigned, state that I have a bona fide physician/patient relationship with the patient named above. I have certified in the patient's medical record that he/she has directed that life-prolonging procedures be withheld or withdrawn in the event of cardiac or respiratory arrest.

I further certify: [must check 1 or 2]

1. The patient is CAPABLE of making and informed decision about providing, withholding or withdrawing a specific medical treatment or course of medical treatment. (Signature of patient is required; see reverse).
2. The patient is incapable of making an informed decision about providing, withholding or withdrawing a specific medical treatment or course of medical treatment because he/she is unable to understand the nature, extent or probable consequences of the proposed medical decision, or to make a rational evaluation of the risks and benefits of alternatives to that decision.

If you checked 2 above, (the patient is incapable of making an informed decision), check 1, 2 or 3 below:

1. The patient has executed a written advance directive which directs that life-prolonging procedures be withhold or withdrawn.
2. The patient has executed a written advanced directive which appoints a Person Authorized to Consent on the Patient's Behalf with authority to direct that life-prolonging procedures be withheld or withdrawn. (Signature of Person Authorized to Consent on the Patient's Behalf is required, see reverse).
3. The patient has not executed a written advance directive (living will or durable power of attorney for health care). (Signature of Person Authorized to Consent on the Patient's Behalf is required, see reverse).

I hereby direct any and all qualified health care personnel, commencing on the effective date noted above, to withhold cardiopulmonary resuscitation (cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, defibrillation and related procedures) from the patient in the event of the patient's cardiac or respiratory arrest. I further direct such personnel to provide the patient other medical interventions, such as intravenous fluids, oxygen or other therapies deemed necessary to provide comfort care or alleviate pain.

Printed Name Signature of Physician

Emergency Telephone Number: _____

PATIENT'S SIGNATURE

I, the undersigned, hereby direct that in case of my cardiac or respiratory arrest, efforts at cardiopulmonary resuscitation not be initiated and not be continued once initiated. I understand that I may revoke these directions at any time by physical cancellation or destruction of this form or by orally expressing a desire to be resuscitated to qualified health care personnel. I also understand that if qualified health care personnel have any doubts about the applicability or validity of this order, they will begin cardiopulmonary resuscitation.

Signature of Patient

Signature of Person Authorized to Consent on the Patient's Behalf

I, the undersigned, hereby certify that I am authorized to provide consent of the patient's behalf by virtue of my relationship to the patient as _____ (in order of priority: designated agent, guardian or committee, spouse, adult child, parent, adult brother or sister, other relative in descending order of blood relationship). In that capacity, I hereby direct that in case of the patient's cardiac or respiratory arrest, efforts at cardiopulmonary resuscitation not be initiated and not be continued once initiated. I understand that I may revoke these directions at any time by physical cancellation or destruction of this form or by orally expressing a desire to be resuscitated to qualified health care personnel. I also understand that if qualified health care personnel have any doubts about the applicability or validity of this order, they will begin cardiopulmonary resuscitation of the patient.

Signature of Person Authorized to Consent on the Patient's Behalf

EMS PERSONNEL WILL LOOK FOR THIS ORDER IN THE FOLLOWING PLACES:

- ① On the back of the door leading to the patient's bedroom,
- ② On the bedside table, beside the patient's bed,
- ③ On the refrigerator,
- ④ In the patient's wallet, or
- ⑤ An approved alternate form of identification.

VA.R. Doc. No. R00-213; Filed February 5, 2002, 1:19 p.m.

Title of Regulation: **12 VAC 5-475. Regulations Implementing the Virginia Organ and Tissue Donor Registry (adding 12 VAC 5-475-10 through 12 VAC 5-475-90).**

Statutory Authority: § 32.1-292.2 of the Code of Virginia.

Effective Date: March 27, 2002.

Summary:

This regulatory action creates a statewide organ and tissue donor registry that will maintain, and update as needed, pertinent information on all Virginians who have indicated a willingness to donate their organs, eyes, and tissues for transplantation or research. The registry will record the donor's full name, address, sex, birthdate, age, driver's license number or unique identifying number, and other pertinent identifying personal information. The Virginia Transplant Council will analyze registry data to promote and increase donation within the Commonwealth. Also, any Virginian may have his name removed from the registry by filing an appropriate form with the Virginia Transplant Council.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Eileen Guertler, Director, Virginia Transplant Council, Virginia Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-5589, FAX (804) 786-0892 or e-mail eguertler@vdh.state.va.us.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:3 VA.R. 316-321 October 22, 2001, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R01-93; Filed February 5, 2002. 1:18 p.m.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Title of Regulation: **12 VAC 35-20. Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs (REPEALED).**

VA.R. Doc. No. R01-98; Filed January 25, 2002, 8:41 a.m.

Title of Regulation: **12 VAC 35-140. Mandatory Standards for Community Mental Health Programs (REPEALED).**

VA.R. Doc. No. R01-99; Filed January 25, 2002, 8:41 a.m.

Title of Regulation: **12 VAC 35-150. Mandatory Standards for Community Mental Retardation Programs (REPEALED).**

VA.R. Doc. No. R01-100; Filed January 25, 2002, 8:41 a.m.

Title of Regulation: **12 VAC 35-160. Mandatory Standards for Community Substance Abuse Programs (REPEALED).**

VA.R. Doc. No. R01-101; Filed January 25, 2002, 8:41 a.m.

Statutory Authority: § 37.1-10 of the Code of Virginia.

Effective Date: March 27, 2002.

Summary:

The four repealed regulations prescribe minimum standards for mental health, mental retardation and substance abuse programs of community services boards and first offender drug abuse diversion and education programs. These regulations were first promulgated in the early 1980s and were designed to ensure the health, safety and welfare of individuals receiving services from these programs. All of these community programs are now subject to the board's licensing regulations that govern program operations and are intended to protect clients who receive services from these programs. The four regulations also duplicate many elements of the department's contracts with community services boards, which are monitored through routine performance reports and reviews. Therefore, these regulations are not necessary and are repealed.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, 1220 Bank Street, 12th Floor, Richmond, VA 23219, telephone (804) 225-2252, FAX (804) 371-0092 or e-mail wbrown@dmhmrzas.state.va.us.



TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: **14 VAC 5-390. Rules Governing Insurance Premium Finance Companies (amending 14 VAC 5-390-20, 14 VAC 5-390-30, and 14 VAC 5-390-40).**

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Effective Date: February 1, 2002.

Summary:

The following summarizes the changes made to the Rules Governing Insurance Premium Finance Companies:

1. Payment books, rate charts, and form letters no longer have to be filed with the Bureau of Insurance. In addition, the type-size for forms used by premium finance companies is changed from 10-point to 8-point.

2. Language is added to clarify that all fees charged in connection with the financing of insurance policies must be stated in the premium finance contract.

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3. Language is added to clarify that records may be retained in an electronic format, and records maintained by the premium finance company no longer have to be maintained at a single location. In addition, the record retention requirement is changed from two years to three years.

4. The regulation no longer prohibits premium finance companies from requesting cancellation during the first 45 days after the premium finance contract is effective. Language is also changed to clarify that the cancellation notice may be mailed or delivered. In addition, language in the regulation is clarified to say that the cancellation notice may not be mailed to the insurer later than the effective date of cancellation.

5. The time frame for requiring insurers to return gross unearned premiums is from 60 days to 30 days.

6. The regulation clarifies that, after cancellation of the premium finance contract, any outstanding balance may earn interest at a rate no greater than the rate stated in the premium finance contract.

Agency Contact: JoAnne Scott, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9600.

AT RICHMOND, JANUARY 24, 2002

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS010280

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Insurance Premium
Finance Companies

ORDER ADOPTING REVISIONS TO RULES

WHEREAS, by order entered herein December 18, 2001, all interested persons were ordered to take notice that the Commission would consider the entry of an order subsequent to January 20, 2002, adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Insurance Premium Finance Companies unless on or before January 20, 2002, any person objecting to the adoption of the proposed revisions filed a request for a hearing with the Clerk of the Commission;

WHEREAS, the Order also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before January 20, 2002;

WHEREAS, as of the date of this Order, no request for a hearing has been filed with the Clerk of the Commission;

WHEREAS, as of the date of this Order, no comments have been filed with the Clerk of the Commission;

WHEREAS, the Bureau has recommended that the proposed revisions be adopted;

THE COMMISSION, having considered the proposed revisions and the Bureau's recommendation, is of the opinion that the attached proposed revisions should be adopted;

THEREFORE, IT IS ORDERED THAT:

(1) The revisions to Chapter 390 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Insurance Premium Finance Companies," which amend the rules at 14 VAC 5-390-20 through 14 VAC 5-395-40, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective February 1, 2002;

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Mary M. Bannister, who forthwith shall give further notice of the adoption of the revisions to the rules by mailing a copy of this Order, together with a copy of the revised rules, to persons licensed by the Commission to transact the business of an insurance premium finance company in the Commonwealth of Virginia and to all persons licensed by the Commission to transact the business of a property and casualty insurance company in the Commonwealth of Virginia; and by forwarding a copy of this Order, including a copy of the attached revised rules, to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations; and

(3) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

<p><u>REGISTRAR'S NOTICE:</u> The proposed regulation was adopted as published in 18:9 VA.R. 1186-1191 January 14, 2002, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.</p>
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VA.R. Doc. No. R02-103; Filed January 31, 2002, 11:12 a.m.

◆ ————— ◆

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Title of Regulation: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy (amending 18 VAC 110-20-20).**

Statutory Authority: §§ 54.1-2400 and 54.1-3307.2 of the Code of Virginia.

Effective Date: March 27, 2002.

Summary:

The amendments comply with Chapter 876 of the 2000 Acts of the Assembly requiring the board to promulgate regulations for approval of innovative programs (pilot projects) in pharmacy for which some waiver of law or regulation would be necessary.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, Southern States Building, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:3 VA.R. 344-348 October 22, 2001, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R01-82; Filed February 5, 2002, 2:49 p.m.

* * * * *

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Pharmacy will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy (amending 18 VAC 110-20-270, 18 VAC 110-20-280, 18 VAC 110-20-285 and 18 VAC 110-20-430).**

Statutory Authority: §§ 54.1-2400, 54.1-3408.01 and 54.1-3408.02 of the Code of Virginia.

Effective Date: March 27, 2002.

Summary:

Amendments to the Code of Virginia made during the 2000 Session of the General Assembly removed the required elements of a valid prescription from § 54.1-3408 and created new §§ 54.1-3408.01 and 54.1-3408.02. The amendments conform the regulation to the Code of Virginia.

18 VAC 110-20-270. Dispensing of prescriptions; acts restricted to pharmacists; certification of completed prescriptions.

A. The following acts shall be performed by a pharmacist, or by a pharmacy intern provided a method for direct monitoring by the pharmacist of such acts is provided:

1. The evaluation of a prescription for its completeness, validity, safety and appropriateness of drug therapy in conformity with provisions of §§ 54.1-3303, 54.1-3319, 54.1-3408, 54.1-3408.01, 54.1-3408.02, 54.1-3408.1, and 54.1-3410 of the Code of Virginia and to current practices in pharmacy.
2. The receiving of an oral prescription from a practitioner or his authorized agent and the transcribing of such oral or electronically transmitted prescription to hard copy or directly into a data processing system.
3. The personal supervision of the compounding of extemporaneous preparations.

4. The conducting of a prospective drug review as required by § 54.1-3319 of the Code of Virginia prior to the dispensing or refilling of any prescription.

5. The providing of drug information to the public or to a practitioner.

6. The communication with the practitioner regarding any changes in a prescription, substitution of the drug prescribed, drug therapy, or patient information.

7. The direct supervision of those persons assisting the pharmacist in the prescription department under the following conditions:

a. Only one person who is not a pharmacist may be present in the prescription department at any given time with each pharmacist for the purpose of assisting the pharmacist in preparing and packaging of prescriptions or for the purpose of requesting or receiving refill authorization provided there is no change from the original prescription. If the pharmacy is using persons who hold current certification from PTCB or any other nationally recognized certifying body approved by the board, the ratio may be one pharmacist to three assistants.

b. In addition to the person or persons authorized in subdivision 7 a of this subsection, personnel authorized by the pharmacist may be present in the prescription department for the purpose of performing clerical functions, to include data entry of prescription and patient information into a computer system or a manual patient profile system.

B. After the prescription has been prepared and prior to the delivery of the order, the pharmacist shall inspect the prescription product to verify its accuracy in all respects, and place his initials on the record of dispensing as a certification of the accuracy of, and the responsibility for, the entire transaction.

C. If a pharmacist declines to fill a prescription for any reason other than the unavailability of the drug prescribed, he shall record on the back of the prescription the word "declined"; the name, address, and telephone number of the pharmacy; the date filling of the prescription was declined; and the signature of the pharmacist.

18 VAC 110-20-280. Transmission of a prescription order by facsimile machine.

A. Prescription orders for Schedule III through VI drugs may be transmitted to pharmacies by facsimile device (FAX) upon the following conditions:

1. The transmission shall occur only with permission of the patient.
2. A valid faxed prescription shall contain all required information for a prescription, including the prescriber's signature. An authorized agent, as defined in § 54.1-3408 54.1-3408.01 D of the Code of Virginia, may transmit an oral prescription by facsimile and may sign the prescription in lieu of the prescriber.

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3. A faxed prescription shall be valid only if faxed from the prescriber's practice location and only if the following additional information is recorded on the prescription prior to faxing:

- a. Documentation that the prescription has been faxed;
- b. The date that the prescription was faxed;
- c. The printed name, address, phone number, and fax number of the authorized prescriber and the pharmacy to which the prescription was faxed; and
- d. The institution, if applicable, from which the prescription was faxed, including address, phone number and fax number.

B. Prescription orders for Schedule II drugs may only be faxed for information purposes and may not serve as the original written prescription authorizing dispensing, except for orders to be administered to nursing home and home infusion patients in accordance with § ~~54.1-3408~~ 54.1-3408.01 C of the Code of Virginia and except for prescriptions written for a Schedule II narcotic substance for patients residing in a hospice certified by Medicare under Title XVIII or licensed by the state. The prescriber shall note on the prescription if the patient is a hospice patient, and the prescription shall meet all requirements for a written prescription, including the prescriber's signature.

C. If the faxed prescription is of such quality that the print will fade and not remain legible for the required retention period, the receiving pharmacist shall copy or transcribe the faxed prescription on paper of permanent quality.

D. Authorizations for refills may be faxed by the prescriber to the pharmacy provided the authorization includes patient name, address, drug name and strength, quantity, directions for use, prescriber's name, prescriber's signature or agent's name, and date of authorization.

18 VAC 110-20-285. Electronic transmission of prescriptions from prescriber to pharmacy.

A. Unless otherwise prohibited by law, prescriptions may be transmitted by electronic means from the prescriber or an authorized agent as defined in § ~~54.1-3408-B~~ 54.1-3408.01 D of the Code of Virginia for transmission of oral prescriptions directly to the dispensing pharmacy.

B. In addition to all other information required to be included on a prescription, an electronically transmitted prescription shall include the telephone number of the prescriber, the full name of the prescriber's agent if other than the prescriber transmitting, date of transmission, and the identity of the receiving pharmacy.

C. A pharmacy receiving an electronic transmission prescription shall either receive the prescription in hard copy form or shall print out a hard copy of the prescription from the pharmacy's computer memory. Any hard copy of a prescription shall be maintained on paper of permanent quality and shall be placed on file in accordance with 18 VAC 110-20-240 B.

D. An electronically transmitted prescription shall be transmitted only to the pharmacy of the patient's choice.

18 VAC 110-20-430. Chart order.

A chart order for a drug to be dispensed for administration to an inpatient in a hospital shall be exempt from the requirement of including all elements of a prescription as set forth in §§ ~~54.1-3408~~ 54.1-3408.01 and 54.1-3410 of the Code of Virginia. A hospital pharmacy policy and procedures manual shall set forth the minimum requirements for chart orders consistent with federal and state law.

VA.R. Doc. No. R02-128; Filed February 5, 2002; 2:48 p.m.

BOARD OF PSYCHOLOGY

Title of Regulation: **18 VAC 125-10. Public Participation Guidelines (amending 18 VAC 125-10-10, 18 VAC 125-10-20, 18 VAC 125-10-30, 18 VAC 125-10-40, 18 VAC 125-10-60, 18 VAC 125-10-70, 18 VAC 125-10-80, and 18 VAC 125-10-100).**

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Effective Date: March 27, 2002.

Summary:

The amendments update the guidelines for public participation in the regulatory process of the board, specifically, to further enable electronic communication, notification and comment in the development of regulations.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Elaine Yeatts, Board of Psychology, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918.

18 VAC 125-10-10. Purpose.

The purpose of this chapter is to provide guidelines for the involvement of the public in the development and promulgation of regulations of the Board of Psychology. The guidelines do not apply to regulations exempted or excluded from the provisions of the Administrative Process Act (§ ~~9-6.14:4.1~~ 2.2-4000 *et seq.*) of the Code of Virginia. *These rules seek to expand participation by providing for electronic exchange with the public and thereby increasing participation, reducing costs, and improving the speed of communication.*

18 VAC 125-10-20. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Administrative Process Act" means Chapter [~~4.1:4~~ ~~§ 9-6.14:1~~ 40 (§ 2.2-4000] *et seq.*) of Title [9 2.2] of the Code of Virginia.

"Board" means the Board of Psychology.

"Notification lists" means lists used by the board to notify persons pursuant to these rules. Such lists may include

electronic mailing lists maintained through a state website or regular mailing lists maintained by the board.

"Person" means an individual, a corporation, a partnership, an association, a governmental body, a municipal corporation, or any other legal entity.

PART II.
MAILING LIST NOTIFICATION LISTS.

18 VAC 125-10-30. Composition of the mailing list lists.

A. The board shall maintain a list lists of persons or entities who have requested to be notified of the formation and promulgation of regulations.

B. Any person or entity may request to be placed on the mailing a notification list by indicating so electronically or in writing to the board. The board may add to the a list any person or entity it believes will serve the purpose of enhancing participation in the regulatory process.

C. The board may maintain additional mailing lists for persons or entities who have requested to be informed of specific regulatory issues, proposals, or actions.

D. The board shall periodically request those persons on the mailing list notification lists to indicate their desire to either continue to receive documents by regular mail, be notified electronically or be deleted from the list lists. Persons who elect to be included on an electronic mailing list may also request that all notices and mailings be sent in hard copy. When either regular or electronic mail is returned as undeliverable or there has been no response to the request from the board, individuals or organizations such persons shall be deleted from the list.

18 VAC 125-10-40. Documents to be sent to persons or entities on the mailing list lists.

Persons or entities on the mailing list notification lists, as described in 18 VAC 125-10-30, shall be mailed or have electronically transmitted the following documents related to the promulgation of regulations:

1. A notice of intended regulatory action;
2. A notice of the comment period on a proposed regulation and instructions on how to obtain a copy of the regulation and any supporting documents, either electronically or from the board office;
3. A copy of any final regulation adopted by the board notification of the adoption of a final regulation and instructions on how to obtain a copy of the regulation and any supporting documents, either electronically or from the board office; and
4. A notice soliciting comment on a final regulation when the regulatory process has been extended.

18 VAC 125-10-60. Notice of Intended Regulatory Action.

A. The notice of intended regulatory action (NOIRA) shall state the purpose of the action and a brief statement of the need or problem the proposed action will address.

B. The NOIRA shall indicate whether the board intends to hold a public hearing on the proposed regulation after it is

published. If the board does not intend to hold a public hearing, it shall state the reason in the NOIRA.

C. ~~The NOIRA shall state that a public hearing will be scheduled if, during prior to the close of the 30-day comment period on the NOIRA, the board receives requests a request for a public hearing on the proposed regulation from at least 25 persons, such a hearing shall be scheduled.~~

18 VAC 125-10-70. Notice of Comment Period.

A. The notice of comment period (NOCP) shall indicate that copies of the proposed regulation are available electronically or from the board and may be requested in writing from the contact person specified in the NOCP.

B. The NOCP shall indicate that copies of the statement of substance, issues, basis, purpose, and estimated impact of the proposed regulation may also be requested in writing.

C. ~~The NOCP shall make provision for either oral or written submissions on comments pertaining to the proposed regulation or on the impact on regulated entities and the public and on the cost of compliance with the proposed regulation by regular mail, Internet, facsimile or electronic means. With the exception of comment received at a scheduled public hearing, oral comment may not be accepted.~~

18 VAC 125-10-80. Notice of meeting.

A. At any meeting of the board or advisory committee at which the formation or adoption of regulation is anticipated, the subject shall be described in the a notice of meeting, which has been posted electronically on the Internet and transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

B. If the board anticipates action on a regulation for which an exemption to the Administrative Process Act is claimed [under § 9-6.14:4.1 of the Code of Virginia], the notice of meeting shall indicate that a copy of the proposed regulation is available on a state website or upon request to the board at least two days prior to the meeting. A copy of the regulation shall be made available to the public attending such meeting.

18 VAC 125-10-100. Biennial Periodic review of regulations.

A. ~~At least once each biennium Unless otherwise directed by Executive Order,~~ the board shall conduct an informational proceeding at least every two years to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance.

B. Such proceeding may be conducted separately or in conjunction with other informational proceedings or hearings.

C. Notice of the proceeding shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register and shall be sent to the mailing list notification lists identified in 18 VAC 125-10-30.

VA.R. Doc. No. R00-264; Filed January 30, 2002, 4:18 p.m.



Final Regulations

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: **22 VAC 40-41. Neighborhood Assistance Tax Credit Program (amending 22 VAC 40-41-10, 22 VAC 40-41-20, 22 VAC 40-41-40, and 22 VAC 40-41-50; adding 22 VAC 40-41-55).**

Statutory Authority: § 63.1-323 of the Code of Virginia.

Effective Date: April 1, 2002.

Summary:

The Neighborhood Assistance Program (NAP) regulations describe how nonprofit organizations can qualify to become NAP projects. The regulations also describe how tax credits are allocated among the NAP projects and how donations are valued.

The amendments reflect changes in the controlling statute that allow individuals, additional health professionals, and businesses offering contracting services to receive tax credits for their donations.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Mark Grigsby, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1895 or FAX (804) 692-1869.

<p><u>REGISTRAR'S NOTICE:</u> The proposed regulation was adopted as published in 18:1 VA.R. 26-30 September 24, 2001, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.</p>
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EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Title of Regulation: 4 VAC 20-720. Pertaining to Restrictions on Oyster Harvest (adding 4 VAC 20-720-47).

Statutory Authority: §§ 28.2-201, 28.2-210 and 28.2-507 of the Code of Virginia.

Effective Dates: February 1, 2002, through February 28, 2002.

Summary:

This amendment opens additional public rocks in the Rappahannock River for harvesting oysters by hand scrape in an effort to allow the watermen to continue harvesting clean cull size oysters to meet the demands of the market.

Agency Contact: Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-720-47 Special public oyster harvest season.

A. All public oyster rocks on the southside of the channel in the Rappahannock River, in an area above the Route 3 Bridge and upriver to Smokey Point, are open to the harvesting of oysters by hand scrape only.

The season for the harvesting of oysters from this area is February 1, 2002 through February 28, 2002.

B. All other applicable laws and regulations for harvesting oysters from public oyster grounds shall apply during this special harvest season.

VA.R. Doc. No. R02-124; Filed January 28, 2002, 12:14 p.m.



TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-120. Waivered Services: Home and Community-Based Waiver Services for Elderly and Disabled Individuals (amending 12 VAC 30-120-10, 12 VAC 30-120-40, 12 VAC 30-120-50, and 12 VAC 30-120-60; adding 12 VAC 30-120-55).

Statutory Authority: § 32.1-325 of the Code of Virginia.

Effective Dates: February 1, 2002, through January 31, 2003.

Preamble:

This regulatory action adds Personal Emergency Response Systems (PERS) (12 VAC 30-120-55) to the Elderly and Disabled (E&D) Waiver program (12 VAC 30-120-10 through 12 VAC 30-120-60). PERS will be one of the four services offered under the E&D Waiver. The other three services include personal care, respite care, and adult day

health care services. No other provisions (recipient eligibility requirements, provider qualifications) are being changed at this time but will be addressed in the permanent rulemaking process to follow.

Personal emergency response systems (PERS) are electronic devices that enable community recipients who are at high risk of institutionalization to secure help in an emergency. PERS services will be limited to those recipients who live alone or are alone for significant parts of the day having no regular caregiver for extended periods of time and who would otherwise require extensive routine supervision by aides or attendants.

Of those recipients receiving personal care services, approximately 10% require the services due to the need for supervision. Supervision is a covered service within the plan of care when its purpose is to supervise or monitor those recipients who require the physical presence of the aide to insure their safety during times when no other support system is available. The inclusion of supervision in the plan of care is appropriate only when the recipient cannot be left alone at any time due to mental or severe physical incapacitation.

PERS is a service that provides electronic access to emergency crisis intervention for medical or environmental emergencies. This is accomplished through a two-way voice communication system that dials a 24-hour response or monitoring center upon activation and via the recipient's home telephone line. For those recipients who are physically frail and impaired, this service could greatly improve their autonomy and ability to remain in the community without requiring an aide's presence. PERS is not currently offered under the Elderly and Disabled Waiver; therefore, recipients currently utilize personal care services to meet their supervision needs. If recipients who require supervision services utilize PERS instead of personal care services, more aides would be available to provide direct services to recipients who require personal care services.

This emergency regulation is necessary because of the shortage of personal care aides in Virginia to provide direct attendant-care services to recipients. This shortage of personal care aides results in recipients not receiving the needed services that help them remain in the community and prevent institutionalization.

Substance: With the implementation of this regulatory change, one service would be added to the E&D Waiver allowing recipients to remain in their homes and enabling them to call for assistance in emergencies. This new regulation outlines the requirements for the PERS provider as well as the requirements that the PERS provider must follow in order to receive reimbursement from the Department of Medical Assistance Services (DMAS).

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12 VAC 30-120-10. Definitions.

The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise:

"Activities of daily living" means assistance with personal care tasks (i.e., bathing, dressing, toileting, etc.).

"Adult day health care centers" means a participating provider which offers a community-based day program providing a variety of health, therapeutic and social services designed to meet the specialized needs of those elderly and physically disabled individuals at risk of placement in a nursing facility.

"Adult day health care services" means services designed to prevent institutionalization by providing participants with health, maintenance, and rehabilitation services in a congregate daytime setting.

"Current functional status" means the individual's degree of dependency in performing activities of daily living.

"DMAS" means the Department of Medical Assistance Services.

"DSS" means the Department of Social Services.

"Direct marketing" means either (i) conducting directly or indirectly door-to-door, telephonic, or other "cold call" marketing of services at residences and provider sites; (ii) mailing directly; (iii) paying "finders fees"; (iv) offering financial incentives, rewards, gifts or special opportunities to eligible recipients as inducements to use their services; (v) continuous, periodic marketing activities to the same prospective recipient, e.g., monthly, quarterly, or annual giveaways, as inducements to use their services; or (vi) engaging in marketing activities that offer potential customers rebates or discounts in conjunction with the use of their services or other benefits as a means of influencing recipients' use of providers' services.

"Episodic respite care" means relief of the caregiver for a nonroutine, short-term period of time for a specified reason (i.e., respite care offered for seven days, 24 hours a day while the caregiver takes a vacation).

"Home and community-based care" means a variety of in-home and community-based services reimbursed by DMAS (personal care, adult day health care and, respite care, and PERS) authorized under a § 1915(c) waiver designed to offer individuals an alternative to institutionalization. Individuals may be preauthorized to receive one or more of these services either solely or in combination, based on the documented need for the service or services to avoid nursing facility placement. The Nursing Home Preadmission Screening Team or Department of Medical Assistance Services shall give prior authorization for any Medicaid-reimbursed home and community-based care.

"Nursing home preadmission screening" means the process to: (i) evaluate the medical, nursing, and social needs of individuals referred for preadmission screening, (ii) analyze what specific services the individuals need, (iii) evaluate whether a service or a combination of existing community services are available to meet the individuals' needs, and (iv)

authorize Medicaid funded nursing home or community-based care for those individuals who meet nursing facility level of care and require that level of care.

"Nursing Home Preadmission Screening Committee/Team" means the entity contracted with the DMAS which is responsible for performing nursing home preadmission screening. For individuals in the community, this entity is a committee comprised of staff from the local health department and local DSS. For individuals in an acute care facility who require screening, the entity is a team of nursing and social work staff. A physician must be a member of both the local committee or acute care team.

"Participating provider" means an institution, facility, agency, partnership, corporation, or association that meets the standards and requirements set forth by DMAS, and has a current, signed contract with DMAS.

"PERS provider" means a certified home health or personal care agency, a durable medical equipment provider, a hospital, or a PERS manufacturer that has the ability to provide PERS equipment, direct services (i.e., installation, equipment maintenance and service calls), and PERS monitoring.

"Personal care agency" means a participating provider which renders services designed to prevent or reduce inappropriate institutional care by providing eligible individuals with personal care aides who provide personal care services.

"Personal care services" means long-term maintenance or support services necessary to enable the individual to remain at or return home rather than enter a nursing care facility. Personal care services include assistance with personal hygiene, nutritional support, and the environmental maintenance necessary for recipients to remain in their homes.

"Personal emergency response system (PERS)" means an electronic device that enables certain recipients at high risk of institutionalization to secure help in an emergency. PERS services are limited to those recipients, ages 14 and older, who live alone or are alone for significant parts of the day and who have no regular caregiver for extended periods of time, and who would otherwise require extensive routine supervision.

"Plan of Care" means the written plan of services certified by the screening team physician as needed by the individual to ensure optimal health and safety for the delivery of home and community-based care.

"Professional staff" means the director, activities director, registered nurse, or therapist of an adult day health care center.

"Respite care" means services specifically designed to provide a temporary but periodic or routine relief to the primary caregiver of an individual who is incapacitated or dependent due to frailty or physical disability. Respite care services include assistance with personal hygiene, nutritional support and environmental maintenance authorized as either episodic, temporary relief or as a routine periodic relief of the caregiver.

"Respite care agency" means a participating provider which renders services designed to prevent or reduce inappropriate institutional care by providing eligible individuals with respite care aides who provide respite care services.

"Routine respite care" means relief of the caregiver on a periodic basis over an extended period of time to allow the caregiver a routine break from continuous care (i.e., respite care offered one day a week for six hours).

"Staff" means professional and aide staff of an adult day health care center.

"State Plan for Medical Assistance" or "the Plan" means the document containing the covered groups, covered services and their limitations, and provider reimbursement methodologies as provided for under Title XIX of the Social Security Act.

12 VAC 30-120-40. Adult day health care services.

The following are specific requirements governing the provision of adult day health care:

A. General. Adult day health care services may be offered to individuals in a congregate daytime setting as an alternative to more costly institutional care. Adult day health care may be offered either as the sole home and community-based care service that avoids institutionalization or in conjunction with personal care or, respite care, or both PERS. When the individual referred for adult day health care is already receiving another home and community-based care service, the DMAS utilization review staff shall assess the need for the additional home and community-based care service and authorize the service if it is deemed necessary to avoid institutionalization.

B. Special provider participation conditions. In order to be a participating provider, the adult day health care center shall:

1. Be an adult day care center licensed by DSS. A copy of the current license shall be available to the DMAS for verification purposes prior to the applicant's enrollment as a Medicaid provider and shall be available for DMAS review prior to yearly contract renewal.
2. Adhere to the DSS adult day care center standards. The DMAS special participation conditions included here are standards imposed in addition to DSS standards which shall be met in order to provide Medicaid adult day health care services.
3. The center shall be able to provide a separate room or area equipped with one bed or cot for every six Medicaid adult day health care participants.
4. Employ sufficient interdisciplinary staff to adequately meet the health, maintenance, and safety needs of each participant.

The following staff are required by DMAS:

- a. The adult day health care center shall maintain a minimum staff-participant ratio of one staff member to every six participants (Medicaid and other participants).

b. There shall be at least two staff persons at the center at all times when there are Medicaid participants in attendance.

c. In the absence of the director, a professional staff member shall be designated to supervise the program.

d. Volunteers shall be included in the staff ratio only when they conform to the same standards and requirements as paid staff and meet the job description standards of the organization.

e. Any center that is collocated with another facility shall count only its own separate identifiable staff in the center's staff/participant ratio.

f. The adult day health care center shall employ the following:

(1) A director who shall be responsible for overall management of the center's programs. This individual shall be the provider contact person for DMAS staff and shall be responsible for contracting, and receipt and response to communication from DMAS. The director shall be responsible for assuring the initial development of the Plan of Care for adult day health care participants. The director has ultimate responsibility for directing the center program and supervision of its employees. The director can serve as activities director also if those qualifications are met.

(2) An activities director who shall be responsible for directing recreational and social activities for the adult day health care participants.

(3) Program aides who shall be responsible for overall assistance with care and maintenance of the participant (assistance with activities of daily living, recreational activities and other health and therapeutic related activities).

g. The adult day health care center shall employ or subcontract with a registered nurse who shall be responsible for administering and monitoring the health needs of the adult day health care participants. The nurse shall be responsible for the planning, organization, and management of a treatment plan involving multiple services where specialized health care knowledge shall be applied. The nurse shall be present a minimum of one day each month at the adult day health care center to render direct services to Medicaid adult day health care participants. The DMAS may require the nurse's presence at the adult day health care center for more than this minimum standard depending on the number of participants in attendance and according to the medical and nursing needs of the participants. Although the DMAS does not require that the nurse be a full-time staff position, there shall be a nurse available, either in person or by telephone at a minimum, to the center's participants during all times the center is in operation.

h. The director shall assign a professional staff member to act as adult day health care coordinator for each participant and shall document in the participant's file the identity of the care coordinator. The adult day health care coordinator shall be responsible for management of the

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participant's plan of care and for its review with the program aides.

C. Minimum qualifications of adult day health care staff. Documentation of all staffs' credentials shall be maintained in the provider agency's personnel file for review by DMAS staff.

1. Program aide. Each program aide hired by the provider agency shall be screened to ensure compliance with minimum qualifications as required by DMAS. The aide shall, at a minimum, have the following qualifications:

- a. Be able to read and write.
- b. Be physically able to do the work.
- c. Have a satisfactory work record, as evidenced by references from prior job experience, including no evidence of possible abuse, neglect, or exploitation of incapacitated or older adults and children.
- d. Have satisfactorily completed an educational curriculum related to the needs of the elderly and disabled. Acceptable curriculum are offered by educational institutions, nursing facilities, and hospitals. Curriculum titles include: Nurses Aide, Geriatric Nursing Assistant, and Home Health Aide. Documentation of successful completion shall be maintained in the aide's personnel file and be available for review by the DMAS staff. Training consistent with DMAS training guidelines may also be given by the center's professional staff. The content of the training shall be approved by DMAS prior to assignment of the aide to a Medicaid participant.

2. Registered nurse. The registered nurse shall:

- a. Be registered and licensed to practice nursing in the Commonwealth of Virginia.
- b. Have two years of related clinical experience (which may include work in an acute care hospital, rehabilitation hospital, or nursing facility).
- c. Have a satisfactory work record, as evidenced by references from prior job experience, including no evidence of possible abuse or neglect of incompetent or incapacitated individuals.

3. Activities director. The activities director shall:

- a. Have a minimum of 48 semester hours or 72 quarter hours of post secondary education from an accredited college or university with a major in recreational therapy, occupational therapy, or a related field such as art, music, or physical education.
- b. Have one year of related experience which may include work in an acute care hospital, rehabilitation hospital, nursing facility, or have completed a course of study including any prescribed internship in occupational, physical, and recreational therapy or music, dance, art therapy, or physical education.
- c. Have a satisfactory work record, as evidenced by references from prior job experience, including no evidence of possible abuse, neglect or exploitation of incapacitated or older adults and children.

4. Director. The director shall meet the qualifications specified in the DSS standards for adult day care for directors.

D. Service responsibilities of the adult day health care center and staff duties are:

1. Aide responsibilities. The aide shall be responsible for assisting with activities of daily living, supervising the participant, and assisting with the management of the participant's Plan of Care.

2. Nursing responsibilities. These services shall include:

- a. Periodic evaluation of the nursing needs of each participant,
- b. Provision of the indicated nursing care and treatment, and
- c. Monitoring, recording, and administering of prescribed medications, if no other individual is designated by the individual's physician to administer medications in the adult day care center, or supervising the individual in self-administered medication.

3. Rehabilitation services coordination responsibilities. These services are designed to ensure the participant receives all rehabilitative services deemed necessary to improve or maintain independent functioning, to include the coordination and implementation of physical therapy, occupational therapy, and speech-language therapy. Rendering of the specific Rehabilitative Therapy is not included in the ADHC center's fee for service but must be rendered as a separate service by a DMAS approved rehabilitative provider.

4. Transportation responsibilities. Every DMAS approved adult day health care center shall provide transportation when needed in emergency situations (i.e., primary caregiver has an accident and cannot transport the participant home) for all Medicaid participants to and from their homes. Any adult day health care center which is able to provide participants with transportation routinely to and from the center can be reimbursed by DMAS based on a per trip (to and from the participant's residence) fee. This reimbursement for transportation shall be preauthorized by either the Nursing Home Preadmission Screening Team or DMAS utilization review staff.

5. Nutrition responsibilities. The adult day health care center shall provide one meal per day which supplies one-third of the daily nutritional requirements. Special diets and counseling shall be provided to Medicaid participants as necessary.

6. Adult day health care coordination. The designated adult day health care coordinator shall coordinate the delivery of the activities as prescribed in the participants' Plans of Care and keep it updated, record 30-day progress notes, and review the participants' daily logs each week.

7. Recreation and social activities responsibilities. The adult day health care center shall provide planned recreational and social activities suited to the participants' needs and

designed to encourage physical exercise, prevent deterioration, and stimulate social interaction.

E. Documentation required. The adult day health care center shall maintain all records of each Medicaid participant. These records shall be reviewed periodically by DMAS staff. At a minimum, these records shall contain:

1. Long-term care Information Assessment Instrument, the Nursing Home Preadmission Screening Authorization, and the Screening Team Plan of Care.
2. Interdisciplinary Plan of Care developed by adult day health care center professional staff and the participant and relevant support persons.
3. Documentation of interdisciplinary staff meetings which shall be held at least every three months to reassess each participant and evaluate the adequacy of the adult day health care Plan of Care and make any necessary revisions.
4. At a minimum, 30-day goal oriented progress notes recorded by the individual designated as the adult day health care coordinator. If a participant's condition and treatment plan changes more often, progress notes shall be written more frequently than every 30 days.
5. The adult day health care center shall obtain a rehabilitative progress report and updated treatment plan from all professional disciplines involved in the participant's care every 30 days (physical therapy, speech therapy, occupational therapy, home health and others).
6. Daily log of services provided. The daily log shall contain the specific services delivered by adult day health care center staff. The log shall also contain the arrival and departure time of the participant and be signed weekly by the participant or representative and an adult day health care center professional staff member. The daily log shall be completed on a daily basis, neither before nor after the date of service delivery. At least once a week, a staff member shall chart significant comments regarding care given to the participant. If the staff member writing comments is different from the staff signing the weekly log, that staff member shall sign the weekly comments.
7. All correspondence to the participant and to DMAS.
8. All DMAS utilization review forms and plans of care.

12 VAC 30-120-50. Personal care services.

The following requirements govern the provision of personal care services.

A. General. Personal care services may be offered to individuals in their homes as an alternative to more costly institutional care. Personal care may be offered either as the sole home and community-based care service that avoids institutionalization or in conjunction with adult day health care or, respite care, or both PERS. When the individual referred for personal care is already receiving another home and community-based care service, the DMAS utilization review staff shall assess the need for the additional home and community-based care service and authorize the service if it is deemed necessary to avoid institutionalization.

B. Special provider participation conditions. The personal care provider shall:

1. Demonstrate a prior successful health care delivery.
2. Operate from a business office.
3. Employ (or subcontract with) and directly supervise a registered nurse (RN) who will provide ongoing supervision of all personal care aides.
 - a. The RN shall be currently licensed to practice in the Commonwealth of Virginia and have at least two years of related clinical nursing experience (which may include work in an acute care hospital, public health clinic, home health agency, or nursing facility).
 - b. The RN supervisor shall make an initial assessment home visit prior to the start of care for all new recipients admitted to personal care.
 - c. The RN shall make supervisory visits as often as needed to ensure both quality and appropriateness of services. A minimum frequency of these visits is every 30 days.
 - d. During visits to the recipient's home, the RN shall observe, evaluate, and document the adequacy and appropriateness of personal care services with regard to the recipient's current functioning status, medical, and social needs. The personal care aide's record shall be reviewed and the recipient's (or family's) satisfaction with the type and amount of service discussed. The RN summary shall note:
 - (1) Whether personal care services continue to be appropriate,
 - (2) Whether the plan is adequate to meet the need or changes are indicated in the plan,
 - (3) Any special tasks performed by the aide and the aide's qualifications to perform these tasks,
 - (4) Recipient's satisfaction with the service,
 - (5) Hospitalization or change in medical condition or functioning status,
 - (6) Other services received and their amount, and
 - (7) The presence or absence of the aide in the home during the RN's visit.
 - e. The registered nurse shall be available to the personal care aide for conference pertaining to individuals being served by the aide and shall be available to aides by telephone at all times that the aide is providing services to personal care recipients. Any change in the identity of the RN providing coverage shall be reported immediately to DMAS.
 - f. The RN supervisor shall evaluate the aides' performance and the recipient's individual needs to identify any gaps in the aides' abilities to function competently and shall provide training as indicated.

4. Employ and directly supervise personal care aides who will provide direct care to personal care recipients. Each

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aide hired by the provider agency shall be evaluated by the provider agency to ensure compliance with minimum qualifications as required by DMAS. Each aide shall:

- a. Be able to read and write.
 - b. Complete 40 hours of training consistent with DMAS standards. Prior to assigning an aide to a recipient, the provider agency shall ensure that the aide has satisfactorily completed a training program consistent with DMAS standards.
 - c. Be physically able to do the work.
 - d. Have a satisfactory work record, as evidenced by references from prior job experience, including no evidence of possible abuse, neglect or exploitation of incapacitated or older adults and children.
 - e. Not be a member of the recipient's family (e.g., family is defined as parents, spouses, children, siblings, grandparents, and grandchildren).
- C. Provider inability to render services and substitution of aides.

1. When a personal care aide is absent and the agency has no other aide available to provide services, the provider agency is responsible for ensuring that services continue to recipients. The agency may either obtain a substitute aide from another agency, if the lapse in coverage is to be less than two weeks in duration, or may transfer the recipient to another agency. If no other provider agency is available, the provider agency shall notify the recipient or family so they may contact the local health department to request a Nursing Home Preadmission Screening if nursing home placement is desired.

2. During temporary, short-term lapses in coverage (not to exceed two weeks in duration), the following procedure shall apply:

- a. The personal care agency having recipient responsibility shall provide the registered nurse supervision for the substitute aide.
- b. The agency providing the substitute aide shall send to the personal care agency having recipient care responsibility a copy of the aide's signed daily records signed by the recipient.
- c. The provider agency having recipient responsibility shall bill DMAS for services rendered by the substitute aide.

3. If a provider agency secures a substitute aide, the provider agency shall be responsible for ensuring that all DMAS requirements continue to be met, including documentation of services rendered by the substitute aide and documentation that the substitute aide's qualifications meet DMAS requirements.

D. Required documentation in recipients' records. The provider agency shall maintain all records of each personal care recipient. At a minimum these records shall contain:

1. The most recently updated Long-Term Care Assessment Instrument, the Preadmission Screening Authorization, the

Screening Team Plan of Care, all provider agency plans of care, and all DMAS-122's.

2. All DMAS utilization review forms and plans of care.
3. Initial assessment by the RN supervisory nurse completed prior to or on the date services are initiated.
4. Nurses' notes recorded and dated during any contacts with the personal care aide and during supervisory visits to the recipient's home.
5. All correspondence to the recipient and to DMAS.
6. Reassessments made during the provision of services.
7. Contacts made with family, physicians, DMAS, formal, informal service providers and all professionals concerning the recipient.
8. All personal care aide records. The personal care aide record shall contain:
 - a. The specific services delivered to the recipient by the aide and the recipient's responses,
 - b. The aide's arrival and departure times,
 - c. The aide's weekly comments or observations about the recipient to include observations of the recipient's physical and emotional condition, daily activities, and responses to services rendered,
 - d. The aide's and recipient's weekly signatures to verify that personal care services during that week have been rendered.

Signatures, times and dates shall not be placed on the aide record prior to the last date of the week that the services are delivered.

9. All recipient progress reports.

E. Recipient progress report. The provider is required to submit to DMAS annually for every recipient a recipient progress report, an updated Long-Term Care Assessment and four aide log sheets. This information is used to assess the recipient's ongoing need for Medicaid funded long-term care and appropriateness and adequacy of services rendered.

12 VAC 30-120-55. Personal Emergency Response System (PERS) services.

The following requirements govern the provision of PERS services:

A. Service description. PERS is a service which electronically monitors recipient safety in the home and provides access to emergency crisis intervention for medical or environmental emergencies through the provision of a two-way voice communication system that dials a 24-hour response or monitoring center upon activation and via the recipient's home telephone line.

B. Criteria. PERS can be authorized when there is no one else, other than the recipient, in the home who is competent and continuously available to call for help in an emergency. If the recipient's caregiver has a business in the home, such as a day care center, PERS will only be approved if the recipient

is evaluated as being dependent in orientation and behavior pattern.

C. Service units and service limitations.

1. A unit of service shall include administrative costs, time, labor, and supplies associated with the installation, maintenance, and monitoring of the PERS. A unit of service is one-month rental price set by DMAS. The one-time installation of the unit includes installation, account activation, recipient and caregiver instruction, and removal of equipment.

2. PERS services must be capable of being activated by a remote wireless device and be connected to the recipient's telephone line. The PERS console unit must provide hands-free voice-to-voice communication with the response center. The activating device must be waterproof, automatically transmit to the response center an activator low battery alert signal prior to the battery losing power, and be able to be worn by the recipient.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based care participating providers as specified in 12 VAC 30-120-20 and 12 VAC 30-120-30, providers must also meet the following qualifications:

1. A PERS provider is a certified home health or personal care agency, a durable medical equipment provider, a hospital, or a PERS manufacturer that has the ability to provide PERS equipment, direct services (i.e., installation, equipment maintenance and service calls), and PERS monitoring.

2. The PERS provider must provide an emergency response center staff with fully trained operators who are capable of receiving signals for help from a recipient's PERS equipment 24-hours a day, 365, or 366 as appropriate, days per year; determining whether an emergency exists; and notifying an emergency response organization or an emergency responder that the PERS recipient needs emergency help.

3. A PERS provider must comply with all applicable Virginia statutes and all applicable regulations of DMAS and all other governmental agencies having jurisdiction over the services to be performed.

4. The PERS provider has the primary responsibility to furnish, install, maintain, test, and service the PERS equipment, as required to keep it fully operational. The provider shall replace or repair the PERS device within 24 hours of the recipient's notification of a malfunction of the console unit or activating devices, while the original equipment is being repaired.

5. The PERS provider must properly install all PERS equipment into a PERS recipient's functioning telephone line and must furnish all supplies necessary to ensure that the system is installed and working properly.

6. The PERS installation includes local seize line circuitry, which guarantees that the unit will have priority over the telephone connected to the console unit should the

telephone be off the hook or in use when the unit is activated.

7. A PERS provider must maintain all installed PERS equipment in proper working order.

8. A PERS provider must maintain a data record for each PERS recipient at no additional cost to DMAS. The record must document all of the following:

a. Delivery date and installation date of the PERS;

b. Enrollee/caregiver signature verifying receipt of PERS device;

c. Verification by a test that the PERS device is operational, monthly or more frequently as needed;

d. Updated and current recipient responder and contact information, as provided by the recipient or the recipient's care provider; and

e. A case log documenting recipient system utilization and recipient or responder contacts and communications.

9. The PERS provider must have back-up monitoring capacity in case the primary system cannot handle incoming emergency signals.

10. Standards for PERS Equipment. All PERS equipment must be approved by the Federal Communications Commission and meet the Underwriters' Laboratories, Inc. (UL) safety standard Number 1635 for Digital Alarm Communicator System Units and Number 1637, which is the UL safety standard for home health care signaling equipment. The UL listing mark on the equipment will be accepted as evidence of the equipment's compliance with such standard. The PERS device must be automatically reset by the response center after each activation, ensuring that subsequent signals can be transmitted without requiring manual reset by the recipient.

11. A PERS provider must furnish education, data, and ongoing assistance to DMAS to familiarize staff with the service, allow for ongoing evaluation and refinement of the program, and must instruct the recipient, caregiver, and responders in the use of the PERS service.

12. The emergency response activator must be activated either by breath, by touch, or by some other means, and must be usable by persons who are visually or hearing impaired or physically disabled. The emergency response communicator must be capable of operating without external power during a power failure at the recipient's home for a minimum period of 24 hours and automatically transmit a low battery alert signal to the response center if the back-up battery is low. The emergency response console unit must also be able to self-disconnect and redial the back-up monitoring site without the recipient resetting the system in the event it cannot get its signal accepted at the response center.

13. Monitoring agencies must be capable of continuously monitoring and responding to emergencies under all conditions, including power failures and mechanical malfunctions. It is the PERS provider's responsibility to ensure that the monitoring agency and the agency's

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equipment meets the following requirements. The monitoring agency must be capable of simultaneously responding to multiple signals for help from recipients' PERS equipment. The monitoring agency's equipment must include the following:

- a. A primary receiver and a back-up receiver, which must be independent and interchangeable;
- b. A back-up information retrieval system;
- c. A clock printer, which must print out the time and date of the emergency signal, the PERS recipient's identification code, and the emergency code that indicates whether the signal is active, passive, or a responder test;
- d. A back-up power supply;
- e. A separate telephone service;
- f. A toll-free number to be used by the PERS equipment in order to contact the primary or back-up response center; and
- g. A telephone line monitor, which must give visual and audible signals when the incoming telephone line is disconnected for more than 10 seconds.

14. The monitoring agency must maintain detailed technical and operations manuals that describe PERS elements, including the installation, functioning, and testing of PERS equipment; emergency response protocols; and recordkeeping and reporting procedures.

15. The PERS provider shall document and furnish a written report for each emergency signal that results in action being taken on behalf of the recipient. This excludes test signals or activations made in error. This written report shall be furnished to the personal care provider, or in cases where the recipient only receives ADHC services, to the ADHC provider.

16. The PERS provider is prohibited from performing all types of direct marketing activities to Medicaid recipients.

12 VAC 30-120-60. Respite care services.

These requirements govern the provision of respite care services.

A. General. Respite care services may be offered to individuals in their homes as an alternative to more costly institutional care. Respite care is distinguished from other services in the continuum of long-term care because it is specifically designed to focus on the need of the caregiver for temporary relief. Respite care may only be offered to individuals who have a primary caregiver living in the home who requires temporary relief to avoid institutionalization of the individual. The authorization of respite care is limited to 30 24-hour days over a 12-month period. Reimbursement shall be made on an hourly basis for any amount authorized up to eight hours within a 24-hour period. Any amount over an eight-hour day will be reimbursed on a per diem basis. The option of respite care may be offered either as a secondary home and community-based care service to those individuals who receive either personal care or, adult day health care, or

PERS or as the sole home and community-based care service received in lieu of nursing facility placement.

B. Special provider participation conditions. To be approved for respite care contracts with DMAS, the respite care provider shall:

1. Demonstrate a prior successful health care delivery.
2. Operate from a business office.
3. Employ (or subcontract with) and directly supervise a registered nurse (RN) who will provide ongoing supervision of all respite care aides.
 - a. The RN shall be currently licensed to practice in the Commonwealth and have at least two years of related clinical nursing experience (which may include work in an acute care hospital, public health clinic, home health agency, or nursing home).
 - b. Based on continuing evaluations of the aides' performance and the recipients' individual needs, the RN supervisor shall identify any gaps in the aides' abilities to function competently and shall provide training as indicated.
 - c. The RN supervisor shall make an initial assessment visit prior to the start of care for any recipient admitted to respite care.
 - d. The RN shall make supervisory visits as often as needed to ensure both quality and appropriateness of services.

(1) When respite care services are received on a routine basis, the minimum acceptable frequency of these visits shall be every 30 days.

(2) When respite care services are not received on a routine basis, but are episodic in nature, the RN shall not be required to conduct a supervisory visit every 30 days. Instead, the nurse supervisor shall conduct the initial home visit with the respite care aide immediately preceding the start of care and make a second home visit within the respite care period.

(3) When respite care services are routine in nature and offered in conjunction with personal care, the 30-day supervisory visit conducted for personal care may serve as the RN visit for respite care. However, the RN supervisor shall document supervision of respite care separately. For this purpose, the same recipient record can be used with a separate section for respite care documentation.

e. During visits to the recipient's home, the RN shall observe, evaluate, and document the adequacy and appropriateness of respite care services with regard to the recipient's current functioning status, medical, and social needs. The respite care aide's record shall be reviewed and the recipient's or family's satisfaction with the type and amount of service discussed. The RN shall document in a summary note:

(1) Whether respite care services continue to be appropriate,

(2) Whether the plan of care is adequate to meet the recipient's needs or if changes need to be made,

(3) The recipient's satisfaction with the service,

(4) Any hospitalization or change in medical condition or functioning status,

(5) Other services received and their amount, and

(6) The presence or absence of the aide in the home during the visit.

f. In all cases, the RN shall be available to the respite care aide to discuss the recipient's being served by the aide.

g. The RN providing supervision to respite care aides shall be available to them by telephone at all times that services are being provided to respite care recipients. Any lapse in RN coverage shall be reported immediately to DMAS.

4. Employ and directly supervise respite care aides who provide direct care to respite care recipients. Each aide hired by the provider agency shall be evaluated by the provider agency to ensure compliance with minimum qualifications as required by DMAS. Each aide must:

a. Be able to read and write.

b. Have completed 40 hours of training consistent with DMAS standards. Prior to assigning an aide to a recipient, the provider agency shall ensure that the aide has satisfactorily completed a training program consistent with DMAS standards.

c. Be evaluated in his job performance by the RN supervisor.

d. Have the physical ability to do the work.

e. Have a satisfactory work record, as evidenced by references from prior job experience, including no evidence of possible abuse or neglect of incompetent and/or incapacitated individuals.

f. Not be a member of a recipient's family (e.g., family is defined as parents, spouses, siblings, grandparents, and grandchildren).

5. The Respite Care Agency may employ a licensed practice nurse to deliver respite care services which shall be reimbursed by DMAS under the following circumstances:

a. The individual receiving care has a need for routine skilled care which cannot be provided by unlicensed personnel. These individuals would typically require a skilled level of care if in a nursing facility (i.e., recipients on a ventilator, recipients requiring nasogastric, or gastrostomy feedings, etc.).

b. No other individual in the recipient's support system is able to supply the skilled component of the recipient's care during the caregiver's absence.

c. The recipient is unable to receive skilled nursing visits from any other source which could provide the skilled care usually given by the caregiver, unless such skilled

nursing visits would be more costly than the respite care requested.

d. The agency can document the circumstances which require the provision of services by an LPN.

C. Inability to provide services and substitution of aides. When a respite care aide is absent and the respite care provider agency has no other aide available to provide services, the provider agency is responsible for ensuring that services continue to recipients.

1. If a provider agency cannot supply a respite care aide to render authorized services, the agency may either obtain a substitute aide from another agency, if the lapse in coverage is to be less than two weeks in duration, or may transfer the recipient's care to another agency.

2. If no other provider agency is available who can supply an aide, the provider agency shall notify the recipient or family so that they may contact the local health department to request a Nursing Home Preadmission Screening if nursing home placement is desired.

3. During temporary, short-term lapses in coverage, which shall not exceed two weeks in duration, a substitute aide may be secured from another respite care provider agency or other home care agency. Under these circumstances, the following procedures apply:

a. The respite care agency having recipient responsibility shall be responsible for providing the RN supervision for the substitute aide;

b. The agency providing the substitute aide shall send to the respite care agency having recipient care responsibility a copy of the aide's daily records signed by the recipient and the substitute aide. All documentation of services rendered by the substitute aide shall be in the recipient's record. The documentation of the substitute aide's qualifications shall also be obtained and recorded in the personnel files of the agency having recipient care responsibility.

c. The provider agency having recipient responsibility shall bill DMAS for services rendered by the substitute aide. The two agencies involved shall negotiate the financial arrangements of paying the substitute aide.

4. Substitute aides obtained from other agencies may be used only in cases where no other arrangements can be made for recipient respite care services coverage and may be used only on a temporary basis. If a substitute aide is needed for more than two weeks, the case shall be transferred to another respite care provider agency that has the aide capability to serve the recipient(s).

5. If a provider agency secures a substitute aide it is the responsibility of the provider agency having recipient care responsibility to ensure that all DMAS requirements continue to be met, including documentation of services rendered by the substitute aide and documentation that the substitute aide's qualifications meet DMAS requirements.

D. Required documentation for recipients records. The provider agency shall maintain all records of each respite care

Emergency Regulations

recipient. These records shall be separated from those of other non-home and community-based care services, such as companion services or home health. These records shall be reviewed periodically by the DMAS staff. At a minimum these records shall contain:

1. Long-Term Care Assessment Instrument, the Nursing Home Preadmission Screening Authorization, all Respite Care Assessment and Plans of Care, and all DMAS-122's.
2. All DMAS utilization review forms and plans of care.
3. Initial assessment by the RN supervisory nurse completed prior to or on the date services are initiated.
4. Registered nurse's notes recorded and dated during significant contacts with the respite care aide and during supervisory visits to the recipient's home.
5. All correspondence to the recipient and to DMAS.
6. Reassessments made during the provision of services.
7. Significant contacts made with family, physicians, DMAS, and all professionals concerning the recipient.
8. Respite care aide record of services rendered and recipient's responses. The aide record shall contain:
 - a. The specific services delivered to the recipient by the respite care aide or LPN, and the recipient's response,
 - b. The arrival and departure time of the aide for respite care services only,
 - c. Comments or observations recorded weekly about the recipient. Aide comments shall include but not be limited to observation of the recipient's physical and emotional condition, daily activities, and the recipient's response to services rendered,
 - d. The signature by the aide or LPN, and the recipient once each week to verify that respite care services have been rendered. Signature, times, and dates shall not be placed on the aide record prior to the last date of the week that the services are delivered.
9. Copies of all aide records shall be subject to review by state and federal Medicaid representatives.
10. If a respite care recipient is also receiving any other service (meals on wheels, companion, home health services, etc.) the respite care record shall indicate that these services are also being received by the recipient.

E. Authorization of combined services. Respite care, when offered in conjunction with another home and community-based care service, is considered by DMAS a secondary home and community-based care service necessary for the recipients' continued maintenance in the community. Respite care is only available to caregivers as an adjunct to another primary home and community-based care service under the following conditions:

1. The individual has been authorized to receive a primary home and community-based care service by the Nursing Home Preadmission Screening Team and such care has been initiated.

2. The primary home and community-based care services offered to the individual are determined to be insufficient to prevent the breakdown of the caregiver due to the physical burden and emotional stress of providing continuous support and care to the dependent individual.

F. Provider responsibility. The provider of the primary home and community-based care service shall contact the DMAS utilization review staff when the need for respite care as a secondary home and community-based care service has been identified according to the criteria above. DMAS shall conduct an assessment of the individual caregiver's need for respite care and, if appropriate, authorize respite care.

/s/ Mark R. Warner
Governor

Date: January 29, 2002

VA.R. Doc. No. R02-125; Filed January 30, 2002, 4:31 p.m.



GOVERNOR

EXECUTIVE ORDER NUMBER SIX (2002)

DIRECTING ALL STATE AGENCIES TO ACTIVELY RECRUIT NATIONAL AND REGIONAL CONFERENCES TO THE COMMONWEALTH

Our great Commonwealth provides a wealth of resources to attract and support major conferences and conventions. From the birthplace of our nation, Jamestown Island, to the historic homes of George Washington, Thomas Jefferson, and James Madison, to the natural wonders and amenities of our number-one-ranked state park system, all parts of Virginia abound with wonderful tourist attractions. From Hampton Roads to the great Southwest, from Northern Virginia to Charlottesville, from Richmond to Roanoke, and from the Shenandoah Valley to Southside Virginia, the hospitality and travel businesses of Virginia stand ready to assist with major conferences and conventions.

By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia and Sections 2.2-103 and 2.2-104 of the Code of Virginia, I hereby direct all state agencies, boards, and commissions to develop and implement plans for identifying appropriate organizations and recruiting those organizations to hold their regional and national conferences and conventions in the Commonwealth of Virginia.

All agencies, boards, and commissions shall immediately contact all national organizations to which they pay any dues and encourage such organizations to hold regional and national conferences and conventions in Virginia. All agencies, boards, and commissions shall actively pursue attracting such conferences and conventions.

All agencies, boards, and commissions shall submit a report to the Secretary of Commerce and Trade by May 1 of each year. The report shall include a list of all the national organizations to which dues are paid, a detailed report on the status of any negotiations or contacts with each of those national organizations regarding conferences and conventions, a report on negotiations or contacts with any other national organizations, and any other information relevant to the recruitment of national and regional conferences and conventions.

The Virginia Tourism Authority is hereby directed to provide assistance upon request to each agency, board and commission in their efforts to attract regional and national conferences and conventions.

This Executive Order shall be effective upon its signing, and shall remain in full force and effect until June 30, 2006, unless amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia, this 23rd day of January, 2002.

/s/ Mark R. Warner
Governor

VA.R. Doc. No. R02-121; Filed January 25, 2002, 1 p.m.

EXECUTIVE ORDER NUMBER SEVEN (2002)

THE SECURE VIRGINIA INITIATIVE

Among the most important responsibilities and profound duties of government at all levels is to provide for the safety and security of its citizens. With this most serious obligation in mind and by virtue of the authority vested in me by Article 5, Sections 1 and 7 of the Constitution of Virginia and by Section 44-146.17 of the Code of Virginia, I hereby set forth the Secure Virginia Initiative. The purpose of this Initiative shall be to improve the safety and security of the citizens of the Commonwealth. The Initiative shall include, but not be limited to, improving the Commonwealth's preparedness and response and recovery capability for natural disasters and emergencies of all kinds, including terrorist attacks.

Secure Virginia Panel

To launch this Initiative, I hereby establish the Secure Virginia Panel (herein called the "Panel") to review, evaluate and make recommendations relating to the emergency preparedness of government at all levels in the Commonwealth. Additionally, the Panel shall facilitate cabinet-level coordination among the various agencies of state government related to emergency preparedness and will facilitate private sector preparedness and communication.

The Panel shall consist of 20 members. The chairman of the Panel shall be the Assistant to the Governor for Commonwealth Preparedness. Other members of the Panel shall include the Lieutenant Governor; the Attorney General; two members of the House of Delegates; two members of the Senate of Virginia; and the Secretaries of Health and Human Resources, Public Safety, Technology, and Transportation. The Governor shall appoint two local first responders and three local government representatives to the panel. The Governor shall also appoint four additional members from the private sector. Ex officio members may be appointed to the Panel by the Governor at his discretion.

Members of the Panel shall serve without compensation but may receive reimbursement for expenses incurred in the discharge of their official duties upon approval by the Governor's Chief of Staff or his designee.

The Panel shall convene, within sixty days of the signing of this order, a statewide forum of local and state emergency management officials, fire, emergency medical, and law enforcement officials and private and public sector financial services, health care, technology, transportation, and utility leaders to evaluate and improve emergency preparedness and response.

The Panel shall review all current disaster, emergency management, and terrorism management plans, including those developed as required by Governor George Allen's Executive Order 73 (97) and Governor James Gilmore's Executive Order 41 (99), and make such recommendations for changes as the Panel deems necessary. Within 365 days of the signing of this order, the Panel shall ensure that there is in place an up-to-date, comprehensive statewide emergency preparedness, response, and recovery plan.

Governor

The Panel shall prepare quarterly reports for the Governor to keep him apprised of the state's emergency preparedness, response, and recovery efforts.

/s/ Mark R. Warner
Governor

VA.R. Doc. No. R02-127; Filed February 5, 2002, 2:13 p.m.

Staff support for the Panel will be provided by the Office of the Governor, the Office of the Secretary of Public Safety, the Office of the Secretary of Health and Human Resources, the Department of State Police, the Department of Emergency Management, the Department of Planning and Budget, and such other executive offices and agencies as may be designated by the Governor. An estimated 500 hours of staff time will be required to support the work of the Panel.

Funding necessary to support the Panel's work will be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of the Panel, as authorized by Section 2.2-135(B) of the Code of Virginia. Direct expenditures for the Panel's work are estimated to be \$30,000. All or part of the costs incurred by the Panel may be paid, upon my approval, out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 45 of Chapter 1073, 2000 Virginia Acts of Assembly, or any other funds available for such purpose.

State Agency Plans

I hereby direct all executive branch agencies to prepare, within 120 days, emergency response plans or updates to existing plans that address continuity of their operations and services, and the security of their customers and employees, in the event of natural or man-made disasters or emergencies, including terrorist attacks. These agency plans shall be presented to the Office of the Governor and shall be made available to the Panel as part of its work in preparing a statewide emergency preparedness, response, and recovery plan.

Responsibility for Security Issues

I hereby designate the Assistant to the Governor for Commonwealth Preparedness as the single point of contact for the Executive Office of the President, Office of Homeland Security.

I hereby designate the Secretary of Public Safety as the single point of contact for federal law enforcement agencies regarding homeland security issues.

I hereby designate the Assistant to the Governor for Commonwealth Preparedness to work with appropriate cabinet secretaries to coordinate grants that may be provided to improve preparedness in Virginia communities.

This Executive Order rescinds Executive Order 85 (01), Establishing the Virginia Preparedness and Security Panel, issued by Governor James Gilmore.

This Executive Order shall be effective upon its signing, and shall remain in full force and effect until January 31, 2003 unless amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia, this 31st day of January 2002.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 24, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC970135

Ex Parte, in re: Implementation of Requirements of § 214(e) of the Telecommunications Act of 1996

IN RE:

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO. PUC010263

For designation as an eligible telecommunications carrier under 47 U.S.C. § 214(e)(2)

ORDER REQUESTING COMMENTS, OBJECTIONS, OR REQUESTS FOR HEARING

On September 15, 1997, the State Corporation Commission ("Commission") established the docket in Case No. PUC970135 to consider the requests of local exchange carriers ("LECs") to be designated as eligible telecommunications carriers ("ETC designation") to receive universal service support pursuant to § 214(e) of the Telecommunications Act of 1996, 47 U.S.C. § 251 et seq., (the "Act") and associated Federal regulations.¹ The Commission has asserted jurisdiction under § 214(e)(2) of the Act to make ETC designations.²

On December 21, 2001, Virginia Cellular LLC ("Virginia Cellular") filed its Application for ETC designation, which is now docketed as Case No. PUC010263 and is consolidated with Case No. PUC970135. Virginia Cellular is a Commercial Mobile Radio Service ("CMRS") provider as defined in 47 U.S.C. § 153(27) and provides interstate services as described in 47 U.S.C. § 254(d) and 47 C.F.R. § 54.703(a). Virginia Cellular is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area ("RSA"), serving the counties of Rockingham, Augusta, Nelson, and Highland, as well as the cities of Harrisonburg, Staunton, and Waynesboro.³

Virginia Cellular requests immediate ETC designation in certain non-rural LEC exchanges identified in Attachment B of

its Application.⁴ Virginia Cellular also requests immediate ETC designation in certain rural incumbent local exchange carrier ("ILEC") exchanges identified in Attachment C of its Application.⁵

The Commission is of the opinion that all LECs should have an opportunity to file comments, objections, or requests for hearing. Virginia Cellular has only served the ILECs in whose territory Virginia Cellular seeks ETC designation. Therefore, we will cause this Order to be served upon all LECs and further direct Virginia Cellular to provide a copy of its Application to any party or LEC requesting a copy. Copies of the application can be obtained by contacting Virginia Cellular's counsel, David A. LaFuria, Lukas Nace Gutierrez & Sachs, 1111 Nineteenth Street, N.W., Suite 1200, Washington, D.C. 20036.

Any party or LEC desiring to file comments, objections, or request for hearing should do so no later than February 20, 2002. Any objections should include a statement of all reasons for such opposition; and if the objection is to a specific territory, that territory should be clearly defined. Virginia Cellular should be granted leave to file a reply to any comments or objections, and said reply should be filed on or before March 4, 2002.

Accordingly, IT IS ORDERED THAT:

- (1) Virginia Cellular shall provide a copy of its Application to any party or LEC requesting a copy.
- (2) On or before February 20, 2002, any party or LEC may file its comments, objections, and/or request for hearing, consistent with the findings above.
- (3) Virginia Cellular is hereby granted leave to file its reply to any comments or objections on or before March 4, 2002.
- (4) These consolidated cases are now continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all LECs certificated in the Commonwealth of Virginia, as set out in Appendix A of this Order; David A. LaFuria, Esquire, Lukas Nace Gutierrez & Sachs, 1111 Nineteenth Street, N.W., Suite 1200, Washington, D.C. 20036; John F. Dudley, Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Division of Communications.

¹ 47 C.F.R. § 54.201-207.

² See Order Granting Waiver, issued December 17, 1997, designating listed LECs as eligible telecommunications carriers. The Application of Virginia Cellular is the first by a CMRS provider seeking ETC designation.

³ Virginia Cellular states that it has constructed an analog cellular system and plans to implement an upgrade to digital service in 2002, which will include E-911. Virginia Cellular represents that it can deliver high quality service to rural areas of its system and offer customers a viable alternative to the incumbent wireless network.

⁴ ETC designation is requested for the following non-rural exchanges in the Verizon South Inc. territory: Broadway, Edom, Dayton, Keezletown, Harrisonburg, McGaheysville, Bridgewater, Weyers Cave, Grottoes, Elkton, Amherst, and Gladstone. ETC designation is requested in non-rural exchanges in Verizon Virginia Inc. territory including: Staunton, Craigsville, Lovingston, Greenwood, and Pine River. ETC designation is requested in the Central Telephone Company non-rural exchange of Schuyler.

⁵ ETC designation is requested for the following ILEC rural exchanges: New Hope Telephone Company - New Hope exchange; North River Telephone Cooperative - Mount Solo exchange; Highland Telephone Cooperative - Blue Grass, Mill Gap, and Monterey exchanges; Mountain Grove - Williamsville Telephone Company - McDowell, Williamsville, and Deerfield exchanges.

General Notices/Errata

DEPARTMENT OF ENVIRONMENTAL QUALITY

Public Notice of Federal Consistency Certification Currently Being Coordinated by the Department of Environmental Quality:

King William Reservoir – Regional Raw Water Supply Plan for Lower Peninsula Reference CENAO-CO-R 93-0902-12 Extension of Deadline from January 30, 2002 to March 8, 2002

Pursuant to the Coastal Zone Management Act of 1972 (CZMA), as amended, the Department of Environmental Quality is currently reviewing the referenced proposal for consistency with the Virginia Coastal Resources Management Program (VCP).

The project involves the construction of a reservoir to supply water to several jurisdictions in Lower Peninsula. The applicant's preferred alternative is the King William Reservoir (Cohoke Mill Creek), with pumpover from the Mattaponi River. The following jurisdictions are included in the regional study area: Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the counties of James City and York. For the referenced project, the Commonwealth has previously coordinated the review of a Draft Environmental Impact Statement (EIS) (April 18, 1994), a Supplement to the Draft EIS (March 28, 1996), and a Final EIS (July 25, 1997). The Virginia State Water Control Board issued a Virginia Water Protection Permit authorizing the construction and operation of the project in December 1997.

On April 16, 1999, the applicant submitted a federal consistency certification for the Commonwealth's review. On October 19, 1999, the Commonwealth responded that it was unable to complete the review of the federal consistency certification. The basis for this response was that the Virginia Marine Resources Commission (VMRC), one of the agencies administering the enforceable policies of the VCP, had suspended its review of a permit application for the referenced project.

In a Recommended Record of Decision dated March 20, 2001, the District Engineer of the U.S. Army Corps (Corps) of Engineers' Norfolk District announced his decision to recommend that the application for a federal permit for the proposed King William Reservoir be denied. Because the Commonwealth disagreed with this decision, on July 2, 2001, the final decision on the permit was referred to the Commander of the North Atlantic Division of the Corps.

The Commonwealth now proposes to conditionally concur with the consistency certification for the referenced project, as authorized by the revised Federal Consistency Regulations (see 15 CFR 930.4, December 8, 2000).

The Commonwealth intends to condition its consistency concurrence by requiring the applicant to obtain and comply with all applicable permits and approvals, including the subaqueous beds and tidal wetlands permits under the jurisdiction of the VMRC, that pertain to the enforceable policies of the VCP. This condition was recommended by the VMRC in a memorandum dated October 6, 1999.

Section 306(d)(14) of the CZMA requires public participation in the federal consistency review process. The consistency certification for this project may be viewed at the Department of Environmental Quality, Office of Environmental Impact Review, 629 East Main Street, Room 633, Richmond, VA 23219. Also, citizens may send written comments to the attention of Ellie Irons at this address, or submit comments electronically to elirons@deq.state.va.us or chellis@deq.state.va.us. All comments must include name, address and telephone number of the person commenting. Comments must be submitted by March 8, 2002.

Total Maximum Daily Load (TMDL) for Fecal Coliform Bacteria on an Approximately 27.97 Mile Segment of Gills Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for fecal coliform bacteria on an approximately 27.97 mile segment of Gills Creek. The Gills Creek impaired segment is located in Franklin County. The segment begins 1.5 miles west of the Route 684 bridge in Franklin County and extends downstream to the confluence of Gills Creek and the Blackwater River at Smith Mountain Lake. Gills Creek is identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The final public meeting on the development of the Gills Creek fecal coliform TMDL will be held on Monday, March 18, 2002, at 7 p.m. in the Fellowship Hall of Trinity Ecumenical Parish located at 40 Lakemount Drive (off Route 122 near Hales Ford Bridge in Franklin county), Moneta, Virginia. Final water quality modeling results, fecal coliform bacteria source identification, and load allocations will be presented.

The public comment period will begin on February 25, 2002, and end on March 25, 2002. A fact sheet on the development of the TMDL for fecal coliform bacteria on Gills Creek is available upon request. Questions or information requests should be addressed to Jay Roberts. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Jay Roberts, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6785, FAX (540) 562-6860 or e-mail jaroberts@deq.state.va.us.

Draft Total Maximum Daily Load (TMDL) Report for Fecal Coliform Bacteria on Little Creek in the Middle Fork Holston River/Beaver Creek Watershed

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the

draft Total Maximum Daily Load (TMDL) Report for fecal coliform bacteria on Little Creek in the Middle Fork Holston River/Beaver Creek Watershed. A public meeting on the draft fecal coliform bacteria TMDL for this stream will be held on Thursday, March 7, 2002, at 7 p.m. in the auditorium of the Bristol Virginia Utilities Board, 300 Lee Street, Bristol, Virginia.

The Little Creek impaired segment is located in Bristol and Washington County, Virginia. It is 5.52 miles in length and extends from the Tennessee state line upstream to its headwaters. Little Creek flows near Route 641 in the county and near Commonwealth Avenue in Bristol. Tributaries include Mumpower Creek, near Route 640 or Benhams Road, and Susong Branch near Route 680 or Wagner Street. Little Creek was identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report. The purpose of a study is to identify sources and determine reductions of fecal coliform bacteria so that Little Creek can meet the water quality standard.

The public comment period will end on March 28, 2002. A fact sheet on the development of the TMDL for fecal coliform bacteria on the impaired stream is available upon request. Questions or information requests should be addressed to Nancy T. Norton, P.E., Department of Environmental Quality. Written comments should include the name, address, and telephone number of the person submitting the comments and be addressed to Nancy T. Norton, P.E., Department of Environmental Quality, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24212, telephone (540) 676-4807, FAX (540) 676-4899 or e-mail ntnorton@deq.state.va.us.

Total Maximum Daily Load (TMDL) to Address a Fecal Coliform Impairment in the Willis River

The Virginia Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) to address a fecal coliform impairment in the Willis River. The stream segment is a 14.3 mile segment of the Willis River located in Buckingham and Cumberland counties. The segment begins at the confluence of Willis River with Reynolds Creek and extends downstream to its mouth at the confluence with the James River. The segment is identified in Virginia's 1998 § 303(d) TMDL Priority List as impaired due to violations of the state's water quality standard for fecal coliform.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for impaired waters contained in the state's § 303(d) TMDL Priority List.

The final public meeting on the development of the Fecal Coliform TMDL for the Willis River segment will be held on

Thursday, March 7, 2002, 7 p.m. at the Cumberland County Elementary School, 190 School Drive, Cumberland, VA.

The public comment period will begin on February 21, 2002, and will end on March 21, 2002. A fact sheet on the development of the TMDL for fecal coliform in the Willis River is available upon request. Questions or information requests should be addressed to April Grippo. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Mrs. April Grippo, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125 or e-mail adgrippo@deq.state.va.us.

DEPARTMENT OF HEALTH

Drinking Water Funding

Construction applications for drinking water funding may now be submitted year round. However, applications received after the due date stated below will be considered for funding in the following cycle. As described below, funding is made possible by the Virginia Department of Health's Drinking Water State Revolving Fund (DWSRF) Program. VDH anticipates having at least \$13 million. Also, a description of the VDH Water Supply Assistance Grant Fund Program follows. The FY 2003 DWSRF Intended Use Plan will be developed using your input on these issues.

(1) 1452(k) Source Water Protection Initiatives - (Yellow application) Must be postmarked by April 19, 2002. This provision allows VDH to loan money for activities to protect important drinking water resources. Loan funds are available to: (i) community and nonprofit noncommunity waterworks to acquire land/conservation easements and (ii) to community waterworks, only, to establish local, voluntary incentive-based protection measures.

(2) Planning & Design Grants – (Gray application) Must be postmarked by April 19, 2002. Private and public owners of community waterworks are eligible to apply for these grant funds. Grants can be up to \$25,000 per project for small, rural, financially stressed, community waterworks serving fewer than 3,300 persons. Eligible projects may include preliminary engineering planning, design of plans and specifications, performance of source water quality and quantity studies, drilling test wells to determine source feasibility, or other similar technical assistance projects. These funds could assist the waterworks owner in future submittals for construction funds.

(3) Construction Funds – (Cream application) Must be postmarked by May 3, 2002. Private and public owners of community waterworks and nonprofit noncommunity waterworks are eligible to apply for construction funds. VDH makes selections based on criteria described in the Program Design Manual, such as existing public health problems, noncompliance, affordability, regionalization, the availability of matching funds, etc. Readiness to proceed with construction is a key element. A Preliminary Engineering Report must be submitted if required by VDH.

General Notices/Errata

An instruction packet and Construction Project Schedule are included.

(4) Set-Aside Suggestion Forms – (White form) Must be postmarked by May 3, 2002. Anyone has the opportunity to suggest new or continuing set-aside (nonconstruction) activities. Set-aside funds help VDH assist waterworks owners to prepare for future drinking water challenges and assure the sustainability of safe drinking water.

The VDH's Program Design Manual describes the features of the above opportunities for funding. After receiving the aforementioned public input, VDH will develop a draft Intended Use Plan for public review and comment. When developed in August 2002, the draft Intended Use Plan will describe specific details for use of the FY 2002 funds. A public meeting is planned for the fall of 2002 and written comments will be accepted before a final version is submitted to the USEPA for approval.

The applications, set-aside suggestion form, Program Design Manual and information may be requested from and any comments forwarded to Thomas B. Gray, (804) 786-1087 or FAX (804) 225-4539. The materials are also accessible on our web site www.vdh.state.va.us/dwse.

ATTACHMENT

DRINKING WATER FUNDING

Drinking water funding is made possible by the VDH Water Supply Assistance Grant Fund with the availability of about \$360,000. This is all grant funding.

The 1999 General Assembly created the Water Supply Assistance Grant (WSAG) Fund in § 32.1-171.2 of the *Code of Virginia*. The purpose of the WSAG is to make grant funds available to localities and owners of waterworks to assist in the provision of drinking water.

Funds are available by submitting an application postmarked on or before the dates indicated for the following three project types.

(1) Planning Grants – Application must be postmarked by April 19, 2002.

Of available funding, \$60,000 or 16.67% will be used for planning needs. Your application cannot exceed this amount.

In ranking of applications, preference is given to those that address problems of small, rural, community waterworks with multi-jurisdictional support. The applicant submits the current DWSRF planning application to VDH. To promote coordination of funding and streamline the process for applicants, grants are prioritized in accordance with rating criteria of the current DWSRF Program. For WSAGF funding purposes only, up to fifty (50) extra points are added to the DWSRF rating criteria relative to the Stress Index rank.

Eligible activities may include (but not be limited to): Capacity building activities addressing regionalization or consolidation, performance of source water quality and quantity studies, drilling test wells to determine source feasibility, income surveys, preliminary engineering

planning, design and preparation of plans and specifications, or other similar technical assistance projects.

(2) Surface Water Development or Improvement Grants – Application must be postmarked by May 3, 2002.

Of available funding, \$200,000 or 55.55% will be used for community waterworks surface source water development or improvement activities. Your application cannot exceed this amount.

The applicant submits the current DWSRF construction application to VDH. In ranking of applications, preference is given to those that address problems of small, rural, community waterworks with multi-jurisdictional support.

Eligible activities may include: land purchase, options to purchase land, general site development costs, and dam upgrade and construction.

(3) Small Project Construction Grants – Application must be postmarked by May 3, 2002.

Of available funding, \$100,000 or 27.78% will be used for small project construction that is defined as a project whose total project cost does not exceed \$50,000. Eligible activities may include (but not be limited to): upgrade or construction of well or spring sources, waterlines, storage tanks, and treatment.

The applicant submits the current construction application to VDH. To promote coordination of funding and streamline the process for applicants, grants are prioritized in accordance with rating criteria of the current DWSRF Program. For WSAGF purposes only, up to thirty (30) extra points are added to the DWSRF rating criteria relative to the Stress Index rank. Preference is given to community waterworks. This priority system ensures that all eligible acute or chronic health/ SDWA compliance projects are funded before any other eligible project.

The VDH's WSAGF Program Guidelines describes the features of the above opportunities for funding.

Applications or Program Guidelines may be requested from Thomas Gray, Virginia Department of Health, (804) 786-1089 or FAX (804) 225-4539. The applications are in the DWSRF Program package. The applications are also accessible on our web site www.vdh.state.va.us/dwse.

DEPARTMENT OF SOCIAL SERVICES

Periodic Review of Regulations

Pursuant to Executive Order Number Twenty-five (98), the Department of Social Services is currently reviewing the below listed regulations to determine if they should be terminated, amended, or retained in their current form. The review will be guided by the principles listed in Executive Order Number Twenty-five (98) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulations' interference in private enterprise and life, essential need of the regulations, less burdensome and

intrusive alternatives to the regulations, specific and measurable goals that the regulations are/is intended to achieve, and whether the regulations are clearly written and easily understandable.

The regulation(s) are:

22 VAC 40-20. Food Stamp Program – Income Conversion Method.

22 VAC 40-540. Allowance of Telephone Cost in the Food Stamp Program.

Written comments may be submitted until March 17, 2002, in care of Celestine Jackson at Human Services Program Consultant, Division of Benefit Programs, Department of Social Services, 730 East Broad Street, Richmond, VA 23219-1849; by facsimile to (804) 692-1704; or by e-mail to cja2@dss.state.va.us.

STATE WATER CONTROL BOARD

Proposed Consent Special Order Herman A. Hall, III

The State Water Control Board proposes to take an enforcement action against Herman A. Hall, III. Herman A. Hall, III is developing the Stratford Terrace subdivision which is located southeast of the intersection of Mt. Pleasant and Schoolhouse Roads, in Chesapeake, Virginia. The proposed enforcement action is a consent special order that will require the payment of a \$1,000 civil charge to settle violations of the Virginia Water Control Law.

The Department of Environmental Quality will receive written comments relating to the board's proposed consent special order from February 25, 2002 through March 27, 2002. Comments should be addressed to David S. Gussman, Department of Environmental Quality - Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462 and should refer to the order specified above. Comments may also be submitted by email to dsgussman@deq.state.va.us. In order for email comments to be considered they must include the sender's name, address and phone number. The proposed order may be examined at the above address and copies of the order may be obtained in person, by mail or by email.

Proposed Consent Special Order Old Dominion Electric Cooperative Virginia Electric and Power Company

The State Water Control Board ("SWCB") proposes to issue a Consent Special Order ("CSO") to Old Dominion Electric Cooperative and Virginia Electric and Power Company for the Clover Power Station landfill located in Clover, Virginia related to compliance with the Permit Regulation, 9 VAC 25-31. On behalf of the SWCB, the Department of Environmental Quality ("DEQ") will consider written comments relating to this order for 30 days after the date of the publication of this notice. Comments are to be addressed to Harry F. Waggoner, DEQ –

South Central Regional Office, 7705 Timberlake Road, Lynchburg, VA 24502.

The final CSO may be examined at the department during regular business hours. Copies are available from Mr. Waggoner at the address above or by calling (434) 582-5120.

Proposed Consent Special Order The Peck Company

The State Water Control Board proposes to take an enforcement action against the Peck Company. The Peck Company owns a former scrap recycling and waste recycling facility at 3950 Elm Avenue in Portsmouth, Virginia. The proposed enforcement action is a consent special order that will require corrective actions and the payment of a \$2,000 civil charge to settle violations of the Virginia Water Control Law.

The Department of Environmental Quality will receive written comments relating to the board's proposed consent special order from February 25, 2002 through March 27, 2002. Comments should be addressed to David S. Gussman, Department of Environmental Quality - Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462 and should refer to the order specified above. Comments may also be submitted by email to dsgussman@deq.state.va.us. In order for email comments to be considered they must include the sender's name, address and phone number. The proposed order may be examined at the above address and copies of the order may be obtained in person, by mail or by email.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

Forms for Filing Material for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://legis.state.va.us/codecomm/register/regindex.htm>

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06

General Notices/Errata

AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS -
RR08

ERRATA

VIRGINIA WASTE MANAGEMENT BOARD

Title of Regulation: 9 VAC 20-60. Virginia Hazardous Waste Management Regulations.

Publication: 18:11 VA.R. 1403-1422 February 11, 2002.

Correction to the final regulation:

Page 1403, after agency contact information, insert:

<p><u>REGISTRAR'S NOTICE:</u> The proposed regulation was adopted as published in 17:22 VA.R. 3208-3243 July 16, 2001, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.</p>
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CALENDAR OF EVENTS

Symbol Key

-  Location accessible to persons with disabilities
 Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY , or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

† **March 19, 2002 - 9 a.m.** -- Open Meeting
Virginia Department of Transportation, Procurement Building,
87 Deacon Road, Fredericksburg, Virginia.  (Interpreter for
the deaf provided upon request)

A meeting of the Enforcement Committee for training and to review pending complaints. Public comment will not be received.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY , e-mail boa@boa.state.va.us.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

March 14, 2002 - 9 a.m. -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 2nd Floor, Board
Room, Richmond, Virginia. 

The board will meet to discuss issues related to Virginia agriculture and consumer services. The public hearings on the proposed regulations begin at 10 a.m. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Secretary, Board of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, (800) 828-1120/TTY , e-mail rseward@vdacs.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

March 14, 2002 - 10 a.m. -- Public Hearing
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 2nd Floor, Board
Room, Richmond, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-400. Rules and Regulations for the Enforcement of the Virginia Fertilizer Law.** The purpose of the proposed amendments is to ensure that: (i) regulated products are properly formulated and labeled; (ii) the manufacturer's recommendations for use of these regulated products are in accordance with methods and procedures that enhance the safety, quality and quantity of the food supply for both humans and animals; (iii) guidelines are established for the methods used to provide verification of labeling claims for regulated products; and (iv) assessments against the manufacturer of a product is deficient when compared to its guarantee, or that is not properly labeled and thus has caused a negative economic impact on a consumer, are paid to the consumer when he may be identified. The amendments also include changes needed to make the regulation compatible with the 1994 changes to the Virginia Fertilizer Act.

Statutory Authority: § 3.1-106.4 of the Code of Virginia.

Contact: J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-2476, FAX (804) 786-1571 or (804) 828-1120/TTY 

March 14, 2002 - 10 a.m. -- Public Hearing
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 2nd Floor, Board
Room, Richmond, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and

Calendar of Events

Consumer Services intends to amend regulations entitled: **2 VAC 5-610. Rules Governing the Solicitation of Contributions.** The purpose of the proposed regulatory action is to amend the regulation to conform with amendments to the Virginia Solicitation of Contributions Law relating to (i) the annual registration process and exemption to such registration, (ii) rules governing a professional solicitor, and (iii) general provisions relating to disclosure requirements by for-profit organizations and the use of private mailboxes by the regulated entities.

Statutory Authority: § 57-66 of the Code of Virginia.

Contact: Andy Alvarez, Program Manager, Office of Consumer Affairs, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1101, Richmond, VA 23219, telephone (804) 786-1381, FAX (804) 786-5112, toll-free 1-800-9963 or 1-800-828-1120/TTY ☎

Virginia Cotton Board

March 8, 2002 - 9 a.m. -- Open Meeting
Tidewater Agriculture Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. ☎

A meeting to discuss and approve contractual arrangements with national and regional organizations, receive reports of programs and projects funded over the past year, and hear project proposal grant requests on cotton by VPI, VSU, and other groups for the year 2002-03. During the meeting, financial reports will be heard and approved. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Gail Moody-Milteer at least five days before the meeting date so that suitable arrangements can be made.

Contact: Gail Moody Milteer, Program Director, Virginia Cotton Board, 1100 Armory Dr., Suite 120, Franklin, VA 23851, telephone (757) 569-1100, FAX (757) 562-6104.

Virginia Peanut Board

March 19, 2002 - 10 a.m. -- Open Meeting
Tidewater Agricultural Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. ☎

A meeting to review peanut research projects for possible funding in 2002. The minutes of the last meeting will be heard and approved. The board's financial statement will be reviewed. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Russell C. Schools at least five days before the meeting date so that suitable arrangements can be made.

Contact: Russell C. Schools, Program Director, Virginia Peanut Board, P O Box 356, Capron, VA 23829, telephone (434) 658-4573, FAX (434) 658-4531.

Virginia Plant Pollination Advisory Board

February 27, 2002 - 10 a.m. -- Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. ☎

An annual meeting. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Keith R. Tignor at least five days before the meeting date so that suitable arrangements can be made.

Contact: Keith R. Tignor, Board Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515, FAX (804) 371-7793.

Virginia Soybean Board

March 7, 2002 - 8 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. ☎

A meeting to discuss checkoff revenues resulting from sales of the 2001 soybean crop, approve previous meeting minutes, hear project reports for FY 2001-2002, and project proposals for FY 2002-2003. Funding decisions will be made for the fiscal year beginning July 1, 2002. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786.

Virginia Sweet Potato Board

† February 27, 2002 - 6 p.m. -- Open Meeting
Little Italy Restaurant, 10227 Rogers Drive, Nassawadox, Virginia. ☎

A meeting to the approve minutes of the last meeting and hear the presentation of the board's financial statement. The board will discuss and consider programs (promotion, research, and education), the annual budget, and other business that may be presented. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Butch Nottingham at least five days before the meeting date so that suitable arrangements can be made.

Contact: Butch Nottingham, Program Director, Virginia Sweet Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867, FAX (757) 787-5973.

STATE AIR POLLUTION CONTROL BOARD

† **February 27, 2002 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional
Office, 4949-A Cox Road, Glen Allen, Virginia. ☎

A meeting of the board.

Contact: Cindy Berndt, Regulatory Coordinator, State Air
Pollution Control Board, Department of Environmental Quality,
P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-
4378, FAX (804) 698-4346, e-mail cberndt@deq.state.va.us.

† **March 11, 2002 - 7 p.m.** -- Public Hearing
Axton Middle School, 1500 Axton Middle School Road,
Gymnasium, Axton, Virginia. ☎

A public hearing to receive comments on an air permit
application from Henry County Power, LLC, to construct a
1,100 megawatt electric power generating facility near
Axton, in Henry County, approximately 10 miles southeast
of Martinsville.

Contact: Dean Downs, State Air Pollution Control Board,
Department of Environmental Quality, 3019 Peters Creek Rd.,
Roanoke, VA 24019, telephone (540) 562-6768, e-mail
hddowns@deq.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD

March 29, 2002 - 10 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage
Road, Richmond, Virginia.

April 1, 2002 - Public comments may be submitted until this
date.

Notice is hereby given in accordance with § 2.2-4007 of the
Code of Virginia that the Alcoholic Beverage Control Board
intends to amend regulations entitled: **3 VAC 5-20.**
Advertising. The purpose of the proposed amendments is
to amend 3 VAC 5-20-10 to allow limited use of point of sale
advertising using professional athletes and athletic teams
by beer and wine retailers, and to amend 3 VAC 5-20-60 to
increase the maximum wholesale value of novelty and
specialty items bearing alcoholic beverage advertising
which may be given away by alcoholic beverage
manufacturers and wholesalers.

Statutory Authority: §§ 4.1-111 and 4.1-320 of the Code of
Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic
Beverage Control Board, 2901 Hermitage Rd., P.O. Box
27491, Richmond, VA 23261, telephone (804) 213-4440, FAX
(804) 213-4411 or (804) 213-4687/TTY ☎

March 29, 2002 - 10 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage
Road, Richmond, Virginia.

April 1, 2002 - Public comments may be submitted until this
date.

Notice is hereby given in accordance with § 2.2-4007 of the
Code of Virginia that the Alcoholic Beverage Control Board
intends to amend regulations entitled: **3 VAC 5-30. Tied-
House.** The purpose of the proposed amendments is to
allow alcoholic beverage manufacturers, bottlers, and
wholesalers to provide advertising materials to retail
licensees that have been customized for the individual
retailer, with some restrictions.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of
Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic
Beverage Control Board, 2901 Hermitage Rd., P.O. Box
27491, Richmond, VA 23261, telephone (804) 213-4440, FAX
(804) 213-4411 or (804) 213-4687/TTY ☎

March 29, 2002 - 10 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage
Road, Richmond, Virginia.

April 1, 2002 - Public comments may be submitted until this
date.

Notice is hereby given in accordance with § 2.2-4007 of the
Code of Virginia that the Alcoholic Beverage Control Board
intends to amend regulations entitled: **3 VAC 5-50. Retail
Operations.** The purpose of the proposed amendments is
to reduce the advance notice required of events to be
catered under a caterer's license from two days to 24 hours.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of
Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic
Beverage Control Board, 2901 Hermitage Rd., P.O. Box
27491, Richmond, VA 23261, telephone (804) 213-4440, FAX
(804) 213-4411 or (804) 213-4687/TTY ☎

March 29, 2002 - 10 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage
Road, Richmond, Virginia.

April 1, 2002 - Public comments may be submitted until this
date.

Notice is hereby given in accordance with § 2.2-4007 of the
Code of Virginia that the Alcoholic Beverage Control Board
intends to amend regulations entitled: **3 VAC 5-60.**
Manufacturers and Wholesalers Operations. The
purpose of the proposed amendments is to increase the
maximum wholesale value of novelty and specialty items
that may be given away by representatives of distilled
beverage manufacturers, and to allow such representatives
to provide routine business entertainment to mixed
beverage licensees.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of
Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic
Beverage Control Board, 2901 Hermitage Rd., P.O. Box

Calendar of Events

27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

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March 29, 2002 - 10 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

April 1, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-70. Retail Operations.** The purpose of the proposed amendments is to (i) permit the peddling of cider and the reporting of cider sales by wholesale wine licensees in the same manner as beer and (ii) require all special event licensees in charge of public events to report to the board the income and expenses associated with the event when the licensee engages another person to organize, conduct, or operate the event on behalf of the licensee.

Statutory Authority: §§ 4.1-103 and 4.1-111, and 4.1-213 of the Code of Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

February 27, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Certified Interior Designers Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

NOTE: CHANGE IN MEETING DATE

March 14, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the full board to conduct board business. Persons desiring to participate in the meeting and requiring

special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsa@dpor.state.va.us.

ART AND ARCHITECTURAL REVIEW BOARD

March 1, 2002 - 10 a.m. -- Open Meeting
April 5, 2002 - 10 a.m. -- Open Meeting
May 3, 2002 - 10 a.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies. AARB submittal forms and submittal instructions can be downloaded by visiting the DGS forms center at www.dgs.state.va.us. Request submittal form DGS-30-905 or submittal instructions form DGS-30-906.

Contact: Richard L. Ford, AIA, Chairman, Department of General Services, 1011 E. Main St., Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY ☎

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

March 19, 2002 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.state.va.us.

BOARD FOR BARBERS AND COSMETOLOGY

March 4, 2002 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A regular board meeting.

Contact: William H. Ferguson, II, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, e-mail barbercosmo@dpor.state.va.us.

March 4, 2002 - 1 p.m. -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A committee meeting to discuss the inspection program.

Contact: William H. Ferguson, II, Assistant Director,
Department of Professional and Occupational Regulation,
3600 W. Broad St., Richmond, VA 23230, telephone (804)
367-8590, FAX (804) 367-6295, e-mail
barbercosmo@dpor.state.va.us.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

Statewide Rehabilitation Council for the Blind

† March 2, 2002 - 10 a.m. -- Open Meeting

Administrative Headquarters, 397 Azalea Avenue, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)

A meeting to advise the Department for the Blind and Vision
Impaired on matters related to vocational rehabilitation
services for the blind and visually impaired citizens of the
Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program
Director, Department for the Blind and Vision Impaired, 397
Azalea Ave., Richmond, VA, telephone (804) 371-3111, FAX
(804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY
, e-mail taylorjg@dbvi.state.va.us.

CEMETERY BOARD

February 26, 2002 - 9:30 a.m. -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Department of
Professional and Occupational Regulation, 3600 W. Broad St.,
Richmond, VA 23230, telephone (804) 367-8552, FAX (804)
367-2475, e-mail oneal@dpor.state.va.us.

STATE CHILD FATALITY REVIEW TEAM

March 8, 2002 - 10 a.m. -- Open Meeting

Office of the Chief Medical Examiner, 400 East Jackson
Street, Richmond, Virginia. 

The business portion of the State Child Fatality Review
Team meeting, from 10 a.m. to 10:30 a.m., is open to the
public. At the conclusion of the open meeting, the team will
go into closed session for confidential case review.

Contact: Virginia Powell, Coordinator, State Child Fatality
Review Team, 400 East Jackson St., Richmond, VA 23219,
telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800)
447-1708, e-mail vpowell@vdh.state.va.us.

COMPENSATION BOARD

February 26, 2002 - 11 a.m. -- Open Meeting**† March 26, 2002 - 11 a.m.** -- Open Meeting

Compensation Board, 202 North 9th Street, 10th Floor,
Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy Waddell, Administrative Assistant,
Compensation Board, P.O. Box 710, Richmond, VA 23218,
telephone (804) 786-0786, FAX (804) 371-0235, e-mail
cwaddell@scb.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

Falls of the James Scenic River Advisory Board

March 7, 2002 - Noon -- Open Meeting**April 4, 2002 - Noon** -- Open Meeting

Richmond City Hall, 900 East Broad Street, Planning
Commission Conference Room, 5th Floor, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program
Manager, Department of Conservation and Recreation, 203
Governor St., Suite 326, Richmond, VA 23219, telephone
(804) 786-4132, FAX (804) 371-7899, e-mail
rgibbons@dcr.state.va.us.

Occoneechee State Park Technical Advisory Committee

† February 28, 2002 - 10:30 a.m. -- Open Meeting

Clarksville Community Center, 102 Willow Drive, Clarksville,
Virginia.  (Interpreter for the deaf provided upon request)

The committee will work on the development of the Park
Master Plan. Request for interpreter for the deaf should be
submitted two weeks prior to the meeting.

Contact: Richard G. Gibbons, Environmental Program
Manager, Department of Conservation and Recreation, 203
Governor St., Suite 326, Richmond, VA 23219, telephone
(804) 786-4132, FAX (804) 371-7899, e-mail
rgibbons@dcr.state.va.us.

BOARD FOR CONTRACTORS

† March 6, 2002 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regularly scheduled meeting to address policy and
procedural issues, review and render case decisions on
matured complaints against licensees, and other matters
that may require board action. The meeting is open to the
public; however, a portion of the board's business may be
discussed in closed meeting. The department fully complies
with the Americans with Disabilities Act. Persons desiring to

Calendar of Events

participate in the meeting and who require special accommodations or interpreter services should contact Eric L. Olson.

Contact: Eric L. Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail contractors@dpor.state.va.us.

BOARD OF CORRECTIONS

† **April 26, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Corrections intends to amend regulations entitled: **6 VAC 15-40. Minimum Standards for Jails and Lockups**. The purpose of the proposed amendments is to reorganize and clarify the current standards to be more consistent with the actual practice in jails and lockups, and to eliminate duplicative provisions.

Statutory Authority: §§ 53.1-5, 53.1-68 and 53.1-131 of the Code of Virginia.

Contact: Donna Lawrence, Supervisor, Compliance and Accreditation Unit, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3237 or FAX (804) 674-3587.

CRIMINAL JUSTICE SERVICES BOARD

† **March 7, 2002 - 10 a.m.** -- Open Meeting
Virginia State Police Academy, 7700 Midlothian Turnpike, Room 335, Richmond, Virginia.

A regular meeting of the Private Security Services Advisory Board.

Contact: Judith Kirkendall, Regulatory Coordinator, Criminal Justice Services Board, 8th Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

March 21, 2002 - 11 a.m. -- Open Meeting
April 18, 2002 - 11 a.m. -- Open Meeting
† **May 16, 2002 - 11 a.m.** -- Open Meeting
Virginia War Memorial, 601 South Belvidere Street, Auditorium, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities to use design-build or construction management-type contracts. Contact the Division of Engineering and Buildings to confirm the meeting. Board rules and regulations can be obtained online at www.dgs.state.va.us under the DGS Forms, Form DGS-30-904.

Contact: Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY ☎, e-mail fadcock@dgs.state.va.us.

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

† **March 5, 2002 - 11 a.m.** -- Open Meeting
Department of Economic Development Partnership, Riverfront Plaza, 901 East Byrd Street, West Tower, 19th Floor, Richmond, Virginia. ♿

A meeting of the Board of Directors.

Contact: Kimberly M. Ellett, Administrative Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218-0798, telephone (804) 371-8108, FAX (804) 371-8112.

BOARD OF EDUCATION

NOTE: CHANGE IN DATE AND LOCATION

March 5, 2002 - 9 a.m. -- Open Meeting
Pocahontas Building, 900 East Main Street, Richmond, Virginia.

March 18, 2002 - 9:30 a.m. -- Open Meeting
Old Dominion University, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

April 15, 2002 - 9:30 a.m. -- Open Meeting
Richmond area; location to be announced. ♿ (Interpreter for the deaf provided upon request)

A work session of the Advisory Board for Teacher Education and Licensure. No public comment will be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P. O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

March 27, 2002 - 9 a.m. -- Open Meeting

April 24, 2002 - 9 a.m. -- Open Meeting
Richmond area; location to be announced.

† **May 23, 2002 - 9 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting. Public comment will be received. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219,

telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

April 25, 2002 - 9 a.m. -- Open Meeting

April 26, 2002 - 9 a.m. -- Open Meeting

Location to be announced.  (Interpreter for the deaf provided upon request)

This is a working session and public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

DEPARTMENT OF ENVIRONMENTAL QUALITY

February 26, 2002 - 7 p.m. -- Open Meeting

Floyd County High School, 721 Baker Street, Floyd, Virginia. 

The second public meeting on the development of a fecal coliform TMDL for a 2.62-mile segment of Dodd Creek in Floyd County.

Contact: Jay Roberts, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6785, e-mail jaroberts@deq.state.va.us.

February 28, 2002 - 7 p.m. -- Open Meeting

Fort Defiance High School, 195 Fort Defiance Road, Rooms B1 and B2, Fort Defiance, Virginia. 

The third public meeting on the development of a fecal coliform bacteria TMDL for Naked Creek in Augusta County.

Contact: Sandra Mueller, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 24437, telephone (540) 574-7848, e-mail stmuller@deq.state.va.us.

† March 5, 2002 - 7 p.m. -- Public Hearing

Victoria Public Library, 1417 7th Street, Victoria, Virginia. 

A public hearing to receive comments on a draft permit amendment to incorporate a groundwater monitoring plan into the Weaver Industrial Landfill permit.

Contact: Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271, e-mail lwsyverson@deq.state.va.us.

† March 7, 2002 - 7 p.m. -- Open Meeting

Bristol Utilities Board, 300 Lee Street, Auditorium, Bristol, Virginia. 

A public meeting on the development of a fecal coliform bacteria TMDL for a 5.52 mile segment of Little Creek located in Bristol and Washington County extending from the Tennessee State Line upstream to its headwaters.

Contact: Nancy T. Norton, Department of Environmental Quality, 355 Deadmore St., Abingdon, VA 24212, telephone (540) 676-4807, e-mail ntnorton@deq.state.va.us.

† March 7, 2002 - 7 p.m. -- Open Meeting

Cumberland County Elementary School, 190 School Drive, Cumberland, Virginia. 

The final public meeting on the development of the fecal coliform TMDL for a 14.3 mile segment of the Willis River located in Buckingham and Cumberland Counties.

Contact: April Grippo, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, e-mail adgrippo@deq.state.va.us.

† March 18, 2002 - 7 p.m. -- Open Meeting

Trinity Ecumenical Parish, 40 Lakemount Drive (off Route 122 near Hales Ford Bridge in Franklin County), Fellowship Hall, Moneta, Virginia. 

The final public meeting on the development of a fecal coliform TMDL for a 27.97 mile segment of Gills Creek in Franklin County.

Contact: Jay Roberts, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6785, e-mail jaroberts@deq.state.va.us.

March 19, 2002 - 9 a.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regular meeting of the Ground Water Protection Steering Committee. Meeting minutes and agenda are available from the contact person listed below.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, e-mail mamassie@deq.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

March 5, 2002 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A general business meeting, including the adoption of proposed amendments to regulations. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

DEPARTMENT OF GAME AND INLAND FISHERIES

March 4, 2002 - 7 p.m. -- Public Hearing

Smyth-Bland Regional Library, Copenhagen Meeting Room, 118 South Sheffey Street, Marion, Virginia.  (Interpreter for the deaf provided upon request)

March 5, 2002 - 7 p.m. -- Public Hearing

Forest Public Library, 15583 Forest Road, Forest, Virginia. Verona Regional Office, 4725 Lee Highway, Verona, Virginia.  (Interpreter for the deaf provided upon request)

Calendar of Events

March 6, 2002 - 7 p.m. -- Public Hearing
Deep Creek Middle School, 1955 Deal Drive, Room 804, Chesapeake, Virginia. (Interpreter for the deaf provided upon request)

Nandua High School, 26350 Lankford Highway, Home Economics Department Classroom, Onley, Virginia (Interpreter for the deaf provided upon request)

March 7, 2002 - 7 p.m. -- Public Hearing
Central Rappahannock Regional Library, Porter Branch, 2001 Parkway Boulevard, Room A, Stafford, Virginia. (Interpreter for the deaf provided upon request)

March 7, 2002 - 7 p.m. - Public Hearing
Sandy Bottom Nature Park, Visitor Center, 1255 Big Bethel Road, Hampton, Virginia. (Interpreter for the deaf provided upon request)

March 11, 2002 - 7 p.m. -- Public Hearing
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Public forums to receive comments from the public on agency programs, regulations, and management of Virginia's wildlife diversity, or wildlife management other than in the context of hunting, fishing, and trapping. All interested citizens are invited to attend. The comments and suggestions received will be considered by staff as they refine current programs and regulations and develop new ones.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail RegComments@dgif.state.va.us.

STATE BOARD OF HEALTH

March 3, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider adopting regulations entitled: **12 VAC 5-508. Regulations Governing the Virginia Physician Loan Repayment Program.** The purpose of the proposed regulations is to set forth the criteria for eligibility in the Physician Loan Repayment Program for primary care physicians and psychiatrists, the terms and conditions applicable to each loan recipient, and penalties for a recipient's failure to fulfill requirements.

Statutory Authority: § 32.1-122.6:1 of the Code of Virginia.

Contact: Norma Marrin, Business Manager, Office of Health Planning, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-4891 or FAX (804) 371-0116.

† **March 12, 2002 - 9 a.m.** -- Open Meeting
Virginia Highlands Community College Campus, Southwest Virginia Higher Education Center, Abingdon, Virginia.

† **March 13, 2002 - 9 a.m.** -- Open Meeting

Virginia Military Institute, Preston Library, Turman Room, Lexington, Virginia.

† **March 14, 2002 - 9 a.m.** -- Open Meeting
Town of Culpeper, Board of Supervisor's Room, 302 North Main Street, Culpeper, Virginia.

† **March 15, 2002 - 9 a.m.** -- Open Meeting
Town of Windsor's Municipal Building Counsel Chamber, 8 East Windsor Boulevard, Windsor, Virginia.

† **March 18, 2002 - 9 a.m.** -- Open Meeting
John Tyler Community College, 13101 Jefferson Davis Highway, Bird Hall, Room B116, Chester, Virginia.

Informational meetings. Attendance is on a first come basis and is limited to 50 people at each location. Material will focus on drinking water construction funding available through VDH. The Drinking Water State Revolving Fund (DWSRF) Program and the Water Supply Assistance Fund (WSAGF) Program will be discussed. Specific suggestions and opinions will be requested of individuals. Program criteria, program applications, and the project scheduling steps needed for smooth project implementation will be discussed. Any person who plans to attend a meeting should advise the contact person listed below by March 6, 2002, so the meeting can be properly planned.

Contact: Thomas B. Gray, P.E., Department of Health, 1500 E. Main St., Richmond, VA 23219.

DEPARTMENT OF HISTORIC RESOURCES

† **March 13, 2002 - 10 a.m.** -- Open Meeting
Virginia Historical Society, 428 North Boulevard, Auditorium, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting of the State Review Board and Historic Resources Board to consider nominations to the National Register of Historic Places and the Virginia Landmarks Register. Register preliminary applications, highway markers and easements will also be considered.

Contact: Marc C. Wagner, Register Section, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY ☎, e-mail mwagner@dhr.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

March 5, 2002 - 9 a.m. -- Open Meeting
Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia. (Interpreter for the deaf provided upon request)

A Local Emergency Preparedness committee meeting as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, Hopewell Industrial Safety Council, 300 N. Main St., Hopewell, VA telephone (804) 541-2298.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

February 27, 2002 - 9 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to review and, if appropriate, (i) approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the Operations Committee, the Policy Committee, and the Committee of the Whole, may also meet during the day preceding the regular meeting and before and after the regular meeting and may consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† **February 28, 2002 - 9:30 a.m.** -- Open Meeting
Department of Labor and Industry, Powers-Taylor Building, 13 South Thirteenth Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general meeting of the council subcommittee. This meeting was rescheduled from February 14, 2002.

Contact: Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.state.va.us.

† **March 21, 2002 - 10 a.m.** -- Open Meeting
Confederate Hills Recreation Building, 302 Lee Avenue, Highland Springs, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the council.

Contact: Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.state.va.us.

THE LIBRARY OF VIRGINIA

March 18, 2002 - 7:30 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

Meetings of the board to discuss matters pertaining to the Library of Virginia and the board. Committees of the board will meet as follows:

7:30 a.m. - Executive Committee, Conference Room B.

8:15 a.m. - Public Library Development Committee, Orientation Room;
Publications and Educational Services Committee, Conference Room B;
Records Management Committee, Conference Room C.

9:30 a.m. - Archival and Information Services Committee, Orientation Room;
Collection Management Services Committee, Conference Room B;
Legislative and Finance Committee, Conference Room C.

10:30 a.m. - Library Board, Conference Room 2M.

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.

LONGWOOD COLLEGE

† **March 22, 2002 - 9 a.m.** -- Open Meeting
Longwood College, 201 High Street, Lancaster 215, Stallard Board Room, Farmville, Virginia. 

A meeting to conduct routine business of the following committees:

Institutional Advancement Committee - 9 a.m.

Administration, Finance and Facilities Committee - 10:15 a.m.

Academic and Student Affairs Committee - 1:30 p.m.

Audit Committee - 4 p.m.

Contact: Jeanne Hayden, Administrative Staff Assistant, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004, e-mail jhayden@longwood.lwc.edu.

† **March 23, 2001 - 9 a.m.** -- Open Meeting
Longwood College, 201 High Street, Lancaster 215, Stallard Board Room, Farmville, Virginia. 

A meeting to conduct routine business of the Board of Visitors.

Contact: Jeanne Hayden, Administrative Staff Assistant, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004, e-mail jhayden@longwood.lwc.edu.

VIRGINIA MANUFACTURED HOUSING BOARD

† **March 21, 2002 - 10 a.m.** -- Open Meeting
The Jackson Center, 501 North Second Street, Board Room, 1st Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Calendar of Events

A regular meeting to address complaints or claims against licensees, make case decisions to enforce the licensing regulations, and carry out other administrative and enforcement functions of the manufactured housing licensing laws and regulations.

Contact: Curtis L. McIver, State Building Code Administrator, Department of Housing and Community Development, State Building Code Administrative Office, The Jackson Center, 501 N. Second St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY ☎, e-mail cmciver@dhcd.state.va.us.

MARINE RESOURCES COMMISSION

February 26, 2002 - 9:30 a.m. -- Open Meeting

March 26, 2002 - 9:30 a.m. -- Open Meeting

Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. ♿

A monthly meeting.

Contact: Stephanie Montgomery, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., Newport News, VA 23607, telephone (757) 247-8088, FAX (757) 247-2020, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail smont@mrc.state.va.us.

BOARD OF MEDICAL ASSISTANCE SERVICES

April 9, 2002 - 10 a.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Board Room, Suite 1300, Richmond, Virginia. ♿

A routine business meeting. An agenda will be posted prior to the meeting date.

Contact: Leah Hamaker, Communications Office, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4626, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail lhamaker@dmas.state.va.us.

* * * * *

April 12, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-90. Methods and Standards for Establishing Payment Rates for Long-Term Care (Nursing Home Payment System)**. The proposed regulation replaces the current Patient Intensity Rating System (PIRS) method of classifying nursing facility residents with the Resource Utilization Groups-III (RUGs) methodology, as directed by the 2000 General Assembly (Chapter 1073 of the 2000 Acts of Assembly, Item 319 MM). The proposed regulation also reclassifies nursing staff costs for quality assurance services as direct patient care costs rather than indirect costs and establishes a new method for calculating inflation in the nursing home payment system.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until April 12, 2002, to Stan Fields, Division of Cost Settlement and Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

BOARD OF MEDICINE

† **April 5, 2002 - 8 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A meeting of the Executive Committee will be held in open and closed session to review disciplinary files requiring administrative action, adopt amendments and approve promulgation of regulations as presented, interview applicants and act on other issues that may come before the board. Public comment will be received for 15 minutes following adoption of the agenda.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

Informal Conference Committee

March 14, 2002 - 9 a.m. -- Open Meeting

† **April 11, 2002 - 9 a.m.** -- Open Meeting

Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. ♿

February 27, 2002 - 9:45 a.m. -- Open Meeting

March 27, 2002 - 9:45 a.m. -- Open Meeting

Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

March 6, 2002 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixon, Staff, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail Peggy.Sadler@dhp.state.va.us.

† **May 8, 2002 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A meeting of the Advisory Committee on Acupuncture to consider regulatory issues as presented on the agenda.

Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **May 8, 2002 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ♿

A meeting of the Advisory Board on Radiologic Technology to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **May 9, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ♿

A meeting of the Advisory Board on Occupational Therapy to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **May 9, 2002 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ♿

A meeting of the Advisory Board on Respiratory Care to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **May 10, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ♿

A meeting of the Advisory Board on Athletic Training to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908,

FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **May 10, 2002 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ♿

A meeting of the Advisory Board on Physicians Assistants to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

MOTOR VEHICLE DEALER BOARD

† **March 11, 2002 - 8:30 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia ♿ (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Dealer Practices Committee - 8:30 a.m.
Franchise Law Committee - Five minutes after Dealer Practices Committee
Licensing Committee - 9:30 a.m. or five minutes after Franchise Law
Advertising Committee - 10 a.m. or five minutes after Licensing Committee
Personnel Committee - Five minutes after Advertising Committee
Finance Committee - 10:30 a.m. or five to 45 minutes after Personnel Committee
Transaction Recovery Fund Committee - 11 a.m. or five to 45 minutes after Finance

The full board will meet at 1 p.m. or five to 45 minutes after the Transaction Recovery Fund Committee. Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

NOTE: CHANGE IN MEETING TIME
† **February 28, 2002 - 10:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor, Conference Room, Richmond, Virginia ♿

A quarterly meeting of the Museum Expansion Committee. Public comment will not be received.

Calendar of Events

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

March 18, 2002 - 9 a.m. -- Open Meeting
March 20, 2002 - 9 a.m. -- Open Meeting
March 21, 2002 - 8:30 a.m. -- Open Meeting
† **May 20, 2002 - 9 a.m.** -- open Meeting
† **May 22, 2002 - 9 a.m.** -- Open Meeting
† **May 23, 2002 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.📍

A panel of the board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

Special Conference Committee

February 26, 2002 - 8:30 a.m. -- Open Meeting
† **April 4, 2002 - 8:30 a.m.** -- Open Meeting
† **April 10, 2002 - 8:30 a.m.** -- Open Meeting
† **April 15, 2002 - 8:30 a.m.** -- Open Meeting
† **April 18, 2002 - 8:30 a.m.** -- Open Meeting
† **April 23, 2002 - 8:30 a.m.** -- Open Meeting
† **April 30, 2002 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 3 and 4, Richmond, Virginia.📍

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

BOARD OF NURSING HOME ADMINISTRATORS

† **March 6, 2002 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.📍

A meeting of the Legislative/Regulatory Committee to consider issues related to the regulation of nursing home administrators, including a proposal to increase licensing fees. Public comment will be received at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804)

662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra_reen@dhp.state.va.us.

VIRGINIA OUTDOORS FOUNDATION

† **February 26, 2002 - 10 a.m.** -- Open Meeting
Woodstock Town Hall, Council Chamber, Woodstock, Virginia.📍

A meeting of the Open Space Lands Preservation Trust Fund Region I Advisory Board to review funding applications.

Contact: Faye Cooper, Conservation Easement Specialist, Virginia Outdoors Foundation, 11 E. Beverley St., Staunton, VA 24401, telephone (540) 886-2460, FAX (540) 886-2464, e-mail vofsherryb@aol.com.

† **February 26, 2002 - 1:30 p.m.** -- Open Meeting
Wytheville Community College, Bland Hall, President's Conference Room, Wytheville, Virginia.

A meeting of the Open Space Lands Preservation Trust Fund Regional Advisory Board Region 4 to discuss any proposals and make recommendations for funding of the Open Space Lands Preservation Trust.

Contact: Tamara Vance, Executive Director, Virginia Outdoors Foundation, Blacksburg, VA 24060, telephone (540) 951-2822.

† **March 25, 2002 - 4 p.m.** -- Public Hearing
Richmond Regional PDC, 2104 West Laburnum Avenue, Richmond, Virginia.📍

A public hearing to discuss grant proposal submitted for Transportation Enhancement Grant to purchase conservation easements along historic Route 5 (a designated Virginia Scenic Byway).

Contact: Leslie D Trew, Conservation Easement Specialist, Virginia Outdoors Foundation, 203 Governors St, Richmond, VA 23219, telephone (804) 225-2147, FAX (804) 371-4810, e-mail ldrew@virginiaoutdoorsfoundation.org.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

March 6, 2002 - 9 a.m. -- Open Meeting
Holiday Inn Select - Koger South Conference Center, 1021 Koger Center Boulevard, Richmond, Virginia.📍 (Interpreter for the deaf provided upon request)

A regular quarterly board meeting.

Contact: Glendora Reed, Administrative Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY ☎, e-mail reedgr@vbpd.state.va.us.

BOARD OF PHARMACY

February 27, 2002 - 9 a.m. -- Open Meeting
† **March 12, 2002 - 9 a.m.** -- Open Meeting
† **March 20, 2002 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Special Conference Committee to discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

POLYGRAPH EXAMINERS ADVISORY BOARD

March 20, 2002 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail polygraph@dpor.state.va.us.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

February 25, 2002 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Judith A. Spiller, Executive Secretary, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY , e-mail spiller@dpor.state.va.us.

REAL ESTATE BOARD

March 27, 2002 - 4 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Education Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

March 28, 2002 - 8 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Fair Housing Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

March 28, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting of the full board.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

VIRGINIA RESOURCES AUTHORITY

March 12, 2002 - 9 a.m. -- Open Meeting

April 9, 2002 - 9 a.m. -- Open Meeting
Virginia Resources Authority, 707 East Main Street, 2nd Floor Conference Room, Richmond, Virginia.

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Bonnie McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bhoyle@vra.state.va.us.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

February 27, 2002 - 10 a.m. -- Open Meeting
Henrico County Health Department, 8600 Dixon Power Drive, Richmond, Virginia. 

A meeting to hear appeals of health department denials of septic tank permits.

Contact: Susan C. Sherertz, Appeal Board Secretary, Department of Health, 1500 E. Main St., Room 115, Richmond, VA 23219, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us.

Calendar of Events

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **February 26, 2002 - 10 a.m.** -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor, Richmond, Virginia. 

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. Time is subject to change depending upon the agenda of the board.

Contact: Scott E. Parsons, Executive Director, Virginia Small Business Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, e-mail sparsons@dba.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

March 20, 2002 - 10 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Richmond, Virginia. 

April 20, 2002 - 1 p.m. -- Open Meeting
NOTE: CHANGE IN MEETING LOCATION
Virginia Beach Law Enforcement Training Academy, 411 Integrity Way, Virginia Beach, Virginia. 

A strategic planning session of the Family and Children's Trust Fund Board of Trustees.

Contact: Nan McKenney, Executive Director, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.

† **March 20, 2002 - 7 p.m.** -- Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. 

A public hearing of the Secretary's Child Support Guideline Review Panel. Speakers will be asked to register at the door and will be limited to five minutes per speaker. A copy of the verbal comments to be presented is requested.

Contact: Bill Brownfield, Staff Director, Department of Social Services, 730 E. Broad St., 4th Floor, Richmond, VA 23219-1849, telephone (804) 692-2401, FAX (804) 692-2410, (800) 828-1120/TTY .

† **March 21, 2002 - 9 a.m.** -- Open Meeting
Department of Social Services, 730 E. Broad Street, LL 1 and 2 Richmond, Virginia 23219 

The Secretary's Child Support Guideline Review Panel will convene for its second meeting. While there is no planned public participation in the meeting, the meeting is open to the public. The members of the panel will use comments received from the public the previous evening to assist them in establishing their future agenda and their approach to conducting their review.

Contact: Bill Brownfield, Staff Director, Department of Social Services, 730 E. Broad St., 4th Floor, Richmond, VA 23219-1849, telephone (804) 692-2401, FAX (804) 692-2410, (800) 828-1120/TTY .

April 19, 2002 - 1 p.m. -- Open Meeting
Virginia Beach Law Enforcement Training Academy, 411 Integrity Way, Virginia Beach, Virginia. 

A regular meeting of the Family and Children's Trust Fund Board of Trustees.

Contact: Nan McKenney, Executive Director, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.

COUNCIL ON TECHNOLOGY SERVICES

† **March 14, 2002 - 9:30 a.m.** -- Open Meeting
Virginia Department of Transportation Auditorium, 1221 East Broad Street, Richmond, Virginia. 

A regular meeting. The agenda shall be posted to the COTS website (<http://www.cots.state.va.us>). Agenda items may include leading priorities and issues for technology in the Commonwealth, discussion and adoption of the COTS bylaws and workgroup charters, and a presentation by Steve Kolodney of AMS (former CIO of Washington state).

Contact: Jenny Wootton, Executive Director, Council on Technology Services, Office of the Secretary of Technology, 202 N. 9th St., Suite 506, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jwootton@gov.state.va.us.

DEPARTMENT OF TECHNOLOGY PLANNING

March 14, 2002 - 1:30 p.m. -- Open Meeting
Department of Information Technology, 110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia. 

A regular business meeting of the Enterprise Architecture Workgroup.

Contact: Paul Lubic, IT Manager, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 371-0004, e-mail plubic@ntp.state.va.us.

VIRGINIA TOBACCO SETTLEMENT FOUNDATION

March 12, 2002 - 1:30 p.m. -- Open Meeting
The Siegel Center, 1200 West Broad Street, Richmond, Virginia.

A meeting to discuss the personnel policy manual and a marketing update.

Contact: Eloise Burke, Administrative Specialist, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., Suite 501, telephone (804) 786-2523, FAX (804) 225-2272, e-mail eburke@tsf.state.va.us.

STATE WATER CONTROL BOARD

† **March 5, 2002 - 7 p.m.** -- Public Hearing
Carysbrook Performing Arts Center, Route 15 between Palmyra and Fork Union, Fluvanna, Virginia. 

A public hearing to receive comments on the proposed issuance of a VPDES permit to Tenaska Virginia Partners, L.P., for a proposed industrial discharge resulting from the permittee's operation of a proposed electrical generating station. Comment period closes on March 20, 2002.

Contact: Larry Hough, State Water Control Board, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7816, e-mail lhough@deq.state.va.us.

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March 15, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **9 VAC 25-194. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Car Wash Facilities.** The purpose of the proposed action is to reissue the existing general permit which expires on October 15, 2002. This general permit regulation governs the discharge of wastewater from car wash facilities to surface waters.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Contact: George Cosby, Environmental Engineer, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4067 or FAX (804) 698-4032.

† **March 28, 2002 - 9 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular meeting of the board. Agenda to be posted approximately 10 days before meeting.

Contact: Cindy Berndt, Regulatory Coordinator, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmb Berndt@deq.state.va.us.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

March 21, 2002 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, Virginia 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.state.va.us.

VIRGINIA WORKFORCE COUNCIL

March 20, 2002 - 10 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Items on the agenda are work keys, DOL regional roundtables, Workforce Training Access Program and Fund, revised incentive policy, and Economic Crisis Strike Force. Public comment will be received at 11 a.m. Five minutes per person and a written copy of comments is requested. Public parking is available at the Virginia War Memorial.

Contact: Gail Robinson, Virginia Workforce Council Liaison, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-3070, FAX (804) 225-2190, (800) 828-1120/TTY , e-mail grobinson@vec.state.va.us.

INDEPENDENT

STATE LOTTERY BOARD

† **February 27, 2002 - 9:30 a.m.** -- Open Meeting
State Lottery Department, 900 East Main Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board. A period for public comment will be available at the beginning of the meeting.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Board, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, e-mail brobertson@valottery.state.va.us.

VIRGINIA RETIREMENT SYSTEM

† **March 13, 2002 - Noon** -- Open Meeting
† **May 14, 2002 - Noon** -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Optional Retirement Plan Advisory Committee of the VRS Board of Trustees.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dglazier@vrs.state.va.us.

† **March 14, 2002 - 9 a.m.** -- Open Meeting
† **May 16, 2002 - 9 a.m.** -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Board of Trustees.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dkestner@vrs.state.va.us.

Calendar of Events

† **May 15, 2002 - Noon** -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ☎

A regular meeting of the Audit and Compliance Committee.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

† **May 15, 2002 - 1 p.m.** -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ☎

A special meeting of Benefits and Actuarial Committee.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dglazier@vrs.state.va.us.

† **May 15, 2002 - 2:30 p.m.** -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ☎

The regular meeting of the Administration and Personnel Committee.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

LEGISLATIVE

Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in *The Virginia Register of Regulations*. You may call Legislative Information for information on standing committee meetings. The number is (804) 698-1500.

CHRONOLOGICAL LIST

OPEN MEETINGS

February 25
Professional and Occupational Regulation, Board for

February 26
Cemetery Board
Compensation Board
Environmental Quality, Department of
Marine Resources Commission
Nursing, Board of
- Special Conference Committee
† Outdoors Foundation, Virginia
- Open Space Lands Preservation Trust Fund - Region 1
- Open Space Lands Preservation Trust Fund - Region 4
† Small Business Financing Authority, Virginia

February 27

† Agriculture and Consumer Services, Department of
- Virginia Plant Pollination Advisory Board
- Virginia Sweet Potato Board
† Air Pollution Control Board, State
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Certified Interior Designers Section
Housing Development Authority, Virginia
- Board of Commissioners
† Lottery Board, State
Medicine, Board of
- Informal Conference Committee
Pharmacy, Board of
- Special Conference Committee
Sewage Handling and Disposal Appeals Review Board

February 28

† Conservation and Recreation, Department of
- Occaneechee State Park Technical Advisory Committee
Environmental Quality, Department of
† Labor and Industry, Department of
- Virginia Apprenticeship Council
Museum of Fine Arts, Virginia
- Museum Expansion Committee

March 1

Art and Architectural Review Board

March 2

† Blind and Vision Impaired, Department for the
- Statewide Rehabilitation Council for the Blind

March 4

Barbers and Cosmetology, Board for

March 5

† Economic Development Partnership, Virginia
- Board of Directors
Education, Board of
Funeral Directors and Embalmers, Board of
Hopewell Industrial Safety Council

March 6

† Contractors, Board for
Medicine, Board of
- Informal Conference Committee
† Nursing Home Administrators, Board of
- Legislative/Regulatory Committee
People with Disabilities, Virginia Board for

March 7

Agriculture and Consumer Services, Department of
- Virginia Soybean Board
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Criminal Justice Services Board
- Private Security Services Advisory Board
† Environmental Quality, Department of

March 8

Agriculture and Consumer Services, Department of
- Virginia Cotton Board
Child Fatality Review Team, State

March 11

† Motor Vehicle Dealer Board
- Advertising Committee
- Dealer Practices Committee
- Finance Committee

- Franchise Law Committee
- Licensing Committee
- Transaction Recovery Fund Committee

March 12

- † Health, State Board of
- † Pharmacy, Board of
 - Special Conference Committee
- Resources Authority, Virginia
 - Board of Directors
- Tobacco Settlement Foundation, Virginia
 - Board of Trustees

March 13

- † Health, State Board of
- † Historic Resources, Department of
 - State Review Board and Historic Resources Board
- † Retirement System, Virginia
 - Optional Retirement Plan Advisory Committee

March 14

- Agriculture and Consumer Services, Board of
- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
- † Health, State Board of Medicine, Board of
 - Informal Conference Committee
- † Retirement System, Virginia
 - Board of Trustees
- † Technology Planning, Department of
 - Enterprise Architecture Workgroup
- † Technology Services, Council on

March 15

- † Health, State Board of

March 18

- Education, Board of
 - Advisory Board for Teacher Education and Licensure
- † Environmental Quality, Department of
- † Health, State Board of Library of Virginia
 - Archival and Information Services Committee
 - Collection Management Services Committee
 - Executive Committee
 - Legislative and Finance Committee
 - Publications and Educational Services Committee
 - Public Library Development Committee
 - Records Management Committee

Nursing, Board of

March 19

- † Accountancy, Board of
 - Enforcement Committee
- Agriculture and Consumer Services, Department of
 - Virginia Peanut Board
- Asbestos, Lead, and Home Inspectors, Virginia Board for
- Environmental Quality, Department of
 - Ground Water Protection Steering Committee

March 20

- Nursing, Board of
- † Pharmacy, Board of
 - Special Conference Committee
- Polygraph Examiners Advisory Board
- † Social Services, State Board of
 - Secretary's Child Support Guideline Review Panel
 - Family and Children's Trust Fund Board of Trustees

- † Virginia Workforce Council

March 21

- Design-Build/Construction Management Review Board
- † Labor and Industry, Department of
 - Virginia Apprenticeship Council
- † Manufactured Housing Board, Virginia
- Nursing, Board of
- † Social Services, State Board of
 - Secretary's Child Support Guideline Review Panel
- Waterworks and Wastewater Works Operators, Virginia for Board

March 22

- † Longwood College
 - Academic and Student Affairs Committee
 - Administrative, Finance and Facilities Committee
 - Audit Committee
 - Institutional Advancement Committee

March 23

- † Longwood College

March 26

- † Compensation Board
- Marine Resources Commission

March 27

- Education, Board of
- Medicine, Board of
 - Informal Conference Committee
- Real Estate Board
 - Real Estate Education Committee

March 28

- Real Estate Board
 - Fair Housing Committee
- † Water Control Board, State

April 4

- Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
- † Nursing, Board of
 - Special Conference Committee

April 5

- Art and Architectural Review Board
- † Medicine, Board of
 - Executive Committee

April 9

- Medical Assistance Services, Board of
- Resources Authority, Virginia
 - Board of Directors

April 10

- † Nursing, Board of
 - Special Conference Committee

April 11

- † Medicine, Board of
 - Informal Conference Committee

April 15

- Board of Education
 - Advisory Board for Teacher Education and Licensure
- † Nursing, Board of
 - Special Conference Committee

April 18

- Design-Build/Construction Management Review Board
- † Nursing, Board of
 - Special Conference Committee

April 19

- Social Services, State Board of

Calendar of Events

- Family and Children's Trust Fund Board of Trustees

April 20

Social Services, State Board of
- Family and Children's Trust Fund

April 23

† Nursing, Board of
- Special Conference Committee

April 24

Education, Board of

April 25

Education, Board of

April 26

Education, Board of

April 30

† Nursing, Board of
- Special Conference Committee

May 3

Art and Architectural Review Board

May 8

† Medicine, Board of
- Advisory Committee on Acupuncture
- Advisory Board on Radiologic Technology

May 9

† Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care

May 10

† Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physician Assistants

May 14

† Retirement System, Virginia
- Administration and Personnel Committee
- Optional Retirement Plan Advisory Committee

May 15

† Retirement System, Virginia
- Administration and Personnel Committee
- Audit and Compliance Committee
- Benefits and Actuarial Committee

May 16

† Design-Build/Construction Management Review Board
† Retirement System, Virginia

May 20

† Nursing, Board of

May 22

† Nursing, Board of

May 23

† Education, Board of
† Nursing, Board of

Game and Inland Fisheries, Department of

March 11

† Air Pollution Control Board, State
Game and Inland Fisheries, Department of

March 14

Agriculture and Consumer Services, Department of

March 25

† Outdoors Foundation, Virginia

March 29

Alcoholic Beverage Control Board

PUBLIC HEARINGS

March 4

Game and Inland Fisheries, Department of

March 5

† Environmental Quality, Department of
Game and Inland Fisheries, Department of
† Water Control Board, State

March 6

Game and Inland Fisheries, Department of

March 7