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REGISTER OF REGULATIONS

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Virginia Code Commission

<http://register.dls.virginia.gov>

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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

Unless exempted by law, an agency wishing to adopt, amend, or repeal regulations must follow the procedures in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Typically, this includes first publishing in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposed regulation in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety, and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar of Regulations no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*.

If the Governor finds that the final regulation contains changes made after publication of the proposed regulation that have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*. Pursuant to § 2.2-4007.06 of the Code of Virginia, any person may request that the agency solicit additional public comment on certain changes made after publication of the proposed regulation. The agency shall suspend the regulatory process for 30 days upon such request from 25 or more individuals, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his

authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

A regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an alternative to the standard process set forth in the Administrative Process Act for regulations deemed by the Governor to be noncontroversial. To use this process, the Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations become effective on the date noted in the regulatory action if fewer than 10 persons object to using the process in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency may adopt emergency regulations if necessitated by an emergency situation or when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or fewer from its enactment. In either situation, approval of the Governor is required. The emergency regulation is effective upon its filing with the Registrar of Regulations, unless a later date is specified per § 2.2-4012 of the Code of Virginia. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under the circumstances noted in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Virginia Register* and are on the Register of Regulations website at register.dls.virginia.gov.

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **34:8 VA.R. 763-832 December 11, 2017**, refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **Ward L. Armstrong; Katrina E. Callsen; Nicole Cheuk; Richard E. Gardiner; Ryan T. McDougle; Christopher R. Nolen; Steven Popps; Charles S. Sharp; Marcus B. Simon; Malfourd W. Trumbo; Amigo R. Wade.**

Staff of the Virginia Register: **Holly Trice**, Registrar of Regulations; **Anne Bloomsburg**, Assistant Registrar; **Nikki Clemons**, Managing Editor; **Erin Comerford**, Regulations Analyst

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the Virginia Register of Regulations website (<http://register.dls.virginia.gov>).

May 2024 through June 2025

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
40:20	May 1, 2024	May 20, 2024
40:21	May 15, 2024	June 3, 2024
40:22	May 29, 2024	June 17, 2024
40:23	June 12, 2024	July 1, 2024
40:24	June 26, 2024	July 15, 2024
40:25	July 10, 2024	July 29, 2024
40:26	July 24, 2024	August 12, 2024
41:1	August 7, 2024	August 26, 2024
41:2	August 21, 2024	September 9, 2024
41:3	September 4, 2024	September 23, 2024
41:4	September 18, 2024	October 7, 2024
41:5	October 2, 2024	October 21, 2024
41:6	October 16, 2024	November 4, 2024
41:7	October 30, 2024	November 18, 2024
41:8	November 13, 2024	December 2, 2024
41:9	November 26, 2024 (Tuesday)	December 16, 2024
41:10	December 11, 2024	December 30, 2024
41:11	December 23, 2024 (Monday)	January 13, 2025
41:12	January 8, 2025	January 27, 2025
41:13	January 22, 2025	February 10, 2025
41:14	February 5, 2025	February 24, 2025
41:15	February 19, 2025	March 10, 2025
41:16	March 5, 2025	March 24, 2025
41:17	March 19, 2025	April 7, 2025
41:18	April 2, 2025	April 21, 2025
41:19	April 16, 2025	May 5, 2025
41:20	April 30, 2025	May 19, 2025
41:21	May 14, 2025	June 2, 2025

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Initial Agency Notice

Title of Regulation: 18VAC110-20. Regulations Governing the Practice of Pharmacy.

Statutory Authority: §§ 54.1-2400 and 54.1-3443 of the Code of Virginia.

Name of Petitioner: Jennifer Nicole Brandt.

Nature of Petitioner's Request: The petitioner requests that the board amend 18VAC110-20-322 to include mitragynine and 7-hydroxymitragynine, the active alkaloids found in kratom, in Schedule I.

Agency Plan for Disposition of Request: The petition for rulemaking will be published in the Virginia Register of Regulations on May 6, 2024. The petition will also be published on the Virginia Regulatory Town Hall at www.townhall.virginia.gov. Public comment on the petition will be received from May 6, 2024, to June 5, 2024. The board will consider the petition and all comments in support or opposition at the next meeting after the close of public comment, currently scheduled for June 25, 2024. The petitioner will be notified of the board's decision after that meeting.

Public Comment Deadline: June 5, 2024.

Agency Contact: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4456, or email caroline.juran@dhp.virginia.gov.

VA.R. Doc. No. PFR24-32; Filed April 11, 2024, 1:05 p.m.

PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Virginia Soil and Water Conservation Board conducted a periodic review and a small business impact review of **4VAC50-20, Impounding Structure Regulations**, and determined that this regulation should be amended. The board is publishing its report of findings dated March 27, 2024, to support this decision.

The board recognizes that sections of the regulation need amendments and clarifications. Therefore, the board will undertake a regulatory action in response to comments received. Specifically, the board authorized amendment to consider concerns related to (i) roadways on or below an impounding structure for hazard potential classifications, (ii) the incremental damage analysis process, (iii) the potential expansion of special criteria low hazard dams, and (iv) simplifying the emergency preparedness plan requirements.

The regulation is needed as it is mandated by law. The board received no public comments that indicated suggested changes would minimize the regulation's impact on small businesses. The regulation does not adversely impact small businesses and may have provided opportunities for small businesses in the engineering, construction, and environmental services industries.

The regulation is technical in nature and can therefore be difficult to understand. The board recognizes that certain sections of the regulation need clarification and will initiate at least one regulatory action to address that need. The regulation does not overlap, duplicate, or conflict with any known federal or state law or regulation.

Contact Information: Christine Watlington Jones, Policy and Regulatory Coordinator, Department of Conservation and Recreation, 600 East Main Street, Richmond, VA 23219, telephone (804) 786-3319, FAX (804) 786-6141, or email christine.watlington@dcr.virginia.gov.

TITLE 12. HEALTH

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic

review and small business impact review: **12VAC35-260, Certified Recovery Residences**. The review of this regulation will be guided by the principles in Executive Order 19 (2022). The purpose of a periodic review is to determine whether the regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins May 6, 2024, and ends June 6, 2024.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency.

Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Ruth Anne Walker, Director of Regulatory Affairs, Department of Behavioral Health And Developmental Services, Jefferson Building, 1220 Bank Street, 4th Floor, Richmond, VA 23219, telephone (804) 225-2252, FAX (804) 371-4609, TDD (804) 371-8977, or email ruthanne.walker@dbhds.virginia.gov.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Medicine conducted a periodic review and a small business impact review of **18VAC85-11, Public Participation Guidelines**, and determined that this regulation should be retained as is. The board is publishing its report of findings dated April 5, 2024, to support this decision.

This regulation is necessary for the protection of public health, safety, and welfare because the regulation sets forth procedures for participation of the public in the development of board regulations. Additionally, this regulation is required by statute, and the board has no discretion not to maintain the regulation. The board has reviewed this regulation and determined that it is clearly written and understandable.

The board has decided to retain the regulation as is. The board is required to maintain this regulation; therefore, there is a

Periodic Reviews and Small Business Impact Reviews

continued need for the regulation. The board has received no complaints related to the regulation, which is not complex. The regulation does not overlap with any other law. The regulation has not changed since 2017. The public participation guidelines is a model regulation provided by the Department of Planning and Budget, and the board will alter this regulation if and when the Department of Planning and Budget recommends changes to the model regulation.

Contact Information: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, FAX (804) 915-0382, or email erin.barrett@dhp.virginia.gov.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board of Pharmacy intends to consider amending **18VAC110-20, Regulations Governing the Practice of Pharmacy; 18VAC110-21, Regulations Governing the Licensure of Pharmacists and Registration of Pharmacy Technicians; 18VAC110-30, Regulations for Practitioners of the Healing Arts to Sell Controlled Substances; and 18VAC110-50, Regulations Governing Wholesale Distributors, Manufacturers and Warehousemen.** The purpose of the proposed action is to ensure the board obtains sufficient operating funds for future years. Section 54.1-113 of the Code of Virginia requires the board to adjust fees to ensure that the fees are sufficient but not excessive to cover expenses. Under the current fee structure, the board will carry a negative balance of \$688,083 for fiscal year 2026, so amending the regulation will ensure the board has sufficient operating funds.

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

Statutory Authority: § 54.1-113 of the Code of Virginia.

Public Comment Deadline: June 5, 2024.

Agency Contact: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4456, FAX (804) 527-4472, or email caroline.juran@dhp.virginia.gov.

VA.R. Doc. No. R24-7695; Filed April 15, 2024, 3:30 p.m.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS, WETLAND PROFESSIONALS, AND GEOLOGISTS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board for Professional Soil Scientists, Wetland Professionals, and Geologists intends to consider amending **18VAC145-40, Regulations for the Geology Certification Program.** The purpose of the proposed action is to undertake a general review of the regulation in accordance with the regulatory reduction goal of Executive Directive Number One (2022). The regulation provides for the certification of professional geologists. The goals of the action include (i) reviewing discretionary requirements imposed on regulated parties to determine whether such requirements impose burdens that are not necessary to protect the public health, safety, and welfare or are not necessary to effectively administer the licensure program; (ii) ensuring the regulation conforms to current Virginia law and meets applicable federal

requirements, is organized, clear, and understandable, and provides minimal burdens on regulants while still protecting the public; and (iii) ensuring the regulation reflects current Department of Professional and Occupational Regulation procedures and policies, along with any other changes determined to be necessary and appropriate.

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

Statutory Authority: § 54.1-201 of the Code of Virginia.

Public Comment Deadline: June 5, 2024.

Agency Contact: Kathleen R. Nosbisch, Executive Director, Board for Professional Soil Scientists, Wetland Professionals, and Geologists, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (866) 465-6206, or email soilscientist@dpor.virginia.gov.

VA.R. Doc. No. R24-7617; Filed April 16, 2024, 8:31 a.m.

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Final Regulation

REGISTRAR'S NOTICE: The Department of Agriculture and Consumer Services is claiming an exemption from the Administrative Process Act in accordance with § 3.2-6542 of the Code of Virginia, which exempts the establishment, operation, and maintenance of the Virginia Dangerous Dog Registry.

Title of Regulation: **2VAC5-620. Requirements Pertaining to the Establishment of the Dangerous Dog Registry (amending 2VAC5-620-20, 2VAC5-620-30, 2VAC5-620-50).**

Statutory Authority: §§ 3.2-6540 and 3.2-6542 of the Code of Virginia.

Effective Date: May 6, 2024.

Agency Contact:Carolynn Bissett, Program Manager, Office of Veterinary Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-4560, FAX (804) 371-2380, TDD (800) 828-1120, or email carolynn.bissett@vdacs.virginia.gov.

Summary:

Pursuant to § 3.2-6542 and Chapter 464 of the 2021 Acts of Assembly, Special Session I, the amendments (i) replace the term "crossbreed" with the term "hybrid"; (ii) establish that if a dangerous dog adjudication occurs within 60 days of the end of the calendar year, the first dangerous dog registration renewal shall be included in the initial registration at no additional charge to the owner; and (iii) clarify a requirement by adding a citation to the Code of Virginia.

2VAC5-620-20. Definition.

The following term when used in this regulation shall have the following meaning unless the context clearly indicates otherwise:

"Dangerous dog" means a canine or hybrid canine ~~crossbreed~~ that has been found to be a dangerous dog by a court of law pursuant to § 3.2-6540 of the Code of Virginia.

2VAC5-620-30. Initial registration requirements.

A. Unless a dangerous dog has been euthanized or moved out of state, within 30 days of a finding by a court of competent jurisdiction that an animal is a dangerous dog, the animal control officer shall:

1. Provide the owner of the dangerous dog with a copy of §§ 3.2-6540 and 3.2-6542 of the Code of Virginia and this chapter.

2. Collect from the owner of the dangerous dog and verify the accuracy of all of the information required by §§ 3.2-6540 and 3.2-6542 of the Code of Virginia and this chapter, including the following:

- a. The names, addresses, and telephone numbers of all owners;
- b. All information necessary to locate the owners and the dog at all times;
- c. Identification verifying that all owners of the dangerous dog are 18 years of age or older or the identification of the custodial parent or legal guardian of any owner younger than 18 years of age;
- d. The acts that resulted in the dog being designated as dangerous;
- e. The parties to the proceeding wherein the dog was found to be dangerous, the docket number and the court where the case was tried, and the requirements imposed by the judge on the owners of the dog;
- f. The address where the dangerous dog is maintained and the name of the owner residing at that address;
- g. The dangerous dog's name, sex, age, weight, primary breed, secondary breed, color, and markings;
- h. Two photographs of the dangerous dog head to paw, one front view and one side view;
- i. The number of the dog license issued by the locality pursuant to § 3.2-6526 of the Code of Virginia;
- j. Verification that the dangerous dog has a current rabies vaccination, including expiration date, name, address, and telephone number of the veterinary practice that administered the vaccine and issued the rabies tag number;
- k. Documentation from a licensed veterinarian that the dangerous dog has been surgically neutered or spayed to include date of surgery; name of the veterinarian performing the surgery; and the practice name, address, and telephone number;

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l. Evidence that the dangerous dog is or will be confined in a proper enclosure or is or will be confined inside the owner's residence or is or will be muzzled and confined in the owner's fenced-in yard until a proper enclosure is constructed;

m. Evidence that the residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property;

n. Documentation that the dangerous dog has been identified permanently by means of electronic implantation, including the name, practice name, address, and telephone number of the veterinary practice that performed the procedure, the identification number, and the microchip company;

o. A copy of the liability insurance coverage from a company licensed to do business in Virginia in the amount of at least \$100,000 that covers the owners for damages caused by dog bites. In lieu of liability insurance, the owner may obtain and maintain a bond in surety in the amount of \$100,000. The bond shall be made to the chief administrative officer of the locality where one of the owners resides or where the dangerous dog is maintained for the benefit of those damaged by the bite of the dangerous dog. The form of the bond should be approved by the local jurisdiction's attorney; and

p. A signed statement of compliance with the provisions of the order finding the dog dangerous.

3. Complete the Dangerous Dog Registration Form and Registration Certificate with the owner. The Dangerous Dog Registration Form and Registration Certificate shall include all information necessary to ensure continued compliance with §§ 3.2-6540 and 3.2-6542 of the Code of Virginia and this chapter.

4. Provide the owner with a Dangerous Dog Registration Certificate from the local animal control officer or treasurer. The owner shall pay a fee of \$150 in addition to other fees that may be authorized by law to obtain this certificate.

5. Provide the owner a uniformly designed Virginia Dangerous Dog tag from the local animal control officer or treasurer that has a unique identification number and identifies the animal as a Virginia dangerous dog.

6. Affix the tag to the animal's collar and advise the owner that the animal must wear the collar and tag at all times.

7. Enter all required information to the Virginia Dangerous Dog Registry within five business days of the completion of the registration certificate and collection of the associated fee.

B. The owner of the dangerous dog shall retain the original Dangerous Dog Registration Certificate so long as the dangerous dog remains in his possession.

2VAC5-620-50. Renewal registration procedures and requirements.

The following shall be the procedures and requirements for the annual renewal of registration in the dangerous dog registry:

1. The State Veterinarian shall mail each owner of a dangerous dog a reminder at least 60 calendar days prior to January 31 of each year that the Dangerous Dog Registration Certificate needs to be renewed. A copy shall be sent to the animal control officer of the jurisdiction where the dangerous dog is maintained.

2. By January 31 of each year, until the dangerous dog is deceased, the owner of a dangerous dog shall renew the Dangerous Dog Registration Certificate for a fee of \$85 by submission of a Dangerous Dog Renewal Form to the local animal control officer.

3. The Dangerous Dog Renewal Form shall include all information necessary to ensure continued compliance with §§ 3.2-6540 and 3.2-6542 of the Code of Virginia and this chapter.

4. The local animal control officer shall verify all information submitted by the owner on the Dangerous Dog Renewal Form and enter the information to the Dangerous Dog Registry within five business days of such verification.

5. The owner of any dog found to be dangerous by a court of competent jurisdiction within ~~90~~ 60 calendar days prior to January 1 shall be exempt from the first annual renewal registration and the associated fee.

VA.R. Doc. No. R24-7291; Filed April 16, 2024, 11:24 a.m.



TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: **4VAC20-950. Pertaining to Black Sea Bass (amending 4VAC20-950-45, 4VAC20-950-60; repealing 4VAC20-950-70).**

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

Effective Date: May 1, 2024.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 380 Fenwick Road, Building 96, Fort Monroe, VA 23651, telephone (757) 247-2248, FAX (757) 247-2002, or email jennifer.farmer@mrc.virginia.gov.

Background: As a condition of the National Marine Fisheries Service opening a recreational black sea bass fishery in federal waters during February to states with approved fisheries, those states must reduce harvest during the regular season to recoup February landings. During the February 2024 recreational black sea bass season, Virginia anglers landed 24,179 pounds of black sea bass. The 2024 regular recreational season will be shortened to pay back February landings.

Summary:

The amendments (i) delay the opening of the second recreational black sea bass fishing season to August 4, 2024, and (ii) simplify the requirements for black sea bass aquaculture.

4VAC20-950-45. Recreational possession limits and seasons.

A. 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 15 black sea bass. When fishing from a recreational vessel where the entire catch is held in a common hold or container, the possession limit shall be for that vessel and shall be equal to the number of persons on board legally licensed to fish, multiplied by 15. The captain or operator of the vessel shall be responsible for that vessel possession limit. Any black sea bass taken after the possession limit has been reached shall be returned to the water immediately.

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

C. The open recreational fishing season shall be from May 15 through July 15 and ~~July 27~~ August 4 through December 31.

D. It shall be unlawful for any person fishing recreationally to take, catch, or possess any black sea bass, except during an open recreational season.

E. From February 1 through the last day of February, it shall be unlawful for any person to possess or land any black sea bass harvested from a recreational vessel, unless the captain or operator of that recreational vessel has obtained a Recreational Black Sea Bass Permit from the Marine Resources Commission (commission).

1. The captain or operator shall be responsible for reporting for all anglers on the recreational vessel and shall provide that captain's or that operator's Marine Resources Commission identification (MRC ID) number, the date of fishing, the number of persons on board, the mode of fishing, and the number of black sea bass kept or released. That report shall be submitted to the commission on forms

provided by the commission or through the Virginia Saltwater Fisherman's Journal.

a. It shall be unlawful for any permittee to fail to report each trip where black sea bass were targeted, whether black sea bass were harvested, released, or not caught, by March 15 of the current calendar year.

b. It shall be unlawful for any permittee who did not take any fishing trips to target black sea bass in the February recreational black sea bass season to fail to report lack of participation by March 15 of the current calendar year.

2. It shall be unlawful for any permittee to fail to contact the Law Enforcement Operations at 1-800-541-4646 before or immediately after the start of each fishing trip. The permittee shall provide the Law Enforcement Operations with the permittee's name, MRC ID number, the point of landing, a description of the vessel, estimated return to shore time, and a contact telephone number.

3. Any permittee shall allow the commission to sample the vessel's catch to obtain biological information for scientific and management purposes.

4VAC20-950-60. Black sea bass aquaculture facility permit.

~~A. Any~~ It shall be unlawful for any person operating to operate an aquaculture facility in which any black sea bass will be cultured, possessed, offered for sale, or sold shall possess without first obtaining from the Marine Resources Commission (commission) a black sea bass aquaculture facility permit for that facility that was obtained from the commissioner. Any person in violation of any permit condition issued under this section may have the permit revoked at any time upon review by the commission. If the commission revokes any person's permit for an aquaculture facility, then that person shall not be eligible to apply for a like permit for a period of two years from the date of revocation.

~~1. The black sea bass aquaculture facility permit shall allow the facility to import black sea bass eggs, fry, and brood-stock from captive brood-stock facilities.~~

~~2. A black sea bass aquaculture facility permit is not transferable.~~

~~B. The application for a black sea bass aquaculture facility permit shall list the name and address of the applicant, the type and location of that facility, and an estimate of production capacity. A black sea bass aquaculture facility permit shall be valid for 10 years, from the date of issue, and may be renewed by the commissioner. The issuance and continuation of any person's black sea bass aquaculture facility permit are contingent on that designated facility being open for inspection by the Marine Resources Commission for the purposes of determining compliance with this chapter.~~

~~C. The original of the black sea bass facility aquaculture permit shall be maintained by the permittee and prominently~~

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~~displayed at the location of the permitted aquaculture facility. A copy of such permit shall be used as evidence of authorization to transport black sea bass to and from the permitted aquaculture facility.~~

4VAC20-950-70. Sale, records, importation, and release of black sea bass. (Repealed.)

~~A. All black sea bass produced by an aquaculture facility and permitted by 4VAC20-950-60 shall be packaged, prior to sale, with a printed label indicating the product is of aquaculture origin. When packaged and labeled according to these requirements, such fish may be transported and sold at retail, at wholesale, or commercially until reaching the consumer.~~

~~B. Any black sea bass that measures less than the lawful minimum size described in 4VAC20-950-30, but are the product of a permitted aquaculture facility in another state, may be imported into Virginia for the consumer market. Any fish shall be packaged and labeled in accordance with the provisions contained in subsection A of this section.~~

~~C. Under no circumstance shall any black sea bass produced by an aquaculture facility be placed into Virginia waters without written permission from the commissioner.~~

NOTICE: The following forms used in administering the regulation have been filed by the agency. Amended or added forms are reflected in the listing and are published following the listing. Online users of this issue of the Virginia Register of Regulations may also click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

FORMS (4VAC20-950)

[2021 Recreational/Charter Reporting Form \(rev. 1/2021\)](#)

[Application for a Permit to Propagate Finfish \(rev. 4/2024\)](#)

VA.R. Doc. No. R24-7850; Filed April 23, 2024, 3:35 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Proposed Regulation

Titles of Regulations: **8VAC20-131. Regulations Establishing Standards for Accrediting Public Schools in Virginia (repealing 8VAC20-131-5 through 8VAC20-131-430).**

8VAC20-132. Virginia Standards of Accreditation (adding 8VAC20-132-10 through 8VAC20-132-320).

Statutory Authority: §§ 22.1-16 and 22.1-253.13 of the Code of Virginia.

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: July 5, 2024.

Agency Contact: Jim Chapman, Director of Board Relations, State Board of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 750-8750, or email jim.chapman@doe.virginia.gov.

Basis: The Board of Education's overall regulatory authority is found in § 22.1-16 of the Code of Virginia, which states that the board may adopt bylaws for its own governance and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

The Board of Education's authority for promulgating regulations governing standards for accrediting public schools is found in § 22.1-253.13:3 of the Code of Virginia, which states that the board shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome measures; (ii) requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs; (iii) administrative and instructional staffing levels and positions, including staff positions for supporting educational technology; (iv) student services; (v) auxiliary education programs such as library and media services; (vi) requirements for graduation from high school; (vii) community relations; and (viii) the philosophy, goals, and objectives of public education in Virginia.

Purpose: A revision to the Standards of Accreditation (SOA) is essential to fixing the learning loss experienced by Virginia students before the damage becomes long term and irreparable. The health of Virginia schools and the performance of Virginia students is essential to the health of the Commonwealth's civic and economic life. Failure to act immediately could have repercussions that last generations.

The current accreditation system blends what many other states separately refer to as accreditation and accountability, and it is one of the most complex in the nation. A primary issue that the board will address is how these two aspects of the current system can be transformed to increase transparency of school and student performance. A transparent system will benefit students, parents, schools, and policymakers by providing more accurate data regarding the performance of students and schools. Further, by establishing a system for accountability, the board will ensure the schools that are struggling most to address learning loss and academic gaps are identified for and receive supports from their division and the Virginia Department of Education (VDOE), which will create a single system for delivering interventions and assistance to low-performing schools.

Substance: The board has made numerous revisions to the Standards of Accreditation, especially in separating the accountability and accreditation system:

1. New definitions and edits to existing definitions;
2. Substantial revisions that result in a new Part VIII on School Accountability; and
3. Substantial revisions that result in a new Part IX on School Accreditation.

The board has made conforming changes to the following sections to support the substantive revisions described:

1. Purpose;
2. The philosophy, goals, and objectives of public education and the SOA; and
3. School and community communications.

The board has also made a few organizational changes to increase clarity and has updated citations throughout the chapter.

Issues: The primary advantages to the public include a positive impact on private citizens, school divisions, students, parents, school staff, and other constituents. There are numerous advantages to the agency and the Commonwealth that will result from these updates to the SOA, including (i) improving school accountability measures to more clearly state (a) expectations for school accountability, (b) measurement of school quality for accountability, (c) identification of schools for improvement and identification of schools for required actions, and (d) recognitions and rewards for school and division accountability; (ii) improving the school accreditation process and descriptions to include (a) accreditation, (b) waivers and alternative accreditation plans, and (c) effective dates; and (iii) updating the regulation to conform with these modifications to include (a) definitions found within the SOA; (b) the purpose of the Virginia SOA; (c) the philosophy, goals, and objectives of the Virginia SOA; and (d) school and community communication requirements.

The amendments do not present any disadvantages to the public or the Commonwealth.

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 § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.¹

Summary of the Proposed Amendments to Regulation. The Board of Education (Board) proposes to repeal 8VAC20-131, Regulations Establishing Standards for Accrediting Public Schools in Virginia, and replace it with 8VAC20-132, Virginia Standards of Accreditation.

Background. Merging Two Accountability Systems. Currently, the Department of Education (DOE) runs two separate accountability systems. The Regulations Establishing

Standards for Accrediting Public Schools in Virginia (8VAC20-131) pertains to state requirements. The agency also runs a separate, but similar, accountability system to meet federal requirements (which is not described in a state regulation, but includes school quality indicators, weighting, and identification of low-performing schools for support and interventions - as well as additional federal funding). Local school divisions and schools currently must navigate and utilize resources for the two different systems although each has the same purpose- identifying low-performing schools and improving school outcomes. The proposed regulation (8VAC20-132) would create a school performance framework starting in the 2025-2026 school year that merges the state and federal requirements into one accountability system.

Current Regulation. The current regulation creates an accreditation system that is focused on one of the eight components in the Standards of Accreditation as outlined in § 22.1-253.13:3 of the Code:² student outcomes and growth.³ In support of this, the regulation identifies and defines a set of school quality indicators,⁴ and each school receives a rating of Level One, Level Two, or Level Three for each school quality indicator. Level One is when the school's achievement on the specific indicator demonstrates acceptable performance or performance above the benchmark or adequate improvement on the indicator. Level Two is when the school's achievement on the specific indicator is below Level One but is within specified ranges of performance that either represent: (i) achievement near Level One or (ii) improvement from Level Three, within a specified range. Level Three is when the school's achievement on the specific indicator is below the performance benchmarks for Level One and Level Two. Based on the assigned level, divisions and schools would then develop corrective action plans to address a Level Two or Three school quality indicator. No federal or direct state funds are provided to help develop the corrective action plans.

A school is deemed "Accredited" when each of its school quality indicators are at Level One or Level Two. A school is deemed "Accredited with Conditions" when any school quality indicator is at Level Three, but it adopts and implements school division or school corrective action plans with fidelity. However, if a school is designated "Accredited with Conditions" and the school or school division fails to adopt and implement school division or school corrective action plans with fidelity, it may be designated by the Board as "Accreditation Denied."

Separating Accountability from Accreditation. In the new regulation, the Board proposes to separate accountability from accreditation, creating two separate but inter-related systems. The proposed school accountability system would measure student outcomes and identify schools for support, and the school accreditation system would determine full compliance with each of the eight components of the Standards of Accreditation as outlined in § 22.1-253.13:3 of the Code of Virginia.

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As mentioned, the proposed regulation would create a school performance framework that merges state and federal requirements into one accountability system. This system would report and differentiate school performance on school quality indicators by (i) calculating an overall performance score (based on a weighted calculation across all indicators); (ii) assigning schools an overall performance category for reporting purposes; and (iii) identifying low-performing schools for support, aligning that support to federal requirements and federally allocated funds. Schools would be designated as requiring comprehensive support (in the bottom five percent or with low graduation rates), targeted support (schools with student groups performing at the same level as the bottom five percent), and additional targeted support (schools that have been identified as requiring targeted support for three years). These schools would receive federal funds for improvement efforts and develop support plans that include stakeholder engagement, a needs assessment, and evidence-based interventions; the proposed regulation newly requires that parents be included as one of the stakeholder groups to align with federal requirements for support plans.

Accreditation would be based on all eight components of the Standards of Accreditation, and all divisions and schools would need to submit evidence of compliance with Code of Virginia requirements; schools designated as needing comprehensive support would also need to demonstrate improvement on student outcome and growth measures in order to be "Fully Accredited." Schools that do not submit satisfactory evidence, as well as comprehensive support schools that do not make sufficient progress on student outcomes, would be designated as "Conditionally Accredited." There are two situations in which a school may be designated by the Board as "Accreditation Denied." First, if a school is designated as "Conditionally Accredited" and the school or school division fails to submit additional specified documentation. Second, if a school identified for comprehensive support is designated "Conditionally Accredited" and fails to submit, amend, adopt, and implement a revised multi-year support plan with more rigorous actions, the Superintendent of Public Instruction shall review the school for potential designation by the Board as "Accreditation Denied" and shall present the results of such review to the Board with recommendations. If the Board determines that any such school is at not on track to improve student achievement, growth, and performance on other school quality indicators and meet specified the exit criteria due to its failure to adopt and implement a multi-year school support plan and corrective action plan with fidelity, the Board shall designate such school as "Accreditation Denied."

Some aspects of the new school performance framework, which are referenced in the proposed regulatory text, are not being addressed through this regulatory action. Instead, DOE reports that the Board will finalize certain components through the development of Virginia's federal Every Student Succeed Act Consolidated State plan, which must be approved by the

U.S. Department of Education. These decisions will include final measures within each school quality indicator, the weights of the indicators and individual measures, the number and names for performance categories, final decisions on school identification, exit criteria, and more rigorous interventions.

School Performance Report. Both the current and proposed regulation require that parents and the community be annually provided with a school performance report.⁵ Both require that the report include indicators of the following: accountability, assessments, enrollment and demographics, college and career readiness, finance, learning environment, and teacher quality. The proposed regulation newly requires that the report include key elements of the newly unified accountability system, particularly "school performance, disaggregated by student reporting groups, on each school quality indicator, the school's overall performance category, and whether the school is identified for improvement. In particular, the new regulation adds growth in reading and mathematics, as measured by an individual student's year-over-year progress on summative statewide end-of-year tests, for elementary and middle schools to the reported indicators.

Estimated Benefits and Costs. By creating a school performance framework that merges the state and federal requirements into one accountability system, the DOE Office for School Quality resources would be able to focus resources because staff would not have to dilute their services across two sets of schools that have been identified for different reasons and that have different requirements for school improvement. Further, since poorer performing local school divisions are currently required to develop school improvement plans for both systems, the shift to a single accountability system in the proposed regulation would reduce the staff hours required to develop these plans and also reduce duplicative needs assessments, interventions, data collection, and reporting.

The proposal to add to the annual school report each school's overall performance category, school improvement status, and disaggregated information on each school quality indicator, such as growth in reading and mathematics (as measured by an individual student's year-over-year progress on summative statewide end-of-year tests) provides useful information for parents and the community to judge how well their schools are performing. However, because some aspects of the new school performance framework are not being addressed through this regulatory action, the impact of those changes cannot be determined.

Businesses and Other Entities Affected. The proposed amendments affect the 1,823 public schools subject to accountability and accreditation⁶ and the 131 public school divisions in the Commonwealth, as well as DOE; students and their parents are also affected.⁷

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.⁸ An adverse impact is indicated if there is any increase in net cost

or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.⁹ Based upon the information provided by DOE, the proposed regulation does not appear to increase costs or reduce revenue. Thus, no adverse impact is indicated.

Small Businesses¹⁰ Affected:¹¹ The proposed regulation does not appear to adversely affect small businesses.

Localities¹² Affected:¹³ The proposed regulation may particularly affect those localities that currently must produce school improvement plans for the two different accountability systems. School divisions for these localities would save staff time as described above. The proposed regulation does not appear to increase costs for local governments.

Projected Impact on Employment. The proposed amendments do not appear to affect total employment.

Effects on the Use and Value of Private Property. The proposed amendments do not appear to affect the use and value of private property or real estate development costs.

¹ Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

²See <https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13:3/>

³ The other seven components of the Standards of Accreditation are: (i) requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, (ii) administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, (iii) student services, (iv) auxiliary education programs such as library and media services, (v) requirements for graduation from high school, (vi) community relations, and (vii) the philosophy, goals, and objectives of public education in the Commonwealth.

⁴See <https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section380/>

⁵ The current regulation calls this report the school quality profile.

⁶ Including local and regional centers, there are 2,216 public schools in the Commonwealth.

⁷ Data source: DOE

⁸ Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance.

⁹ Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

¹⁰ Pursuant to § 2.2-4007.04, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.

¹¹ If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

¹² "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

¹³ Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency's Response to Economic Impact Analysis: The State Board of Education concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The Virginia Standards for Accreditation (SOA) ensure that an effective educational program is established and maintained in Virginia's public schools by (i) providing an essential foundation of high-quality educational programs in all schools for all students; (ii) encouraging and promoting school quality and acknowledging achievement and continuous improvements by schools and school divisions in multiple areas; (iii) fostering public confidence that graduating students have mastered multiple areas of learning to include academic subjects, workplace skills, career exploration and planning, and civic and community responsibility; (iv) ensuring recognition of Virginia's public schools by other institutions of learning; and (v) establishing the means of determining the effectiveness of schools as prescribed in § 22.1-253.13:3 of the Code of Virginia, including student outcomes, growth measures, and compliance with requirements for multiple inputs affecting school quality.

The State Board of Education is proposing to repeal the existing chapter and establish a new chapter. The existing regulation created an accreditation system that did not transparently communicate information to the public about the quality of schools or student learning outcomes. The existing regulation also used the process for accrediting schools as an accountability system to foster school improvement, rather than ensuring accreditation fosters the establishment of effective school-level educational programs. The new regulation separates accreditation from accountability, creating two separate but interrelated systems. The proposed school accountability system measures student outcomes and identify schools for supports, and the school accreditation system determines full compliance with each of the inputs described in the SOA. The proposed regulation also allows for flexibility in the future for the board to continue

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to refine the accountability system and align to federal requirements, so Virginia would not have multiple systems of supports for divisions and schools. The proposed new regulation includes (i) adding new definitions and amending existing definitions; (ii) clarifying the philosophy, goals, and objectives of public education and the SOA; (iii) clarifying school and community communications; (iv) implementing organizational changes to increase clarity; and (v) updating citations.

Chapter 132

Virginia Standards of Accreditation

Part I

Definitions and Purpose

8VAC20-132-10. Definitions.

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

"Accreditation" means a process used by the Virginia Department of Education to evaluate public schools' compliance with the accountability system, based on student outcome and growth measures, the philosophy, goals, and objectives of public education in Virginia, and standards for student achievement, instructional programs, school and instructional leadership, school facilities and safety, and school and community communications in accordance with this chapter.

"Accountability" means the system within the accreditation process used by the Virginia Department of Education to differentiate the performance of public schools and identify schools for improvement, based on student achievement, growth, and other school quality indicators in accordance with this chapter.

"Additional test" means a test, including substitute tests approved by the board, that students may use in lieu of a Standards of Learning test to obtain verified credit.

"Authentic performance assessment" means a test that complies with guidelines adopted by the board that requires students to perform a task or create a product that is typically scored using a rubric. An authentic performance assessment may be used to confer verified credit in accordance with the provisions of 8VAC20-132-110 B 4.

"Board" means the Board of Education or the State Board of Education. The board is responsible for the general supervision of the public school system in Virginia as prescribed in Section 4 of Article VIII of the Constitution of Virginia and § 22.1-8 of the Code of Virginia.

"Class period" means a segment of time during the instructional day that is allocated to lessons, courses, testing and assessments, or other instructional activities and excludes homeroom.

"Credit accommodations" means adjustments to meet the standard and verified credit requirements for earning a Standard Diploma for students with disabilities.

"Department" means the Virginia Department of Education.

"Elementary school" means a public school with any grades kindergarten through grade 5.

"EL" means English learner, as prescribed in the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended), an individual:

1. Who is aged three through 21 years;
2. Who is enrolled or preparing to enroll in an elementary school or secondary school;
3. a. Who was not born in the United States or whose native language is a language other than English;
 - b. (1) Who is a Native American or Alaska native, or a native resident of the outlying areas; and
 - (2) Who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - c. Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
4. Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the:
 - a. Ability to meet the challenging state academic standards;
 - b. Ability to successfully achieve in classrooms where the language of instruction is English; or
 - c. Opportunity to participate fully in society.

"Enrollment" means the act of complying with state and local requirements relative to the registration or admission of a child for attendance in a school within a local school division. This term also means registration for courses within the student's home school or within related schools or programs.

"First time" means the student has not been enrolled in the school at any time during the current school year (for purposes of 8VAC20-132-60 with reference to students who transfer in during the school year).

"Four core academic areas" means English, mathematics, science, and history and social science for purposes of testing for the Standards of Learning.

"Graduate" means a student who has earned a board recognized diploma, which includes the Advanced Studies Diploma, the Standard Diploma, and the Applied Studies Diploma.

"Growth" or "student growth" means student progress toward achievement of the knowledge and skills required by the

summative statewide end-of-year tests as demonstrated through a valid and reliable measure.

"High school" means a secondary school with, at least, grade 12 and that grants a board recognized diploma.

"Homebound instruction" means academic instruction provided to students who are confined at home or in a health care facility for periods of time that prevent normal school attendance, based upon certification of need by a licensed physician or a licensed clinical psychologist.

"Instructional day" means all the time in a standard school day, from the beginning of the first scheduled class period to the end of the last scheduled class period, including passing time for class changes and excluding breaks for meals.

"Instructional hours" means the hours in a standard school day, from the beginning of the first scheduled class period to the end of the last scheduled class period, including passing time for class changes and excluding breaks for meals.

"Locally awarded verified credit" means a verified unit of credit awarded by a local school board in accordance with 8VAC20-132-110 B 3.

"Middle school" means a public school with any grades six through eight.

"Planning period" means a segment of time in middle and secondary schools during the instructional day that is unencumbered of any teaching or supervisory duties, is not less than 45 minutes or the equivalent of a class period, whichever is greater, and that includes passing time for class changes.

"Planning time" means a segment of time for elementary teachers that provides at least an average of 30 minutes per day for planning during the student's school week as provided in § 22.1-291.1 of the Code of Virginia.

"Recess" means a segment of unstructured recreational time exclusive of time provided for meals during the standard school day.

"Reporting group" means a group of students who are identified as having common characteristics including students identified as belonging to major racial and ethnic groups, economically disadvantaged students, students with disabilities, and English learners.

"School" means a publicly funded institution where students are enrolled for all or a majority of the instructional day and those students are reported in fall membership at the institution.

"Secondary school" means a public school with any grades nine through 12.

"Standard school day" means a calendar day, including passing time for class changes and excluding breaks for meals, that averages a minimum of five and one-half instructional hours for students in grades one through 12 and a minimum of

three instructional hours for students in kindergarten. Recess may be included in the calculation of required instructional hours for elementary school, provided that recess does not exceed 15% of the required instructional hours.

"Standard school year" means a school year of at least 180 teaching days or a total of at least 990 instructional hours per year, as specified in § 22.1-98 of the Code of Virginia.

"Standard unit of credit" or "standard credit" means credit awarded for a course in which the student successfully completes 140 clock hours of instruction and the requirements of the course. Local school boards may develop alternatives to the requirement for 140 clock hours of instruction as provided for in 8VAC20-132-110 and in accordance with board guidelines.

"Standards of Learning tests" or "SOL tests" means those criteria referenced, statewide, summative assessments approved by the board for use in the Virginia Assessment Program that measure mastery of knowledge and skills required by the Standards of Learning.

"Standards of Quality" means the Standards of Quality prescribed in Chapter 13.2 (§ 22.1-253.13:1 et seq.) of Title 22.1 of the Code of Virginia.

"Student" means a person of school age as defined by § 22.1-1 of the Code of Virginia, a child with disabilities as defined in § 22.1-213 of the Code of Virginia, and a person for whom English is a second language in accordance with § 22.1-5 of the Code of Virginia.

"Verified credit" or "verified unit of credit" means credit awarded for a course in which a student earns a standard unit of credit and (i) achieves a passing score on a corresponding end-of-course SOL test; (ii) achieves a passing score on an additional test as defined in this section as part of the Virginia Assessment Program; (iii) meets the criteria for the receipt of a locally awarded verified credit conferred in accordance with board criteria and guidelines as provided in 8VAC20-132-110 B 3 when the student has not passed a corresponding SOL test in English, mathematics, laboratory science, or history and social science; or (iv) meets the criteria for the receipt of a verified credit for English (writing) by demonstrating mastery of the content of the associated course on an authentic performance assessment, as provided in 8VAC20-132-110 B 4.

"Virginia Assessment Program" means a system used to evaluate student achievement that includes SOL tests and additional tests that may be approved from time to time by the board.

8VAC20-132-20. Purpose.

The foremost purpose of public education in Virginia is to provide children with a high-quality education, giving them opportunities to meet their fullest potential in life. The standards for the accreditation of public schools in Virginia are

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designed to ensure that an effective educational program is established and maintained in Virginia's public schools. The mission of the public education system is to educate students in the essential knowledge and skills in order that they may be equipped for citizenship, work, and an informed and successful life.

The Standards of Accreditation provide the foundation for the provision of a high-quality public education, including a system of accountability and continuous improvement. They are intended to:

1. Provide an essential foundation of high-quality educational programs in all schools for all students.
2. Encourage and promote school quality and acknowledge achievement and continuous improvements by schools and school divisions in multiple areas.
3. Foster public confidence that graduating students have mastered multiple areas of learning to include academic subjects, workplace skills, career exploration and planning, and civic and community responsibility.
4. Assure recognition of Virginia's public schools by other institutions of learning.
5. Establish the means of determining the effectiveness of schools as prescribed in the Standards of Quality at § 22.1-253.13:3 of the Code of Virginia, including student learning and progress and student outcomes for multiple areas affecting school quality.

Section 22.1-253.13:3 A of the Code of Virginia requires the board to promulgate regulations establishing standards for accreditation, which shall include student outcome and growth measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The statutory authority for this chapter is delineated in § 22.1-19 of the Code of Virginia, which includes the requirement that the board shall provide for the accreditation of public elementary, middle, and secondary schools in accordance with regulations prescribed by it.

This chapter governs public schools operated by local school boards providing instruction to students as defined in 8VAC20-132-10. Other schools licensed under other state statutes are exempt from these requirements.

Part II

Philosophy, Goals, and Objectives

8VAC20-132-30. Philosophy, goals, and objectives.

A. Achieving school quality and continuous improvement are accomplishments dependent upon multiple factors, including instruction, leadership, learning environment, professional staff development, student supports, parent and community engagement, and continual evaluation of outcomes. Goals and objectives to be achieved through these and other areas include student opportunities for learning, closure of achievement gaps, reduction of the dropout rate, increased graduation rates, and student mastery beyond minimum requirements.

Preparation of all students should result in graduates who have explored and understand what opportunities exist for them after high school and have the knowledge and abilities necessary for the next phase of their lives as adults. Students should attain essential knowledge and skills in order that they may be equipped to be responsible citizens, understand and meet expectations for work, gain and apply knowledge, and plan and achieve personal life goals. In addition to academic and technical knowledge, their education should encompass mastery of creative and critical thinking, analysis and problem solving, and the development of personal attributes such as communication and collaboration skills, dependability, and persistence.

The philosophy, goals, and objectives of individual schools should reflect and encompass the means by which the Standards of Learning and Standards of Accreditation are to be achieved.

The board's objective is to provide an educational foundation that ensures students are ready to be successful in a global economy, which includes changing and growing technology. Families, students, employers, representatives from institutions of higher education, and educators have all expressed concerns about adequate preparation of Virginia's students for the future. In addition to appropriate content knowledge, stakeholders have asked that graduates be prepared with skills and attributes such as critical thinking, creative thinking, communication, collaboration, and citizenship in order to be prepared to be successful in life and competitive in the work world. In response, the board is redesigning the public school experience for Virginia's students so that they are adequately prepared for the future challenges they face.

In Virginia, as a student progresses through elementary, middle, and secondary school, the college-ready, career-ready, and citizenship-ready student is expected to achieve and apply appropriate academic and technical knowledge; attain and demonstrate age-appropriate productive workplace skills, qualities, and behavior; align knowledge, skills, and personal interests with career and civic opportunities; and attain and demonstrate knowledge and skills necessary for productive citizenship and participation in communities and governments.

B. Each school shall have current philosophy, goals, and objectives that shall serve as the basis for all policies and practices and shall be developed using the following criteria:

1. The philosophy, goals, and objectives shall be developed with the advice of professional and lay people who represent the various populations served by the school and in consideration of the needs of the community and shall serve as a basis for the creation and review of the biennial school plan.

2. The school's philosophy, goals, and objectives shall be consistent with the Standards of Quality.

3. The goals and objectives shall (i) be written in plain language so as to be understandable to noneducators, including parents; (ii) to the extent possible, be stated in measurable terms; and (iii) consist primarily of measurable objectives to raise student and school achievement in the core academic areas of the Standards of Learning, to improve student and staff attendance, to reduce student dropout rates, to increase graduation rates, and to increase the quality of instruction through professional staff development and licensure.

4. The school staff and community representatives shall review annually the extent to which the school has met its prior goals and objectives, analyze the school's student performance data, including data by grade level or academic department as necessary, and report these outcomes to the division superintendent and the community in accordance with local school board policy. This report shall be in addition to the school performance report required by 8VAC20-132-250 A.

Part III

Student Achievement

8VAC20-132-40. Student achievement expectations.

A. Each student should learn the relevant grade level or course subject matter before promotion to the next grade. The division superintendent shall certify to the Department of Education that the division's promotion and retention policy does not exclude students from membership in a grade or participation in a course in which SOL tests are to be administered. Each school shall have a process, as appropriate, to identify and recommend strategies to address the learning, behavior, communication, or development of individual children who are having difficulty in the educational setting.

B. In kindergarten through grade eight, where the administration of Virginia Assessment Program tests is required by the board, each student shall be expected to take the tests following instruction. Students who are accelerated shall take the test aligned with the highest grade level, following instruction in the content. No student shall take more than one test in any content area in each year, except in the case of expedited retakes as provided for in this section. Schools

shall use the Virginia Assessment Program test results in kindergarten through grade eight as part of a set of multiple criteria for determining the promotion or retention of students. Students promoted to secondary school from grade eight should have attained basic mastery of the Standards of Learning in English, history and social science, mathematics, and science and should be prepared for secondary school work. Students shall not be required to retake the Virginia Assessment Program tests unless they are retained in grade and have not previously passed the related tests.

The board shall provide the same criteria for eligibility for an expedited retake of any SOL test, with the exception of the writing SOL tests, to each student regardless of grade level or course.

C. In kindergarten through grade 12, students may participate in a remediation recovery program as established by the board in English (reading) or mathematics or both.

D. The board recommends that no student in kindergarten through grade eight be required to attend summer school or weekend remediation classes solely based on failing an SOL test in science or history and social science. However, any student who fails to achieve a passing score on all Standard of Learning assessments for the relevant grade level in grades three through eight shall be required to attend a remediation program or to participate in another form of remediation. Further, any student who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation.

E. Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction. The division superintendent shall certify to the Department of Education that the division's policy for dropping courses ensures that student course schedules are not changed to avoid end-of-course SOL tests. Students who achieve a passing score on an end-of-course SOL test shall be awarded a verified unit of credit in that course in accordance with the provisions of 8VAC20-132-110. Students may earn verified units of credit in any courses for which end-of-course SOL tests are available. Students shall not be required to take an end-of-course SOL test in an academic subject after they have earned the number of verified credits required for that academic content area for graduation, unless such test is necessary in order for the school to meet federal accountability requirements. Middle and secondary schools may consider the student's end-of-course SOL test score in determining the student's final course grade. However, no student who has failed an end-of-course SOL test but passed the related course shall be prevented from taking any other course in a content area and from taking the applicable end-of-course SOL test. The board may approve additional tests to verify student achievement in accordance with guidelines adopted for verified units of credit described in 8VAC20-132-110.

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F. Participation in the Virginia Assessment Program by students with disabilities shall be prescribed by provisions of their Individualized Education Program (IEP) or 504 Plan. All students with disabilities shall be assessed with appropriate accommodations and alternate assessments where necessary.

G. Any student identified as an English Learner (EL) shall participate in the Virginia Assessment Program. A school-based committee shall convene and make determinations regarding the participation level of EL students in the Virginia Assessment Program. In kindergarten through grade eight, EL students may be granted a one-time exemption from SOL testing in the areas of writing and history and social science.

H. Students identified as foreign exchange students taking courses for credit shall be required to take the relevant Virginia Assessment Program tests, as specified in subsection E of this section. Foreign exchange students who are auditing courses are not eligible for academic credit for those courses and shall not be required to take the SOL tests for those courses.

8VAC20-132-50. Requirements for graduation (effective for students entering ninth grade prior to the 2018-2019 school year).

A. The requirements for a student to earn a diploma and graduate from a Virginia high school shall be those in effect when that student enters the ninth grade for the first time. Students shall be awarded a diploma upon graduation from a Virginia high school.

The Advanced Studies Diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the Standard Diploma and the Advanced Studies Diploma shall prepare students for postsecondary education and the career readiness required by the Commonwealth's economy.

When students below the ninth grade successfully complete courses offered for credit in grades nine through 12, credit shall be counted toward meeting the standard units required for graduation, provided the courses are equivalent in content and academic rigor as those courses offered at the secondary level. To earn a verified unit of credit for these courses, students must meet the requirements of 8VAC20-132-110.

The following requirements shall be the only requirements for a diploma, unless a local school board has prescribed additional requirements that have been approved by the board. All additional requirements prescribed by local school boards that have been approved by the board remain in effect until such time as the local school board submits a request to the board to amend or discontinue them.

B. Requirements for a Standard Diploma.

1. Beginning with the ninth-grade class of 2013–2014 and through the ninth-grade class of 2017–2018, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.

2. Credits required for graduation with a Standard Diploma.

<u>Discipline Area</u>	<u>Standard Units of Credit Required</u>	<u>Verified Credits Required</u>
<u>English</u>	<u>4</u>	<u>2</u>
<u>Mathematics¹</u>	<u>3</u>	<u>1</u>
<u>Laboratory Science^{2,6}</u>	<u>3</u>	<u>1</u>
<u>History and Social Sciences^{3,6}</u>	<u>3</u>	<u>1</u>
<u>Health and Physical Education</u>	<u>2</u>	
<u>World Language, Fine Arts, or Career and Technical Education⁷</u>	<u>2</u>	
<u>Economics and Personal Finance</u>	<u>1</u>	
<u>Electives⁴</u>	<u>4</u>	
<u>Student Selected Test⁵</u>		<u>1</u>
<u>Career and Technical Education Credential⁸</u>		
<u>Total⁹</u>	<u>22</u>	<u>6</u>

¹Courses completed to satisfy this requirement shall include at least two different course selections from among: Algebra I, Geometry, Algebra, Functions, and Data Analysis, Algebra II, or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a mathematics course credit.

²Courses completed to satisfy this requirement shall include course selections from at least two different science disciplines: earth sciences, biology, chemistry, or physics, or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a science course credit.

³Courses completed to satisfy this requirement shall include Virginia and U.S. History, Virginia and U.S. Government, and one course in either world history or geography or both. The board shall approve courses to satisfy this requirement.

⁴Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.

⁵A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education, economics, or other areas as prescribed by the board in 8VAC20-132-110.

⁶Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry or trade or professional association or acquire a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or

license for (i) the student-selected verified credit and (ii) either a science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the board as an additional test to verify student achievement.

⁷Pursuant to § 22.1-253.13:4 of the Code of Virginia, credits earned for this requirement shall include one credit in fine or performing arts or career and technical education. Per the Standards of Quality, a computer science course credit earned by students may be considered a career and technical education course credit.

⁸Students shall earn a career and technical education credential approved by the State Board of Education, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the standard diploma requirements. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment.

⁹Students shall successfully complete one virtual course, which may be a noncredit-bearing course or a required or elective credit-bearing course that is offered online.

Beginning with first-time ninth-grade students in the 2016–2017 school year, students shall be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Students with an Individualized Education Program (IEP) or 504 Plan that documents that they cannot successfully complete this training shall be granted a waiver from this graduation requirement, as provided in 8VAC20-132-310 B.

3. The board shall establish, through guidelines, credit accommodations to the standard and verified credit requirements for a Standard Diploma. Such credit accommodations for students with disabilities may include:

- a. Approval of alternative courses to meet the standard credit requirements;
- b. Modifications to the requirements for local school divisions to award locally awarded verified credits;
- c. Approval of additional tests to earn a verified credit;
- d. Adjusted cut scores required to earn verified credit; and
- e. Allowance of work-based learning experiences.

The student's IEP or 504 Plan shall specify any credit accommodations that are applicable.

Students completing the requirements for the Standard Diploma may be eligible to receive an honor deemed appropriate by the local school board as described in subsection H of this section.

C. Requirements for an Advanced Studies Diploma.

1. Beginning with the ninth-grade class of 2013–2014 and through the ninth-grade class of 2017–2018, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.

2. Credits required for graduation with an Advanced Studies Diploma.

<u>Discipline Area</u>	<u>Standard Units of Credit Required</u>	<u>Verified Credits Required</u>
<u>English</u>	<u>4</u>	<u>2</u>
<u>Mathematics¹</u>	<u>4</u>	<u>2</u>
<u>Laboratory Science²</u>	<u>4</u>	<u>2</u>
<u>History and Social Sciences³</u>	<u>4</u>	<u>2</u>
<u>World Language⁴</u>	<u>3</u>	
<u>Health and Physical Education</u>	<u>2</u>	
<u>Fine Arts or Career and Technical Education⁵</u>	<u>1</u>	
<u>Economics and Personal Finance</u>	<u>1</u>	
<u>Electives</u>	<u>3</u>	
<u>Student Selected Test⁶</u>		<u>1</u>
<u>Total⁷</u>	<u>26</u>	<u>9</u>

¹Courses completed to satisfy this requirement shall include at least three different course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a mathematics course credit.

²Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve additional courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a science course credit.

³Courses completed to satisfy this requirement shall include Virginia and U.S. History, Virginia and U.S. Government, and two courses in either world history or geography or both. The board shall approve additional courses to satisfy this requirement.

⁴Courses completed to satisfy this requirement shall include three years of one language or two years of two languages.

⁵Per the Standards of Quality, a computer science course credit earned by students may be considered a career and technical education course credit.

⁶A student may utilize additional tests for earning verified credit in computer science, technology, career or technical education, economics, or other areas as prescribed by the board in 8VAC20-132-110.

⁷Students shall successfully complete one virtual course, which may be a noncredit-bearing course, or may be a course required to earn this diploma that is offered online.

Students completing the requirements for the Advanced Studies Diploma may be eligible to receive an honor deemed appropriate by the local school board as described in subsection H of this section.

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Beginning with first-time ninth-grade students in the 2016–2017 school year, students shall be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Students with an IEP or 504 Plan that documents that they cannot successfully complete this training shall be granted a waiver from this graduation requirement, as provided in 8VAC20-132-310 B.

D. In accordance with the requirements of the Standards of Quality, students with disabilities who complete the requirements of their IEP and do not meet the requirements for other diplomas shall be awarded Applied Studies Diplomas.

E. In accordance with the requirements of the Standards of Quality, students who complete prescribed programs of studies defined by the local school board but do not qualify for a Standard Diploma, an Advanced Studies Diploma, or an Applied Studies Diploma shall be awarded Certificates of Program Completion. The requirements for Certificates of Program Completion are developed by local school boards in accordance with the Standards of Quality.

F. In accordance with the provisions of the compulsory attendance law and 8VAC20-30, Regulations Governing Adult High School Programs, students who do not qualify for diplomas may earn a high school equivalency credential.

G. At a student's request, the local school board shall communicate or otherwise make known to institutions of higher education, potential employers, or other applicable third parties, in a manner that the local school board deems appropriate, that a student has attained the state's academic expectations by earning a Virginia diploma and that the value of such a diploma is not affected in any way by the accreditation status of the student's school.

H. Awards for exemplary student performance. Students who demonstrate academic excellence or outstanding achievement may be eligible for one or more of the following awards:

1. The Governor's Seal shall be awarded to students who complete the requirements for an Advanced Studies Diploma with an average grade of "B" or better and successfully complete college-level coursework that will earn the student at least nine transferable college credits in Advanced Placement (AP), International Baccalaureate (IB), Cambridge, or dual enrollment courses.

2. The Board of Education Seal shall be awarded to students who complete the requirements for a Standard Diploma or an Advanced Studies Diploma with an average grade of "A".

3. The Board of Education's Career and Technical Education Seal shall be awarded to students who earn a Standard Diploma or an Advanced Studies Diploma and complete a prescribed sequence of courses in a career and technical education concentration or specialization that they choose

and maintain a "B" or better average in those courses or (i) pass an examination or an occupational competency assessment in a career and technical education concentration or specialization that confers certification or occupational competency credential from a recognized industry, trade, or professional association or (ii) acquire a professional license in that career and technical education field from the Commonwealth of Virginia. The board shall approve all professional licenses and examinations used to satisfy these requirements.

4. The Board of Education's Seal of Advanced Mathematics and Technology shall be awarded to students who earn either a Standard Diploma or an Advanced Studies Diploma and (i) satisfy all of the mathematics requirements for the Advanced Studies Diploma (four units of credit, including Algebra II, and two verified units of credit) with a "B" average or better and (ii) either (a) pass an examination in a career and technical education field that confers certification from a recognized industry, trade, or professional association; (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia; or (c) pass an examination approved by the board that confers college-level credit in a technology or computer science area. The board shall approve all professional licenses and examinations used to satisfy these requirements.

5. The Board of Education's Seal for Excellence in Civics Education shall be awarded to students who earn either a Standard Diploma or an Advanced Studies Diploma and (i) complete Virginia and United States history and Virginia and United States government courses with a grade of "B" or higher; (ii) have good attendance and no disciplinary infractions as determined by local school board policies; and (iii) complete 50 hours of voluntary participation in community service or extracurricular activities. Activities that satisfy the requirements of clause (iii) of this subdivision include (a) volunteering for a charitable or religious organization that provides services to the poor, sick, or less fortunate; (b) participating in Boy Scouts, Girl Scouts, or similar youth organizations; (c) participating in Junior Reserve Officers' Training Corps; (d) participating in political campaigns or government internships or Boys State, Girls State, or Model General Assembly; or (e) participating in school-sponsored extracurricular activities that have a civics focus. Any student who enlists in the United States military prior to graduation shall be deemed to have met this community service requirement.

6. The Board of Education's Seal of Bilingual Proficiency shall be awarded to students who demonstrate proficiency in English and at least one other language and meet additional criteria established by the board. Such seal shall be awarded to eligible students graduating from public high schools in the Commonwealth beginning in 2016.

7. Students may receive other seals or awards for exceptional academic, career and technical, citizenship, or other exemplary performance in accordance with criteria defined by the local school board.

I. Students completing graduation requirements in a summer school program shall be eligible for a diploma. The last school attended by the student during the regular session shall award the diploma unless otherwise agreed upon by the principals of the two schools.

J. Students who complete Advanced Placement courses, college-level courses, or courses required for an International Baccalaureate Diploma shall be deemed to have completed the requirements for graduation under these standards, provided they have earned the standard units of credit and earned verified units of credit in accordance with the requirements for the Standard Diploma and the Advanced Studies Diploma, as specified in subsections B and C of this section.

K. Students shall be counseled annually regarding the opportunities for using additional tests for earning verified credits, as provided in accordance with the provisions of 8VAC20-132-110, and the consequences of failing to fulfill the obligations to complete the requirements for verified units of credit.

8VAC20-132-51. Requirements for graduation (effective for students who enter the ninth grade in the 2018–2019 school year).

A. The requirements for a student to earn a diploma and graduate from a Virginia high school shall be those in effect when that student enters the ninth grade for the first time. Students shall be awarded a diploma upon graduation from a Virginia high school.

Both the Standard Diploma and the Advanced Studies Diploma shall provide multiple paths toward college, career, and citizenship readiness for students to follow in the later years of high school. Each such pathway shall provide meaningful and rigorous opportunities tied to instruction to achieve workplace and citizenship skills through experiences such as internships, externships, credentialing, and blended learning, which may be offered for credit toward high school graduation.

In accordance with the Profile of a Virginia Graduate approved by the board, the instructional program leading to a Standard Diploma or Advanced Studies Diploma shall ensure that students (i) attain the knowledge, skills, competencies, and experiences necessary to be successful in the evolving global economy whether immediately entering the world of work or pursuing a postsecondary education and (ii) acquire and be able to demonstrate foundational skills in critical thinking, creative thinking, collaboration, communication, and citizenship.

When students below grade nine successfully complete courses offered for credit in grades nine through 12, credit shall

be counted toward meeting the standard units required for graduation, provided the courses are equivalent in content and academic rigor as those courses offered at the secondary level. To earn a verified unit of credit for these courses, students must meet the requirements of 8VAC20-132-110.

The requirements in this section shall be the only requirements for a diploma, unless a local school board has prescribed additional requirements that have been approved by the board. All additional requirements prescribed by local school boards that have been approved by the board remain in effect until such time as the local school board submits a request to the board to amend or discontinue them.

B. Requirements for a Standard Diploma.

1. Beginning with the ninth-grade class of 2018–2019 and beyond, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.

2. Credits required for graduation with a Standard Diploma.

No more than one locally awarded verified credit may be used to satisfy these requirements, except as provided in subdivision 3 of this subsection for credit accommodations for students with disabilities.

<u>Discipline Area</u>	<u>Standard Units of Credit Required</u>	<u>Verified Credits Required</u>
<u>English (reading and writing)</u>	<u>4</u>	<u>2</u>
<u>Mathematics</u>	<u>4</u>	<u>1</u>
<u>Laboratory Science</u>	<u>4</u>	<u>1</u>
<u>History and Social Science</u>	<u>4</u>	<u>1</u>
<u>World Language</u>	<u>3</u>	
<u>Health and Physical Education</u>	<u>2</u>	
<u>Fine Arts or Career and Technical Education</u>	<u>1</u>	
<u>Economics and Personal Finance</u>	<u>1</u>	
<u>Electives</u>	<u>3</u>	
<u>Total</u>	<u>26</u>	<u>5</u>
<u>Discipline Area</u>	<u>Specifications</u>	
<u>Mathematics</u>	<u>Courses completed to satisfy this requirement shall include at least three different course selections</u>	

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	<p><u>from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a mathematics course credit.</u></p>
<u>Laboratory Science</u>	<p><u>Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma and shall include interdisciplinary courses that incorporate Standards of Learning content from multiple academic areas. The board shall approve additional courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a science course credit.</u></p>
<u>History and Social Science</u>	<p><u>Courses completed to satisfy this requirement shall include Virginia and U.S. history, Virginia and U.S. government, and two courses in either world history or geography or both. The board shall approve additional courses to satisfy this requirement.</u></p>
<u>World Language</u>	<p><u>Courses completed to satisfy this requirement shall include three years of one language or two years of two languages. A student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language may substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student who elects to substitute a credit in computer science for a credit in world language, the student's school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.</u></p>

<u>Fine Arts or Career and Technical Education</u>	<p><u>Per the Standards of Quality, a computer science course credit earned by students may be considered a career and technical credit.</u></p>
<u>Electives</u>	<p><u>Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.</u></p>
<u>Additional Requirements for Graduation</u>	
<u>Advanced Placement, Honors, International Baccalaureate Course, or Career and Technical Education Credential</u>	<p><u>In accordance with the Standards of Quality, students shall (i) complete an Advanced Placement, honors, International Baccalaureate, or dual enrollment course; (ii) complete a high-quality work-based learning experience as established by board guidance on work-based learning; or (iii) earn a career and technical education credential approved by the board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the advanced studies diploma requirements. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment.</u></p>
<u>Virtual Course</u>	<p><u>Students shall successfully complete one virtual course, which may be a non-credit-bearing course or a required or elective credit-bearing course that is offered online.</u></p>
<u>Training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AED).</u>	<p><u>Students shall be trained in emergency first aid, CPR, and the use of AED, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Students with an IEP or 504 Plan that documents that they cannot successfully complete</u></p>

	<u>this training shall be granted a waiver from this graduation requirement, as provided in 8VAC20-132-310 B.</u>
<u>Demonstration of the five Cs</u>	<u>Students shall acquire and demonstrate foundational skills in critical thinking, creative thinking, collaboration, communication, and citizenship in accordance with the Profile of a Virginia Graduate approved by the board.</u>

3. The board shall establish, through guidelines, credit accommodations to the standard and verified credit requirements for a Standard Diploma. Such credit accommodations for students with disabilities may include:

- a. Approval of alternative courses to meet the standard credit requirements;
- b. Modifications to the requirements for local school divisions to award locally awarded verified credits;
- c. Approval of additional tests to earn verified credit;
- d. Adjusted cut scores required to earn verified credit; and
- e. Allowance of work-based learning experiences.

The student's IEP or 504 Plan shall specify any credit accommodations applicable for the student.

Students completing the requirements for the Standard Diploma may be eligible to receive an honor deemed appropriate by the local school board as described in subsection H of this section.

C. Requirements for an Advanced Studies Diploma.

1. Beginning with the ninth-grade class of 2018–2019 and beyond, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.

2. Credits required for graduation with an Advanced Studies Diploma.

No more than one locally awarded verified credit may be used to satisfy these requirements.

<u>Discipline Area</u>	<u>Standard Units of Credit Required</u>	<u>Verified Credits Required</u>
<u>English (reading and writing)</u>	<u>4</u>	<u>2</u>
<u>Mathematics</u>	<u>4</u>	<u>1</u>
<u>Laboratory Science</u>	<u>4</u>	<u>1</u>
<u>History and Social Science</u>	<u>4</u>	<u>1</u>

<u>World Language</u>	<u>3</u>	
<u>Health and Physical Education</u>	<u>2</u>	
<u>Fine Arts or Career and Technical Education</u>	<u>1</u>	
<u>Economics and Personal Finance</u>	<u>1</u>	
<u>Electives</u>	<u>3</u>	
<u>Total</u>	<u>26</u>	<u>5</u>

<u>Discipline Area</u>	<u>Specifications</u>
<u>Mathematics</u>	<u>Courses completed to satisfy this requirement shall include at least three different course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a mathematics course credit.</u>
<u>Laboratory Science</u>	<u>Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma and shall include interdisciplinary courses that incorporate Standards of Learning content from multiple academic areas. The board shall approve additional courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a science course credit.</u>
<u>History and Social Science</u>	<u>Courses completed to satisfy this requirement shall include Virginia and U.S. history, Virginia and U.S. government, and two courses in either world history or geography or both. The board shall approve additional courses to satisfy this requirement.</u>

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<u>World Language</u>	<u>Courses completed to satisfy this requirement shall include three years of one language or two years of two languages. A student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language may substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student who elects to substitute a credit in computer science for a credit in world language, the student's school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.</u>
<u>Fine Arts or Career and Technical Education</u>	<u>Per the Standards of Quality, a computer science course credit earned by students may be considered a career and technical credit.</u>
<u>Electives</u>	<u>Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.</u>
<u>Additional Requirements for Graduation</u>	
<u>Advanced Placement, Honors, International Baccalaureate Course, or Career and Technical Education Credential</u>	<u>In accordance with the Standards of Quality, students shall (i) complete an Advanced Placement, honors, International Baccalaureate, or dual enrollment course; (ii) complete a high-quality work-based learning experience as established by board guidance on work-based learning; or (iii) earn a career and technical education credential approved by the board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the advanced studies diploma requirements. The career and technical education credential, when required, could include the successful completion of an industry certification, a state</u>

	<u>licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment.</u>
<u>Virtual Course</u>	<u>Students shall successfully complete one virtual course, which may be a non-credit-bearing course or a required or elective credit-bearing course that is offered online.</u>
<u>Training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AED).</u>	<u>Students shall be trained in emergency first aid, CPR, and the use of AED, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Students with an IEP or 504 Plan that documents that they cannot successfully complete this training shall be granted a waiver from this graduation requirement, as provided in 8VAC20-132-310 B.</u>
<u>Demonstration of the five Cs</u>	<u>Students shall acquire and demonstrate foundational skills in critical thinking, creative thinking, collaboration, communication, and citizenship in accordance with the Profile of a Virginia Graduate approved by the board.</u>

D. Requirements for an Applied Studies Diploma. In accordance with the requirements of the Standards of Quality, a student with disabilities who completes the requirements of the student's IEP and does not meet the requirements for other diplomas shall be awarded Applied Studies Diplomas in accordance with state and federal laws and regulations regarding special education.

Students who pursue an Applied Studies Diploma shall be allowed to pursue a Standard Diploma or an Advanced Studies Diploma at any time during high school. Such students shall not be excluded from courses or tests required to earn these diplomas.

E. Requirements for Certificates of Program Completion. In accordance with the requirements of the Standards of Quality, students who complete prescribed programs of studies defined by the local school board but do not qualify for a Standard Diploma, an Advanced Studies Diploma, or an Applied Studies Diploma shall be awarded Certificates of Program Completion. The requirements for Certificates of Program Completion are developed by local school boards in accordance with the Standards of Quality.

F. In accordance with the provisions of the compulsory attendance law and 8VAC20-30, Regulations Governing Adult High School Programs, students who do not qualify for diplomas may earn a high school equivalency credential. The requirements for the General Achievement Adult High School Diploma are provided in 8VAC20-30-20.

G. At a student's request, the local school board shall communicate or otherwise make known to institutions of higher education, potential employers, or other applicable third parties, in a manner that the local school board deems appropriate, that a student has attained the state's academic expectations by earning a Virginia diploma and that the value of such a diploma is not affected in any way by the accreditation status of the student's school.

H. Awards for exemplary student performance. Students who demonstrate academic excellence and outstanding achievement may be eligible for one or more of the following awards:

1. The Governor's Seal shall be awarded to students who complete the requirements for an Advanced Studies Diploma with an average grade of "B" or better and successfully complete college-level coursework that shall earn the student at least nine transferable college credits in Advanced Placement (AP), International Baccalaureate (IB), Cambridge, or dual enrollment courses.

2. The Board of Education Seal shall be awarded to students who complete the requirements for a Standard Diploma or an Advanced Studies Diploma with an average grade of "A."

3. The Board of Education's Career and Technical Education Seal shall be awarded to students who earn a Standard Diploma or an Advanced Studies Diploma and complete a prescribed sequence of courses in a career and technical education concentration or specialization that they choose and maintain a "B" or better average in those courses or (i) pass an examination or an occupational competency assessment in a career and technical education concentration or specialization that confers certification or occupational competency credential from a recognized industry, trade, or professional association or (ii) acquire a professional license in that career and technical education field from the Commonwealth of Virginia. The board shall approve all professional licenses and examinations used to satisfy these requirements.

4. The Board of Education's Science, Technology, Engineering, and Mathematics (STEM) Seal shall be awarded to students who meet criteria established by the board.

5. The Board of Education's Seal for Excellence in Civics Education shall be awarded to students who earn either a Standard Diploma or an Advanced Studies Diploma and (i) complete Virginia and United States history and Virginia and United States government courses with a grade of "B"

or higher; (ii) have good attendance and no disciplinary infractions as determined by local school board policies; and (iii) complete 50 hours of voluntary participation in community service or extracurricular activities. Activities that satisfy the requirements of clause (iii) of this subdivision include (a) volunteering for a charitable or religious organization that provides services to the poor, sick, or less fortunate; (b) participating in Boy Scouts, Girl Scouts, or similar youth organizations; (c) participating in Junior Reserve Officers' Training Corps; (d) participating in political campaigns or government internships or Boys State, Girls State, or Model General Assembly; or (e) participating in school-sponsored extracurricular activities that have a civics focus. Any student who enlists in the United States military prior to graduation shall be deemed to have met this community service requirement.

6. The Board of Education's Seal of Bilingual Proficiency shall be awarded to students who demonstrate proficiency in English and at least one other language and meet additional criteria established by the board.

7. The Board of Education's Seal for Excellence in Science and the Environment shall be awarded to students who earn either a Standard Diploma or Advanced Studies Diploma and (i) complete at least three different first-level board-approved laboratory science courses and at least one rigorous advanced-level or postsecondary-level laboratory science course, each with a grade of "B" or higher; (ii) complete laboratory or field-science research and present that research in a formal, juried setting; and (iii) complete at least 50 hours of voluntary participation in community service or extracurricular activities that involve the application of science, such as environmental monitoring, protection, management, or restoration.

8. Students may receive other seals or awards for exceptional academic, career and technical, citizenship, or other exemplary performance in accordance with criteria defined by the local school board.

I. Students completing graduation requirements in a summer school program shall be eligible for a diploma. The last school attended by the student during the regular session shall award the diploma unless otherwise agreed upon by the principals of the two schools.

J. Students who complete Advanced Placement courses, college-level courses, or courses required for an International Baccalaureate Diploma shall be deemed to have completed the course requirements for graduation under these standards, provided they have earned the total number of standard units of credit and verified units of credit in each discipline area in accordance with the requirements for the Standard Diploma and the Advanced Studies Diploma, as specified in subsections B and C of this section.

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K. Students shall be counseled annually regarding the opportunities for using additional tests for earning verified credits, as provided in accordance with the provisions of 8VAC20-132-110, and the consequences of failing to fulfill the obligations to complete the requirements for verified units of credit.

8VAC20-132-60. Transfer students.

A. The provisions of this section pertain generally to students who transfer into Virginia high schools. Students transferring in kindergarten through grade eight from Virginia public schools or nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education (VCPE) shall be given recognition for all grade-level work completed. The academic record of students transferring from all other schools shall be evaluated to determine appropriate grade placement in accordance with policies adopted by the local school board. The State Testing Identifier (STI) for students who transfer into a Virginia public school from another Virginia public school shall be retained by the receiving school.

B. For the purposes of this section, the term "beginning" means within the first 20 hours of instruction per course. The term "during" means after the first 20 hours of instruction per course.

C. Standard or verified units of credit earned by a student in a Virginia public school shall be transferable without limitation regardless of the accreditation status of the Virginia public school in which the credits were earned. Virginia public schools shall accept standard and verified units of credit from other Virginia public schools, Virginia's virtual learning program, Virtual Virginia, and state-operated programs. Standard units of credit shall also be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted or the student has been given credit by the previous school attended.

D. A high school shall accept credits toward graduation received from Virginia nonpublic schools accredited by one of the approved accrediting constituent members of the VCPE. The board shall maintain contact with the VCPE and may periodically review its accrediting procedures and policies as part of its policies under this section.

Nothing in these standards shall prohibit a public school from accepting standard units of credit toward graduation awarded to students who transfer from all other schools when the courses for which the student receives credit generally match the description of or can be substituted for courses for which the receiving school gives standard credit and the school from which the child transfers certifies that the courses for which credit is given meet the requirements of 8VAC20-132-110 A.

E. The academic record of a student transferring from other Virginia public schools shall be sent directly to the school

receiving the student upon request of the receiving school in accordance with the provisions of 8VAC20-150, Management of the Student's Scholastic Record in the Public Schools of Virginia. The State Testing Identifier (STI) for students who transfer into a Virginia public school from another Virginia public school shall be retained by the receiving school.

F. The academic record of a student transferring into Virginia public schools from other than a Virginia public school shall be evaluated to determine the number of standard units of credit that have been earned, including credit from schools outside the United States, and the number of verified units of credit needed to graduate in accordance with subsection G of this section. Standard units of credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when the student has been given credit by the previous school attended.

Students transferring above grade 10 from schools or other education programs that do not require or give credit for health and physical education shall not be required to take these courses to meet graduation requirements.

Students transferring into a Virginia public school from other than a Virginia public school shall earn no fewer than the number of verified units listed in subdivision G 1 or G 2 of this section. The school division shall accept the following tests from the sending state, country, private school, or Department of Defense Educational Activity school for the purpose of awarding verified units of credit in courses previously completed at another school or program of study, for the purpose of awarding a Virginia high school diploma:

1. End-of-course tests required for graduation by the sending state;
2. Exit tests required for graduation by the sending state; and
3. National norm-referenced achievement tests. When students transfer to a Virginia public school from a state that requires a national norm-referenced achievement test, and that state education agency has set a "cut score" or passing score for the purpose of graduation, the school division shall accept the test for the purpose of awarding a verified credit if the test includes some content in a subject for which a verified credit may be awarded. If that state education agency has not set a cut score for the norm-referenced test, the test may not be used for the purpose of awarding a verified credit or earning a high school diploma.

Any substitute test approved by the board for verified credit shall be accepted in lieu of the applicable SOL tests if the applicable standard credit has been earned by the student.

The sending state's test must include content in the subjects for which verified credit is awarded. The test does not have to be comparable to a Virginia SOL test, so long as the test includes some content in the subject area. If the test includes

some content from more than one subject, verified credits shall be awarded for every subject area covered by the test.

G. Students entering a Virginia public high school for the first time after grade 10 shall earn as many credits as possible toward the prescribed graduation requirements. However, schools may substitute courses required in other states in the same content area if the student is unable to meet the specific content requirements of 8VAC20-132-50 or 8VAC20-132-51, respectively, without taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when the student otherwise would have graduated.

The graduation requirements for students transferring into a Virginia high school for the first time shall be as follows:

1. For a Standard Diploma:

a. Students entering a Virginia high school for the first time at the beginning of or during grade nine prior to the 2018–2019 school year shall meet the graduation requirements prescribed in 8VAC20-132-50. Students entering a Virginia high school for the first time at the beginning of or during grade nine in the 2018–2019 school year or thereafter shall meet the graduation requirements prescribed in 8VAC20-132-51.

b. Students entering a Virginia high school for the first time at the beginning of or during grade 10 prior to the 2019–2020 school year or at the beginning of grade 11 prior to the 2020–2021 school year shall meet the graduation requirements prescribed in 8VAC20-132-50, except that such students shall only be required to earn a minimum of four verified units of credit: one each in English, mathematics, history, and science. Students entering a Virginia high school for the first time at the beginning of or during grade 10 in the 2019–2020 school year or thereafter or at the beginning of grade 11 in the 2020–2021 school year or thereafter shall meet the graduation requirements prescribed in 8VAC20-132-51.

c. Students entering a Virginia high school for the first time during grade 11 prior to the 2020–2021 school year or at the beginning of grade 12 prior to the 2021–2022 school year shall meet the graduation requirements prescribed in 8VAC20-132-50, except that such students shall only be required to earn a minimum of two verified units of credit: one in English and one in mathematics if participation in mathematics testing is required by federal law; otherwise, such verified credit may be of the student's own choosing. Students entering a Virginia high school for the first time during grade 11 in the 2020–2021 school year or thereafter, or at the beginning grade 12 in the 2021–2022 school year or thereafter shall meet the graduation requirements prescribed in 8VAC20-132-51, except that such students shall only be required to earn a minimum of two verified units of credit: one in English and one in mathematics if participation in mathematics

testing is required by federal law; otherwise, such verified credit may be of the student's own choosing.

d. Students transferring after 20 instructional hours per course of their senior or grade 12 year shall be given every opportunity to earn a diploma following the graduation requirements prescribed in 8VAC20-132-50 for students entering prior to the 2021–2022 school year or following the graduation requirements prescribed in 8VAC20-132-51 for students entering in the 2021–2022 school year or thereafter. If it is not possible for the student to meet the requirements for a diploma, arrangements should be made for the student's previous school to award the diploma. If these arrangements cannot be made, a waiver of the verified unit of credit requirements may be available to the student. The Department of Education may grant such waivers upon request by the local school board in accordance with guidelines prescribed by the board.

2. For an Advanced Studies Diploma:

a. Students entering a Virginia high school for the first time at the beginning of or during grade nine prior to the 2018–2019 school year shall earn credit as prescribed in 8VAC20-132-50. Students entering a Virginia high school for the first time at the beginning of or during grade nine in the 2018–2019 school year or thereafter shall earn credit as prescribed in 8VAC20-132-51.

b. Students entering a Virginia high school for the first time at the beginning of or during grade 10 prior to the 2019–2020 school year or at the beginning of grade 11 prior to the 2020–2021 school year shall meet the graduation requirements prescribed in 8VAC20-132-50, except that such students shall only be required to earn a minimum of six verified units of credit: two in English and one each in mathematics, history, and science and one of the student's own choosing. Students entering a Virginia high school for the first time at the beginning of or during grade 10 in the 2019–2020 school year or thereafter or at the beginning of grade 11 in the 2020–2021 school year or thereafter shall earn credit as prescribed in 8VAC20-132-51.

c. Students entering a Virginia high school for the first time during grade 11 prior to the 2020–2021 school year or at the beginning of grade 12 prior to the 2021–2022 school year shall meet the graduation requirements prescribed in 8VAC20-132-50, except that such students shall only be required to earn a minimum of four verified units of credit: one in English, one in mathematics if required participation in mathematics testing is required by federal law, otherwise such verified credit may be of the student's own choosing, and two additional verified credits of the student's own choosing. Students entering a Virginia high school for the first time during grade 11 in the 2020–2021 school year or thereafter or at the beginning of grade 12 in the 2021–2022 school year or thereafter shall meet the graduation requirements

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prescribed in 8VAC20-132-51, except that such students shall only be required to earn a minimum of two verified units of credit: one in English, and one in mathematics if required participation in mathematics testing is required by federal law; otherwise such verified credit may be of the student's own choosing.

d. Students transferring after 20 instructional hours per course of their senior or grade 12 year shall be given every opportunity to earn a diploma following the graduation requirements prescribed in 8VAC20-132-50 for students entering prior to the 2021–2022 school year or following the graduation requirements prescribed in 8VAC20-132-51 for students entering in the 2021–2022 school year or thereafter. If it is not possible for the student to meet the requirements for a diploma, arrangements should be made for the student's previous school to award the diploma. If these arrangements cannot be made, a waiver of the verified unit of credit requirements may be available to the student. The Department of Education may grant such waivers upon request by the local school board in accordance with guidelines prescribed by the board.

3. For an Applied Studies Diploma: In accordance with the requirements of the Standards of Quality, students with disabilities who complete the requirements of their Individualized Education Plan and do not meet the requirements for other diplomas shall be awarded Applied Studies Diplomas in accordance with state and federal laws and regulations regarding special education.

Students who pursue an Applied Studies Diploma shall be allowed to pursue a Standard Diploma or an Advanced Studies Diploma at any time during high school. Such students shall not be excluded from courses or tests required to earn these diplomas.

4. For a Certificate of Program Completion: In accordance with the requirements of the Standards of Quality, students who complete prescribed programs of studies defined by the local school board but do not qualify for a Standard Diploma, an Advanced Studies Diploma, or an Applied Studies Diploma shall be awarded Certificates of Program Completion. The requirements for Certificates of Program Completion are developed by local school boards in accordance with the Standards of Quality.

H. No local school division receiving approval to increase its course credit requirements for a diploma may deny either the Standard Diploma or the Advanced Studies Diploma to any transfer student who has otherwise met the requirements contained in these standards if the transfer student can only meet the division's additional requirements by taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when the student otherwise would have graduated.

I. The transcript of a student who graduates or transfers from a Virginia secondary school shall conform to the requirements

of 8VAC20-160, Regulations Governing Secondary School Transcripts.

J. The accreditation status of a high school shall not be included on the student transcript provided to colleges, universities, or employers. The board expressly states that any student who has met the graduation requirements and has received a Virginia diploma holds a diploma that should be recognized as equal to any other Virginia diploma of the same type, regardless of the accreditation status of the student's high school. It is the express policy of the board that no student shall be affected by the accreditation status of the student's school. The board shall take appropriate action, from time to time, to ensure that no student is affected by the accreditation status of the student's school.

Part IV

School Instructional Program

8VAC20-132-70. Program of instruction and learning objectives.

A. As required by the Standards of Quality, each local school board shall develop and implement a program of instruction for kindergarten through grade 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the board. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, world languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

B. As described in 8VAC20-132-51 and in accordance with the Profile of a Virginia Graduate approved by the board, the instructional program and learning objectives shall ensure that students (i) attain the knowledge, skills, competencies, and experiences necessary to be successful in the evolving global economy whether immediately entering the world of work or pursuing a postsecondary education and (ii) acquire and be able to demonstrate foundational skills in critical thinking, creative thinking, collaboration, communication, and citizenship. Consistent with the Profile of a Virginia Graduate, the instructional program and learning objectives shall ensure that, as age appropriate, during the kindergarten through grade 12 experience, students achieve and apply appropriate career development and technical knowledge. During the elementary

and middle school years, students shall explore personal interests, be exposed to different types of careers, and plan for career development. In the later school years, students are to attain and demonstrate productive workplace skills, qualities, and behaviors; align knowledge, skills, and personal interests with career opportunities; and understand and demonstrate civic responsibility and community engagement.

C. Each school shall provide a program of instruction that promotes individual student academic achievement in the essential academic disciplines and shall provide additional instructional opportunities that meet the abilities, interests, and educational needs of students. Each school shall establish learning objectives to be achieved by students at successive grade levels that meet or exceed the knowledge and skills contained in the Standards of Learning for English, mathematics, science, and history and social science adopted by the board and shall continually assess the progress of each student in relation to the objectives.

D. Instruction shall be designed to accommodate all students, including those identified with disabilities in accordance with the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) or § 504 of the Rehabilitation Act, as amended, those identified as gifted or talented, and those who are ELs. Students with disabilities shall have the opportunity to receive a full continuum of education services in accordance with 8VAC20-81, Regulations Governing Special Education Programs for Children with Disabilities in Virginia, and other pertinent federal and state laws and regulations.

8VAC20-132-80. Instructional program in elementary schools.

A. The elementary school shall provide each student a program of instruction that corresponds to the Standards of Learning for English, mathematics, science, and history and social science. Each school shall provide instruction in art, music, and physical education and health and shall require students to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the board. In addition, each school shall provide instruction in career exploration in accordance with the provisions of 8VAC20-132-140.

B. In kindergarten through grade three, reading, writing, spelling, and mathematics shall be the focus of the instructional program. Schools shall maintain an early skills and knowledge achievement record in reading and mathematics for each student in kindergarten through grade three to monitor student progress and to promote successful achievement on the third-grade SOL tests. This record shall be included with the student's records if the student transfers to a new school.

In accordance with the Standards of Quality, local school boards shall implement early identification, diagnosis, and assistance for students with reading and mathematics problems and provide instructional strategies and reading and

mathematics practices that benefit the development of reading and mathematics skills for all students.

C. To provide students with sufficient opportunity to learn, local school divisions shall provide a minimum of 680 hours of the required 990 hours of instructional time to students in elementary school in the four academic disciplines of English, mathematics, science, and history and social science.

Students who are not successfully progressing in early reading proficiency or who are unable to read with comprehension the materials used for instruction shall receive additional instructional time in reading, which may include summer school.

In accordance with the Standards of Quality, local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the SOL reading test or any reading diagnostic test that meets criteria established by the Department of Education. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four.

D. Elementary schools are encouraged to provide instruction in world languages.

8VAC20-132-90. Instructional program in middle schools.

A. The middle school shall provide each student a program of instruction that corresponds to the Standards of Learning for English, mathematics, science, and history and social science. In addition, each school shall provide instruction in art, music, world language, physical education and health, and career and technical exploration and shall require students to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the board. Each middle school shall provide a course in career investigation in accordance with the provisions of 8VAC20-132-140. School divisions may seek alternate means of delivering the career investigation course content, provided it is equivalent in content and rigor and provides the foundation for students to develop their academic and career plans as described in 8VAC20-132-140 C 2. Possible alternative means to deliver the career investigation course content could include online methods, middle school exploratory course options, and delivering the course content through other courses.

B. The middle school shall provide a minimum of eight courses to students in grade eight. English, mathematics, science, and history and social science shall be required. Four elective courses shall be available: level one of a world language, one in health and physical education, one in fine arts, and one in career and technical exploration.

C. Level one of a world language and an Algebra I course shall be available to all eighth-grade students. For any secondary school credit-bearing course taken in middle school,

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parents may request that grades be omitted from the student's transcript and the student earn no high school credit for the course in accordance with policies adopted by the local school board. Notice of this provision must be provided to parents with a deadline and format for making such a request. Nothing in this chapter shall be construed to prevent a middle school from offering any other credit-bearing courses for graduation.

D. To provide students a sufficient opportunity to learn, each student shall be provided a total of 560 instructional hours per year in the four academic disciplines of English, mathematics, science, and history and social science.

E. Each school shall ensure that students who are unable to read with comprehension the materials used for instruction receive additional instruction in reading, which may include summer school.

F. In accordance with the Standards of Quality, each school shall ensure that students in grades six through eight who need targeted mathematics remediation or intervention, including remediation or intervention for computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level SOL mathematics test, shall receive additional instruction in mathematics, which may include summer school. Students in grades six through eight who are at risk of failing the Algebra I end-of-course test shall be provided Algebra readiness intervention services.

8VAC20-132-100. Instructional program in secondary schools.

A. The secondary school, in accordance with the Profile of a Virginia Graduate approved by the board, shall provide a program of instruction to ensure that students (i) attain the knowledge, skills, competencies, and experiences necessary to be successful in the evolving global economy whether immediately entering the world of work or pursuing a postsecondary education and (ii) acquire and be able to demonstrate foundational skills in critical thinking and creative thinking, collaboration, communication, and citizenship in accordance with 8VAC20-132-70 and the Profile of a Virginia Graduate.

The secondary school shall provide each student a program of instruction in the four core academic areas of English, mathematics, science, and history and social science that identifies the knowledge and skills that students should attain, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship in the early years of high school, and enables each student to meet the prescribed graduation requirements. The secondary school shall offer opportunities for each student, including:

1. Career and technical education choices that incorporate knowledge of regional workforce needs and opportunities; prepare the student as a career and technical education program completer in one of three or more occupational

areas; and prepare the student for technical or preprofessional postsecondary programs;

2. Coursework and experiences that prepare the student for college-level studies, including access to at least three Advanced Placement (AP) courses, college-level courses for degree credit, International Baccalaureate (IB) courses, Cambridge courses, or any combination thereof;

3. Preparation for college admissions tests;

4. Study and exploration of the fine arts and world languages; and

5. Participation in work experiences, such as internships, externships, and other work-based learning experiences, and attaining workforce and career readiness and industry credentials.

B. Minimum course offerings for each secondary school shall provide opportunities for students to meet the graduation requirements stated in this chapter and must include:

English	4
Mathematics	4
Science (Laboratory)	4
History and Social Science	4
World Language	3
Electives	4
Career and Technical Education	11
Fine Arts	2
Health and Physical Education	2
Economics and Personal Finance	1
Total Units	39

C. Classroom driver education may count for 36 class periods, or the equivalent in minutes, of health education. Students shall not be removed from classes other than health and physical education for the in-car phase of driver education.

D. Each school shall ensure that students who are unable to read with comprehension the materials used for instruction receive additional instruction in reading, which may include summer school.

E. In accordance with the Standards of Quality, each school shall ensure that students who need targeted mathematics remediation and intervention, including remediation or intervention for computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level SOL mathematics test, shall receive additional instruction

in mathematics, which may include summer school. Students in grade nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the department, shall be provided Algebra readiness intervention services.

8VAC20-132-110. Standard and verified units of credit.

A. A "standard unit of credit" or "standard credit" is a credit awarded for a course in which the student successfully completes 140 clock hours of instruction and the requirements of the course. A school division may waive the requirement that a student receive 140 clock hours of instruction to earn a standard credit, effective with students enrolled in the 2015-2016 school year, as prescribed in the Standards of Quality and board guidelines. When credit is awarded in less than whole units, the increment awarded must be no greater than the fractional part of the 140 hours of instruction provided. If a school division elects to award credit on a basis other than the 140 clock hours of instruction required for a standard unit of credit defined in this subsection, the local school division shall provide the board with satisfactory proof, based on board guidelines, that the students for whom the 140-clock-hour requirement is waived have learned the content and skills included in the relevant Standards of Learning. In addition, the local school division shall develop a written policy approved by the superintendent and school board that ensures:

1. That the content of the course for which credit is awarded is comparable to 140 clock hours of instruction; and
2. That upon completion, the aims and objectives of the course have been met.

B. A "verified unit of credit" or "verified credit" is a credit awarded for a course in which a student earns a standard unit of credit and completes one of the following:

1. Achieves a passing score on a corresponding end-of-course SOL test. In accordance with the provisions of the Standards of Quality, students may earn a standard and verified unit of credit for any elective course in which the core academic Standards of Learning course content has been integrated and the student passes the related end-of-course SOL test. Such course and test combinations must be approved by the board.

Upon waiver of the 140-clock-hour requirement according to board guidelines, qualified students who have received a standard unit of credit shall be permitted to sit for the relevant SOL test to earn a verified credit without having to meet the 140-clock-hour requirement.

2. Achieves a passing score on an additional test, as defined in 8VAC20-132-10, as a part of the Virginia Assessment Program.

3. Meets the criteria for the receipt of a locally awarded verified credit when the student has not passed a corresponding SOL test.

a. Students who enter grade nine for the first time prior to the 2018-2019 school year and do not pass SOL tests in English, mathematics, science, or history and social science may receive locally awarded verified credits from the local school board in accordance with criteria established in guidelines adopted by the board. Credit accommodations for students with disabilities may be used to confer locally awarded verified credits as provided in 8VAC20-132-50 B 3.

b. Students who enter grade nine for the first time in the 2018-2019 school year or thereafter and do not pass SOL tests in English, mathematics, laboratory science, or history and social science may receive locally awarded verified credits from the local school board in accordance with criteria established in guidelines adopted by the board. No more than one locally awarded verified credit may be used to satisfy graduation requirements, except as provided in 8VAC20-132-51 B 3 for students with disabilities seeking a standard diploma.

4. Meets the criteria for the receipt of a verified credit in English (writing) by demonstrating mastery of the content of the associated course on an authentic performance assessment that complies with guidelines adopted by the board. Such students shall not also be required to take the corresponding SOL test in English (writing).

C. The board may from time to time approve additional tests for the purpose of awarding verified credit. Such additional tests, which enable students to earn verified units of credit, must, at a minimum, meet the following criteria:

1. The test must be standardized and graded independently of the school or school division in which the test is given;
2. The test must be knowledge based;
3. The test must be administered on a statewide, multistate, or international basis, or administered as part of another state's accountability assessment program; and
4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the Standards of Learning content in the course for which verified credit is given.

The board shall set the score that must be achieved to earn a verified unit of credit on the additional test options.

D. With such funds as are appropriated by the General Assembly, the board shall provide opportunities for students who meet criteria adopted by the board to have an expedited retake of a SOL test to earn verified credit.

E. The provisions of this section are effective on and after the beginning of the 2018–2019 academic year.

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8VAC20-132-120. Summer school.

A. The courses offered and the quality of instruction in the summer school program shall be comparable to that offered during the regular school term. At the middle and secondary school levels, credit for courses taken for credit toward graduation other than a repeat course shall be awarded in accordance with the requirements of 8VAC20-132-110. Students must also meet the requirements for SOL testing if appropriate.

B. Summer school instruction at any level, which is provided as part of a state-funded remedial program, shall be designed to improve specific identified student deficiencies. Such programs shall be conducted in accordance with regulations adopted by the board.

8VAC20-132-130. Elective courses.

Locally developed elective courses offered for credit toward high school graduation shall be approved by the division superintendent and local school board.

8VAC20-132-140. College and career readiness; career exposure, exploration, and planning; and opportunities for postsecondary credit.

A. Each middle and secondary school shall provide for the early identification and enrollment of students in a program with a range of educational and academic experiences related to college and career readiness in and outside the classroom, including an emphasis on experiences that will motivate disadvantaged and minority students to prepare for a career or postsecondary education.

B. Beginning with the 2013–2014 academic year and through the 2017–2018 academic year:

1. All schools shall begin development of a personal Academic and Career Plan (ACP) for each seventh-grade student with completion by the fall of the student's eighth-grade year. Students who transfer from other than a Virginia public school into grade eight shall have the plan developed as soon as practicable following enrollment. Beginning with the 2014–2015 academic year, students who transfer into a Virginia public school after their eighth-grade year shall have an ACP developed upon enrollment. The components of the ACP shall include the student's program of study for high school graduation and a postsecondary career pathway based on the student's academic and career interests. The ACP shall be developed in accordance with guidelines established by the board and signed by the student, student's parent or guardian, and school official designated by the principal. The ACP shall be included in the student's record and shall be reviewed and updated, if necessary, before the student enters grades nine and 11. The school shall have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the ACP.

Any personal ACPs prescribed by local school boards for students in grades seven through 12 and in effect as of June 30, 2009, are approved to continue without further action by the board.

2. Beginning in the middle school years, students shall be counseled on opportunities for beginning postsecondary education and opportunities for obtaining industry certifications, occupational competency credentials, or professional licenses in a career and technical education field prior to high school graduation. Such opportunities shall include access to at least three Advanced Placement (AP), International Baccalaureate (IB), or Cambridge courses or three college-level courses for degree credit pursuant to 8VAC20-132-100. No student taking advantage of such opportunities shall be denied participation in school activities for which the student is otherwise eligible. Wherever possible, students shall be encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit (dual enrollment), under the following conditions:

- a. Written approval of the secondary school principal prior to participation in dual enrollment must be obtained;
- b. The college must accept the student for admission to the course; and
- c. The course must be given by the college for degree credits (no remedial courses will be accepted).

No school that complies with this standard shall be penalized in receiving state appropriations.

C. Beginning with the 2018–2019 academic year:

1. Each elementary, middle, and secondary school shall provide for the identification by all students of personal interests and abilities to support planning for postsecondary opportunities and career preparation. Such support shall include provision of information concerning exploration of career cluster areas in elementary schools and course information and planning for college preparation programs, opportunities for educational and academic experiences in and outside the classroom, including internships and work-based learning, and the multiple pathways to college and career readiness in middle and secondary school.

2. Beginning in the elementary school years, students are to explore the different occupations associated with career clusters and select areas of interest. Students shall begin the development of an Academic and Career Plan Portfolio (ACPP) in elementary grades to include information about interests, values such as dependability and responsibility, and skills supporting decisions about their future interests and goals. The ACPP is a repository for planning notes, class projects, interest inventory results, awards and recognitions, and other information related to academic and career plans and preparation. The ACPP is student led and updated and

revised as the student continues to plan for the student's future throughout school years. The information contained in the ACP shall serve as the foundation for creating the ACP in grade seven.

In middle school, students are to complete a locally selected career interest inventory and select a career pathway. To support development of the ACP, students shall complete a career investigations course selected from the career and technical education state-approved list or a school division-provided alternative means of delivering the career investigations course content, provided that the alternative is equivalent in content and academic rigor. The course, or its alternative, shall address, at a minimum, planning for academic courses, work-based learning opportunities, completion of industry certifications, possible independent projects, and postsecondary education. The course, or its alternative, shall include demonstration of personal, professional, and technical workplace readiness skills.

All schools shall continue development of a personal ACP with each seventh-grade student with completion by the end of the fall semester of the student's eighth-grade year. Students who transfer from other than a Virginia public school into grade eight shall have the ACP developed as soon as practicable following enrollment. Students who transfer into a Virginia public school after their eighth-grade year shall have an ACP developed upon enrollment. The components of the ACP shall include the student's program of study for high school graduation and a postsecondary career pathway based on the student's academic and career interests. In secondary school, a career-related learning experience shall be chosen by the student and documented in the ACP.

3. The ACP shall be developed in accordance with guidelines established by the board and signed by the student, student's parent or guardian, and school official or officials designated by the principal. The ACP shall be included in the student's record and shall be reviewed and updated annually.

4. Beginning in the middle school years, students shall be counseled on opportunities for beginning postsecondary education and opportunities for obtaining industry certifications, occupational competency credentials, or professional licenses in a career and technical education field prior to high school graduation. Such opportunities shall include access to at least three Advanced Placement, International Baccalaureate, or Cambridge courses or three college-level courses for degree credit pursuant to 8VAC20-132-100. No students taking advantage of such opportunities shall be denied participation in school activities for which the student is otherwise eligible.

5. Wherever possible, students shall be encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college

degree credit (dual enrollment), under the following conditions:

a. Written approval of the secondary school principal prior to participation in dual enrollment must be obtained;

b. The college must accept the student for admission to the course;

c. The course must be given by the college for degree credits (no remedial courses will be accepted); and

d. Students participating in courses offered by an institution of higher education shall be permitted to exceed a full course load in order to participate in courses that lead to a degree, certificate, or credential at such institution.

8VAC20-132-150. Standard school year and school day.

A. The standard school year shall be 180 instructional days or 990 instructional hours. The standard school day, including passing time for class changes and excluding breaks for meals, shall average a minimum of 5-1/2 instructional hours for students in kindergarten through grade 12. Recess may be included in the calculation of required instructional hours for elementary school, provided that recess does not exceed 15% of the required instructional hours.

B. All students in kindergarten through grade 12 shall maintain a full day schedule of classes (5-1/2 hours), unless a waiver is granted in accordance with policies defined by the local school board.

8VAC20-132-160. Family life education.

Each school may implement the Standards of Learning for the Family Life Education program promulgated by the board or a Family Life Education program consistent with the guidelines developed by the board, which program shall have the goals of reducing the incidence of pregnancy, sexually transmitted diseases, and substance abuse among teenagers.

8VAC20-132-170. Off-site instruction.

A. Homebound instruction shall be made available to students who are confined at home or in a health care facility for periods that would prevent normal school attendance based upon certification of need by a licensed physician or licensed clinical psychologist. For students eligible for special education or related services, the Individualized Education Program (IEP) committee must revise the IEP, as appropriate. Credit for the work shall be awarded when it is done under the supervision of a licensed teacher qualified in the relevant subject areas and employed by the local school board, and there is evidence that the instructional time requirements or alternative means of awarding credit adopted by the local school board in accordance with the provisions of 8VAC20-132-110 have been met.

B. Schools are encouraged to pursue alternative means to deliver instruction to accommodate student needs through virtual courses, emerging technologies, and other similar

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means. Students may enroll in and receive a standard and verified unit of credit for supervised virtual courses with prior approval of the principal. The local school board shall develop policies governing this method of delivery of instruction that shall include the provisions of 8VAC20-132-110 and the administration of required SOL tests prescribed by 8VAC20-132-40. For courses offered for possible high school credit, standard units of credit shall be awarded for successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher qualified in the relevant subject areas. A verified unit of credit may be earned when the student has successfully completed the requirements specified in 8VAC20-132-110.

8VAC20-132-180. Library media, materials, and equipment.

A. Each school shall maintain an organized library media center as the resource center of the school and provide a unified program of media services and activities for students and teachers before, during, and after school. The library media center shall contain hard copy, electronic technological resources, materials, and equipment that are sufficient to meet research, inquiry, and reading requirements of the instructional program and general student interest.

B. Each school shall provide a variety of materials, resources, and equipment to support the instructional program.

8VAC20-132-190. Extracurricular and other school activities; recess.

A. School sponsored extracurricular activities shall be under the direct supervision of the staff and shall contribute to the educational objectives of the school. Extracurricular activities must be organized to avoid interrupting the instructional program. Extracurricular activities shall not be permitted to interfere with the student's required instructional activities. Extracurricular activities and eligibility requirements shall be established and approved by the superintendent and the school board.

B. Competitive sports of a varsity nature (scheduled league games) shall be prohibited as a part of the elementary school program.

C. Each elementary school shall provide students with a daily recess during the regular school year as determined appropriate by the school.

D. Local school boards shall provide a program of physical activity for all students in kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year.

Part V

School and Instructional Leadership

8VAC20-132-200. Role of the principal.

A. The principal is recognized as the instructional leader and manager of the school and is responsible for:

1. Fostering the success of all students by facilitating the development, communication, implementation, and evaluation of a shared vision of teaching and learning that leads to student academic progress and school improvement;
2. Fostering the success of all students by developing, advocating, and sustaining an academically rigorous, positive, and safe school climate for all stakeholders;
3. Fostering effective human resources management by appropriately assigning, selecting, inducting, supporting, evaluating, and retaining quality instructional and support personnel;
4. Fostering the success of all students by communicating and collaborating effectively with stakeholders;
5. Fostering the success of all students by demonstrating professional standards and ethics, engaging in continuous professional development, and contributing to the profession; and
6. Providing leadership that results in acceptable, measurable student academic progress based on established standards.

As a matter of policy, the board, through these standards, recognizes the critically important role of principals to the success of public schools and the students who attend those schools and recommends that local school boards provide principals with the maximum authority available under law in all matters affecting the school, including instructional leadership, school climate, human resources management, organizational management, communication and community relations, and student academic progress, in a manner that allows the principal to be held accountable in a fair and consistent manner for matters under the principal's direct control.

B. As the instructional leader, the principal is responsible for ensuring that students are provided an opportunity to learn and shall:

1. Lead the collaborative development and maintenance of a student-centered shared vision for educational improvement and work collaboratively with staff, students, parents, and other stakeholders to develop a mission and programs for effective teaching and learning, consistent with the division's strategic plan and the school's goals;
2. Collaboratively plan, implement, support, monitor, and evaluate instructional programs that enhance teaching and student academic progress and lead to school improvement;

3. Analyze current academic achievement data and instructional strategies and monitor and evaluate the use of diagnostic, formative, and summative assessment by grade and by discipline to:

a. Make appropriate educational decisions to improve classroom instruction, increase student achievement, and improve overall school effectiveness; provide timely and accurate feedback to students and parents and to inform instructional practices; and direct and require appropriate prevention, intervention, or remediation to those students performing below grade level or not meeting expectations, including passing the SOL tests;

b. Involve the staff of the school in identifying and evaluating professional development needed to improve student achievement and provide professional development opportunities and ensure that the staff participate in those activities;

c. Evaluate and improve classroom practices and instruction; and

d. Seek to ensure students' successful attainment of knowledge and skills set forth in the Standards of Learning;

4. Ensure that student records are maintained and that criteria used in making placement and promotion decisions, as well as any instructional interventions used to improve a student's performance, are included in the record;

5. Protect the academic instructional time from unnecessary interruptions and disruptions and provide collaborative leadership for the design and implementation of effective and efficient schedules that protect and maximize instructional time;

6. Involve students, staff, parents, and the community to create and sustain a positive, safe, and healthy learning environment that enforces state, division, and local rules, policies, and procedures and consistently models and collaboratively promotes high expectations, mutual respect, care, and concern for students, staff, parents, and the community;

7. Create a culture of shared accountability and continuous school improvement;

8. Involve students, families, staff, and other stakeholders to promote community engagement;

9. Maintain records of students who drop out of school, including their reasons for dropping out and actions taken to prevent these students from dropping out;

10. Notify the parents of rising eleventh-grade and twelfth-grade students of:

a. The number of standard and verified units of credit required for graduation; and

b. The remaining number of such units of credit the individual student requires for graduation; and

11. Notify the parent or guardian of students removed from class for disciplinary reasons for two or more consecutive days in whole or in part. The school shall have met its obligation if it makes a good faith effort to notify the parent or guardian.

C. As the school manager, the principal shall:

1. Support, manage, and oversee the school's organization, operation, and use of resources;

2. Demonstrate and communicate a knowledge and understanding of Virginia public education rules, regulations, laws, and school division policies and procedures;

3. Work with staff to create an atmosphere of mutual respect and courtesy and to facilitate constructive communication by establishing and maintaining a current handbook of personnel policies and procedures;

4. Ensure the use of data systems and technology to support goals;

5. Disseminate information to staff, parents, and other stakeholders in a timely manner through multiple channels and sources;

6. Work with the community to involve parents and citizens in the educational program;

7. Facilitate communication with parents by maintaining and disseminating a current student handbook of policies and procedures that includes the school division's standards of student conduct and procedures for enforcement, along with other matters of interest to parents and students;

8. Manage the supervision and research-based evaluation of staff in accordance with local and state requirements;

9. Maintain a current record of staff's licenses and endorsements to ensure compliance and professional development completed by staff;

10. Follow local and state laws and policies with regard to finances, school accountability, and reporting;

11. Maintain records of receipts and disbursements of all funds handled, which shall be audited annually by a professional accountant approved by the local school board; and

12. Ensure the security of all tests administered to students, including those required by the board and the local school division. This includes:

a. The requirement that all schools adhere to a policy that prohibits students' access to cell phones and other electronic devices with texting or camera capabilities during the administration of the SOL tests;

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b. The requirement that, to the extent possible, no teacher should administer the SOL test associated with the grade level content or class such teacher taught;

c. Notification to teachers of the penalties for breaching security on SOL tests, including actions against the teacher's license and civil penalties; and

d. Establishment of penalties for students who breach security on SOL tests.

8VAC20-132-210. Role of professional teaching staff.

The professional teaching staff shall be responsible for providing instruction that is educationally sound in an atmosphere of mutual respect and courtesy that is conducive to learning and in which all students are expected to achieve the objectives of the Standards of Learning for the appropriate grade level or course. The staff shall:

1. Serve as role models for effective oral and written communication with special attention to the use of standard English;

2. Strive to strengthen the basic skills of students in all subjects and to close any achievement gaps among groups of students in the school;

3. Establish teaching objectives to achieve the following:

a. Identify what students are expected to learn; and

b. Inform students of the achievement expected and keep them engaged in learning tasks;

4. Provide for individual differences of students through the use of differentiated instruction, varied materials, and activities suitable to student interests and abilities; and

5. Assess the progress of students and report promptly and constructively to students and their parents.

8VAC20-132-220. Role of support staff.

The school's support staff shall work with the principal and professional teaching staff to promote student achievement and successful attainment of the school's goals.

8VAC20-132-230. Administrative and support staff; staffing requirements.

A. Each school shall have, at a minimum, the staff as specified in the Standards of Quality with proper licenses and endorsements for the positions they hold.

B. The principal of each middle and secondary school shall be employed on a 12-month basis.

C. Each elementary, middle, and secondary school shall employ school counseling staff as prescribed by the Standards of Quality. School counseling shall be provided for students to ensure that a program of studies contributing to the student's academic achievement and meeting the graduation requirements specified in this chapter is being followed.

D. Each member of the school counseling staff in the counseling program for elementary, middle, and secondary schools shall spend at least 80% of the member's staff time during normal school hours in direct counseling of individual students or groups of students.

E. A middle school classroom teacher's standard load shall be based on teaching no more than the instructional day minus one planning period per day or the equivalent with no more than 150 students or 25 class periods per week. If a middle school classroom teacher teaches more than 150 students or 25 class periods per week, an appropriate contractual arrangement and compensation shall be provided.

F. The secondary classroom teacher's standard load shall be based on teaching no more than the instructional day minus one planning period per day or the equivalent with no more than 150 students or 25 class periods per week. If a secondary school classroom teacher teaches more than 150 students or 25 class periods per week, an appropriate contractual arrangement and compensation shall be provided.

G. Middle or secondary school teachers shall teach no more than 150 students per week; however, physical education and music teachers may teach 200 students per week. If a middle or secondary school physical education or music teacher teaches more than 200 students per week, an appropriate contractual arrangement and compensation shall be provided.

H. Each elementary classroom teacher shall be provided at least an average of 30 minutes per day during a student's school week as planning time. Each full-time middle and secondary classroom teacher shall be provided one planning period per day or the equivalent, as defined in 8VAC20-132-10, unencumbered of any teaching or supervisory duties.

I. Staff-student ratios in special education and career and technical education classrooms shall comply with regulations of the board.

J. Student support positions as defined in the Standards of Quality shall be available as necessary to promote academic achievement and to provide support services to the students in the school.

Part VI

School Facilities and Safety

8VAC20-132-240. School facilities and safety.

A. Each school shall be maintained in a manner ensuring compliance with the Virginia Uniform Statewide Building Code (13VAC5-63). In addition, the school administration shall:

1. Maintain a physical plant that is accessible, barrier free, safe, and clean;

2. Provide for the proper outdoor display of flags of the United States and of the Commonwealth of Virginia;

3. Provide suitable space for classrooms, administrative staff, pupil personnel services, library and media services, and for the needs and safety of physical education;

4. Provide adequate, safe, and properly equipped laboratories to meet the needs of instruction in the sciences, technology, fine arts, and career and technical programs;

5. Provide facilities for the adequate and safe administration and storage of student medications; and

6. Carry out the duties of the threat assessment team established by the division superintendent and implement policies established by the local school board related to threat assessment pursuant to § 22.1-79.4 of the Code of Virginia.

B. Each school shall maintain records of regular safety, health, and fire inspections that have been conducted and certified by local health and fire departments. The frequency of such inspections shall be determined by the local school board in consultation with the local health and fire departments. In addition, the school administration shall:

1. Equip all exit doors with panic hardware as required by the Virginia Uniform Statewide Building Code (13VAC5-63);

2. Conduct a fire drill at least twice during the first 20 days of school and conduct at least two additional fire drills during the remainder of the school term. Evacuation routes for students shall be posted in each room; and

3. Conduct a lock-down drill at least twice during the first 20 days of school and conduct at least two additional lock-down drills during the remainder of the school term.

C. Each school shall have contingency plans for emergencies that include staff certified in cardiopulmonary resuscitation (CPR), the Heimlich maneuver, and emergency first aid.

Each school building with instructional or administrative staff of 10 or more shall have at least three employees with current certification or training in emergency first aid, CPR, and the use of an automated external defibrillator. If one or more students diagnosed with diabetes attend such school, at least two employees shall have been trained in the administration of insulin and glucagon.

Each school building with instructional or administrative staff of fewer than 10 shall have at least two employees with current certification or training in emergency first aid, CPR, and the use of an automated external defibrillator. If one or more students diagnosed with diabetes attend such school, at least one employee shall have been trained in the administration of insulin and glucagon.

D. In addition, the school administration shall ensure that the school has:

1. Written procedures to follow in emergencies such as fire, injury, illness, allergic reactions, and violent or threatening behavior. This shall include school board policies for the possession and administration of epinephrine in every school, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any student believed to be having an anaphylactic reaction. The plan shall be outlined in the student handbook and discussed with staff and students during the first week of each school year;

2. Space for the proper care of students who become ill;

3. A written procedure, in accordance with guidelines established by the local school board, for responding to violent, disruptive, or illegal activities by students on school property or during a school-sponsored activity; and

4. Written procedures to follow for the safe evacuation of persons with special physical, medical, or language needs who may need assistance to exit a facility.

Part VII

School and Community Communications

8VAC20-132-250. School and community communications.

A. Each school shall promote communication and foster mutual understanding with parents and the community. Each school shall:

1. Involve parents, citizens, community agencies, and representatives from business and industry in developing, disseminating, and explaining the biennial school plan; on advisory committees; in curriculum studies; and in evaluating the educational program.

2. Provide annually to the parents and the community a school performance report in a manner prescribed by the board and consistent with the requirements of the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended). The school performance report shall include designated information for the most recent three-year period. Such information shall be designated by the board to include indicators of the following: accountability, assessments, enrollment and demographics, college and career readiness, finance, learning environment, and teacher quality. Specific indicators shall include:

a. Virginia Assessment Program results by percentage of participation and proficiency and disaggregated by student reporting groups.

b. School performance, disaggregated by student reporting groups, on each school quality indicator described in 8VAC20-132-270 B, the school's overall performance category described in 8VAC20-132-270 E, and whether the school is identified for improvement under 8VAC20-132-280.

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c. Accreditation status.

d. Attendance and absenteeism for students.

e. Information related to school safety, to include incidents of crime and violence.

f. Information related to qualifications and educational attainment of the teaching staff.

g. In addition, each secondary school's school performance report shall include the following:

(1) Advanced Placement (AP) information, to include the percentage of students who take AP courses and percentage of students who take AP tests;

(2) International Baccalaureate (IB) and Cambridge course information, to include the percentage of students who are enrolled in IB or Cambridge programs and the percentage of students who receive an IB or Cambridge Diploma;

(3) College-level course information, to include the percentage of students who take college-level courses, including dual enrollment courses;

(4) Number and percentage of (i) graduates by diploma type as prescribed by the board; (ii) certificates awarded to the senior class, including high school equivalency preparation program credentials approved by the board; and (iii) students who do not complete high school;

(5) As a separate category on the school performance report, the number of students obtaining board-approved industry certifications and passing state licensure examinations, national occupational competency assessments, and Virginia workplace readiness skills assessments while still in high school, and the number of career and technical education completers who graduated; and

(6) Number and percentage of dropouts.

3. Cooperate with business and industry in formulating career and technical educational programs and conducting joint enterprises involving personnel, facilities, training programs, and other resources.

4. Encourage and support the establishment or continuation of a parent-teacher association or other organization and work cooperatively with it.

B. At the beginning of each school year, each school shall provide to the parents or guardians of its students information on the availability of and source for receiving:

1. The learning objectives developed in accordance with the provisions of 8VAC20-132-70 to be achieved at the child's grade level or, in high school, a copy of the syllabus for each of the child's courses, and a copy of the school division promotion, retention, and remediation policies;

2. The Standards of Learning applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing; and

3. An annual notice to students in all grade levels of all requirements for Standard Diploma and Advanced Studies Diploma and the board's policies on promotion and retention as outlined in 8VAC20-132-30.

The division superintendent shall report to the department compliance with this subsection as required by 8VAC20-132-300.

Part VIII

School Accountability

8VAC20-132-260. Expectations for school accountability.

A. The system of school accountability provides a means of determining the quality and effectiveness of schools for the following purposes:

1. Building on strengths in schools and addressing specific areas needing improvement;

2. Driving continuous improvement in school achievement for all schools;

3. Identifying areas for technical assistance and the use of school improvement resources;

4. Providing a comprehensive picture of school quality information to the public; and

5. Informing board accreditation of schools based on the conditions specified in 8VAC20-132-300.

B. The accountability system, which presents expectations and standards for schools and school divisions, shall:

1. Be used to publish the annual school performance report, as referenced in 8VAC20-132-250, which provides information to parents, citizens, the community, businesses and other agencies, and the general public about school characteristics and about a comprehensive range of school indicators;

2. Fulfill the state accountability provisions for schools and divisions as presented in this part and the federal accountability provisions required under the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended) and the Individuals with Disabilities Education Act (20 USC § 1400 et seq.); and

3. Identify schools, based on student outcome and growth measures, that require multi-year school support plans to improve performance on school quality indicators, which shall be taken into consideration in accrediting schools consistent with 8VAC20-132-300 alongside compliance with the standards for student achievement, instructional programs, school and instructional leadership, school

facilities and safety, and school and community communications in this chapter.

8VAC20-132-270. Measurement of school quality for accountability.

A. Requirements for indicator selection. School quality for the purposes of accountability shall be measured for each school using multiple indicators as provided for in this part. School quality indicators include student academic outcomes and other factors that are associated with student learning.

Designation of school quality indicators by the board is based on the following criteria:

1. Research demonstrates that the indicator is related to student academic outcomes, such as academic achievement and success beyond high school;
2. Standardized procedures exist across schools and school divisions for collection of data used for the indicator so that the indicator is measured consistently and comparably statewide;
3. The data used in the indicator is reliable and valid;
4. Performance in the indicator can be positively impacted through division-level and school-level policies and procedures;
5. The indicator meaningfully differentiates among schools based on progress of all students and student reporting groups; and
6. The indicator does not unfairly impact one type or group of schools or students.

B. School quality indicators. Specific indicators designated by the board for accountability purposes include the following:

1. For all schools, academic achievement on board-approved Standards of Learning tests in reading, mathematics, and science, as measured through a weighted mastery index that gives full credit, or a weight of one, in the numerator for students who attain grade-level proficiency; partial credit, or a weight of less than one, in the numerator for students who do not attain grade-level proficiency; and bonus credit, or a weight greater than one, in the numerator for students who exceed grade-level proficiency;
2. For elementary and middle schools, growth in reading and mathematics, as measured by an individual student's year-over-year progress on summative statewide end-of-year tests;
3. For high schools, graduation rate, which shall primarily be based on the four-year adjusted cohort graduation rate as prescribed in the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended) and may include other

graduation rate measures determined by the board consistent with federal requirements;

4. Readiness for all students as measured by:

- a. For all schools, chronic absenteeism, defined as students who miss 10% or more of the school year regardless of reason, excluding students receiving homebound instruction, as defined in 8VAC20-132-10; and
- b. For high schools, college, career, and civic readiness, as measured by the extent to which a school's students demonstrate preparedness for postsecondary experiences such as successful completion of advanced high school coursework, acquisition of approved industry-recognized credentials, and meeting qualifications for military service;

5. For all schools, the progress of EL students toward achieving proficiency in English, as measured by board-approved English language proficiency assessments consistent with the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended); and

6. At the board's discretion, additional indicators of school quality consistent with subsection G of this section.

C. EL and transfer students. When calculating the academic achievement and growth indicators described in subsection B of this section for the purpose of school accountability, the following tolerances for EL and transfer students shall apply:

1. The scores of EL students enrolled in Virginia public schools fewer than three semesters may be removed from the calculation used to measure the academic achievement and growth indicators consistent with the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended). Completion of a semester shall be based on school membership days. Membership days are defined as the days the student is officially enrolled in a Virginia public school, regardless of days absent or present. For a semester to count as a completed semester, a student must have been in membership for a majority of the membership days of the semester. These semesters need not be consecutive. The scores of students who were formerly classified as English learners may be included in the calculation to measure the academic achievement and growth indicators for four years after the student ceases to be identified as an English learner consistent with the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended).

2. In accordance with the provisions of 8VAC20-132-40, all students who transfer into Virginia public schools are expected to take and pass all applicable SOL tests in the content areas in which they receive instruction.

3. All students who transfer within a school division shall have their scores counted in the calculation of the school's academic achievement and growth indicators. Students who

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transfer into a Virginia school from home instruction or from another Virginia school division, another state, or another country in kindergarten through grade eight shall be expected to take all applicable SOL tests or additional tests approved by the board as outlined in 8VAC20-132-110. If the transfer takes place after the 20th instructional day following the opening of school, the scores on these tests may be used in calculating the academic achievement and growth indicators applied to school accountability.

4. Students who transfer into a Virginia middle or secondary school from home instruction or from another Virginia school division, another state, or another country and enroll in a course for which there is an end-of-course SOL test shall be expected to take the test or additional tests for that course approved by the board as outlined in 8VAC20-132-40 and 8VAC20-132-110. If the transfer takes place after 20 instructional hours per course have elapsed following the opening of school or beginning of the semester, if applicable, the scores on those tests may be used in calculating the academic achievement and growth indicators applied to school accountability.

5. Students who enroll on the first day of school and subsequently transfer to a school outside of the division for a total amount of instructional time equal to or exceeding 50% of a current school year or semester, whether the transfer was a singular or multiple occurrence, and return during the same school year shall be expected to take any applicable SOL test. The scores of those tests may be used in measuring the school academic achievement and growth indicators in the year in which the transfers occur.

D. School performance calculation and weighting. The board shall meaningfully differentiate schools annually, beginning with the 2025-2026 school year, using data collected from the 2024-2025 school year, based on the school quality indicators described in subsection B of this section.

Consistent with the requirements for the weighting of indicators for annual meaningful differentiation in the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended), an overall score for each school shall be calculated by:

1. For elementary and middle schools, a weighted measure, consisting of the school quality indicators described in subsection B of this section, such that the academic achievement mastery index comprises between 50% and 70% of a school's score and growth comprises up to 40% of a school's score.

2. For high schools, a weighted measure, consisting of the school quality indicators described in subsection B of this section, such that the academic achievement mastery index comprises between 40% and 60% of a school's score and the four-year adjusted cohort graduation rate as prescribed

in the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended) comprises at least 15% of a school's score.

E. Public reporting. To provide parents and the public with transparent and clear information about the overall performance of schools, the board shall use the calculation in subsection D of this section to assign schools into at least four performance categories on an annual basis. The scores associated with each performance category shall be determined by the board and posted on the portion of the department's website relating to the school performance report, beginning with the 2025-2026 school year, using data collected from the 2024-2025 school year. A school's performance category shall be reported separately from its accreditation status and shall not affect a school's accreditation status. Further, the board shall review the scores associated with each performance category at least once every three years.

F. Student groups. Any school identified for targeted support or additional targeted support under 8VAC20-132-280 based on the performance of a reporting group, including students belonging to each major racial and ethnic group, economically disadvantaged students, students with disabilities, and English learners, shall have their overall performance category described in subsection E of this section lowered by one level.

G. Board responsibilities.

1. The board may adopt special provisions related to the measurement and use of a school quality indicator as prescribed by the board. The board may also alter the inclusions and exclusions from indicator calculations or school ratings by providing adequate notice to local school boards.

2. The board may add new assessments or discontinue the use of existing assessments in the Virginia Assessment Program by providing adequate notice to local school boards. As specified in the Standards of Quality, the board may adopt special provisions related to the administration and use of any SOL tests as applied to school quality indicators for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Notice shall be provided to local school boards regarding the special provisions prior to statewide administration of such tests.

3. The board may adopt valid and reliable measures of student growth to be used in calculating the growth indicators for reading and mathematics and in determining the progress of English learners toward English proficiency.

4. The board may incorporate additional school quality indicators into the calculation described in subsection D of

this section, according to its criteria as specified in subsection A of this section.

H. Schools with non-tested grades. To use the school quality indicators to meaningfully differentiate among schools with grade configurations that do not house a grade or offer courses for which SOL tests or additional tests approved by the board as outlined in 8VAC20-132-110 are administered, such schools shall be paired with another school in the division housing one or more of the grades in which SOL tests are administered. The pairing of such schools shall be made upon the recommendation of the division superintendent. The schools should have a "feeder" relationship and the grades should be contiguous.

8VAC20-132-280. Identification of schools for improvement and required actions.

A. Using the indicators and weights described in 8VAC20-132-270 and consistent with the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended), the department shall identify schools as follows:

1. Comprehensive support. For school identification in the 2025-2026 school year, this category shall include at least the lowest-scoring 5.0% of schools based on the calculation described in 8VAC20-132-270 D. In subsequent identification years, the board shall set a minimum score on such calculation for identification for comprehensive support informed by the baseline established in the 2025-2026 school year. In addition, any high school where the four-year adjusted cohort graduation rate, as prescribed in the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended), is below 67% shall be identified for comprehensive support, starting with identification in the 2025-2026 year. Comprehensive support schools shall be identified once every three years, and no school in comprehensive support shall be placed in the highest performance category described in 8VAC20-132-270 E.

2. Targeted support. For school identification in the 2025-2026 school year and all subsequent identification years, this category shall include any school that is not identified for comprehensive support where the performance of any reporting group within a school using the calculation described in 8VAC20-132-270 D is below the score by which schools are identified for comprehensive support. Targeted support schools shall be identified annually and the performance of the reporting group shall be reflected in the school's performance category consistent with 8VAC20-132-270 F.

3. Additional targeted support. For school identification beginning in the 2028-2029 school year, this category shall include any targeted support school where the performance of any reporting group within a school using the calculation described in 8VAC20-132-270 D meets the criteria in subdivision 2 of this subsection after being identified for

targeted support in the previous three years. Additional targeted support schools shall be identified once every three years, and the performance of the reporting group shall be reflected in the school's performance category consistent with 8VAC20-132-270 F.

Responses and actions to be taken by schools, under the leadership of division superintendents and school principals, school divisions, and the Department as a result of school identification are as prescribed in subsections B, C, and D of this section.

B. Targeted and additional targeted support. If a school is identified for targeted or additional targeted support, the school and its school division shall work cooperatively and in consultation with stakeholders, including principals, teachers, and parents, to develop and implement a multi-year school support plan to improve student outcomes, which shall be incorporated as a component of the school's comprehensive, unified long-range plan in 8VAC20-132-300 B 9.

In developing and revising such plan, the school and its school division shall conduct a needs assessment to determine the issues and conditions that are likely contributing to the school's performance on the school quality indicators for all students and reporting groups; identify the resources the school may require to implement its plan and how any resource needs will be addressed; and develop a plan for implementation with goals, measurable objectives, evidence-based strategies, and actions designed to improve performance on the school quality indicators to exit targeted support or additional targeted support status.

School division and school staff shall:

1. Identify factors related to the school's performance on the school quality indicators described in 8VAC20-132-270 B for all students and reporting groups as part of the school's comprehensive needs assessment;

2. Use the results of the comprehensive needs assessment to develop and revise the multi-year school support plan to include goals, measurable objectives, at least two evidence-based strategies, and actions that address the factors identified in the needs assessment that are related to the school's performance on the school quality indicators. The department may implement an audit process to ensure compliance with this provision;

3. Review available resources for the school, which may include reviewing division-level and school-level budgeting; identify the resources the school may require to implement its multi-year support plan; and include how any resource needs will be addressed in such plan. The school's multi-year support plan shall be approved by the school division and local school board and published on the website for the school and school division. The department may implement an audit process to ensure compliance with this provision;

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4. Implement the evidence-based strategies and actions with fidelity;

5. Regularly evaluate the impact of plan implementation and evidence of the school's progress, monitor changes on the school quality indicators for all students and reporting groups, and make adjustments as warranted; and

6. Evaluate progress on the school quality indicators for all students and each reporting group at the end of each year and assess the results of the school support plan actions at the end of two years. If no progress is made within the two-year period on the school quality indicators, the plan shall be revised.

The board shall establish criteria for sufficient improvement on the school quality indicators for schools to exit additional targeted support. If the school is reidentified for additional targeted support after three years, the school must undergo a review conducted by the department, or under its guidance, to identify further or alternative evidence-based strategies and actions to improve student achievement on the school quality indicators. Review of other data by the department, or under its guidance, may occur based on the school's multi-year school support plan. Revised school support plans developed as a result of the review shall be reviewed through a department-established process, which may include peer review by staff from other school divisions. Further, if such a school receives funding under Title I, Part A of the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended), the school shall be identified for comprehensive support and required to implement actions specified in subsection C of this section.

School divisions with schools identified for targeted or additional targeted support may request technical assistance from the department.

C. Comprehensive support.

1. Multi-year support plans. If a school is identified for comprehensive support, the school and school division shall work cooperatively and in consultation with the department and with stakeholders, including principals, teachers, and parents, to develop and implement a multi-year support plan to improve student outcomes, which shall be incorporated as a component of the school's comprehensive, unified, long-range plan in 8VAC20-132-300 B 9.

The department shall develop a standardized template to develop multi-year support plans for schools in comprehensive support that divisions and schools must use. In developing such plan, the school and school division, in consultation with the department, shall conduct a needs assessment to determine the issues and conditions that are likely contributing to the school's performance on the school quality indicators; identify the resources the school may require to implement its plan and how any resource

needs will be addressed; and develop a plan for implementation with goals, measurable objectives, evidence-based strategies, and actions to achieve improvement on the school quality indicators and exit comprehensive support status.

In consultation and with support from department staff, school division and school staff shall:

a. Identify factors related to the school's performance on the school quality indicators described in 8VAC20-132-270 B for all students and reporting groups as part of the school's comprehensive needs assessment;

b. Use the results of the comprehensive needs assessment to develop a multi-year school support plan that includes goals, measurable objectives, at least four evidence-based strategies, and actions that address the factors in the needs assessment that are related to the school's performance on the school quality indicators;

c. Review available resources for the school, which may include reviewing division-level and school-level budgeting; identify the resources the school may require to implement its multi-year support plan; and include how any resource needs will be addressed in such plan;

d. Submit the completed multi-year support plan to the department through the division superintendent for department approval. The school's proposed plan shall also be provided to the local school board for review prior to submission;

e. Amend the plan if the department disapproves any portion thereof, as needed to secure the department's approval and publish the approved plan on the website for the school and school division;

f. Implement the approved multi-year support plan's evidence-based strategies and actions with fidelity; and

g. Meet regularly with department staff to evaluate the impact of plan implementation and monitor evidence of the school's progress, to track improvement on the school quality indicators and whether the school is on track to exit comprehensive support status, and to identify next steps, including whether adjustments to the plan are warranted.

2. Schools failing to meet exit criteria. The board shall establish criteria for sufficient improvement on the school quality indicators for schools to exit comprehensive support. If a school is reidentified for comprehensive support after implementing its plan for three years, the multi-year support plan described in subdivision 1 of this subsection shall be revised with greater direction and intervention from the department, including that the department will identify more rigorous actions, consistent with the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended), to improve student outcomes on the school quality indicators.

The level of direction and intervention from the department may include calling for the local school division superintendent and the Superintendent of Public Instruction to enter into an agreement that shall delineate the responsibilities for the school staff, school division staff, and department staff and shall include required goals, measurable objectives, evidence-based strategies, and actions to improve student achievement and to improve performance on the school quality indicators.

D. Division responsibilities. In addition to facilitating the development of multi-year school support plans, school divisions with schools identified for additional targeted and comprehensive support under subsection A of this section shall create a division support plan to improve student outcomes in such schools, which shall be incorporated into the long-range comprehensive plan for the division in 8VAC20-132-300 B 9. Division support plans shall be published on the website for the division. In developing and revising such plan, the school division shall:

1. Conduct a needs assessment to determine division-level issues and conditions that are likely contributing to the school's performance on the school quality indicators;
2. Review the resources available to identified schools compared to other schools in the division and identify resources identified schools may require to implement their school support plans. Such plans shall be informed by a division needs assessment and each identified school's multi-year improvement plan;
3. Include how the division will support effective implementation of the required actions and evidence-based interventions within the school support plan for each identified school in the division; and
4. Regularly evaluate the impact of plan implementation and evidence of the division's progress in implementing the plan, monitor changes on the school quality indicators for all students and reporting groups in identified schools compared to those that are not identified in the division, and make adjustments as warranted.

E. Once every three years, the board shall review the performance scores used to identify schools for comprehensive, targeted, and additional targeted support status in the school accountability system.

8VAC20-132-290. Recognitions and rewards for school and division accountability.

Schools and divisions shall be recognized by the board in accordance with guidelines the board shall establish for the Exemplar School Recognition Program to recognize (i) schools or school divisions that exceed board-established requirements or show continuous improvement on the school quality indicators and (ii) schools, school divisions, and school

boards that implement effective, innovative practices. Such recognition may include:

1. Public announcements recognizing individual schools and divisions;
2. Tangible rewards;
3. Waivers of certain board regulations;
4. Exemptions from certain reporting requirements; or
5. Other commendations deemed appropriate to recognize high achievement.

In addition to board recognition, local school boards shall adopt policies to recognize individual schools through public announcements, media releases, and participation in community activities when setting policy relating to schools and budget development, as well as other appropriate recognition.

Part IX

School Accreditation

8VAC20-132-300. Accreditation.

A. The board shall adopt a process to accredit schools based on the school accountability requirements and student outcome and growth measures, as well as compliance with the standards for student achievement, school instructional programs, school and instructional leadership, school facilities and safety, and school and community communications described in this chapter.

The department shall develop guidance, templates, evidentiary exemplars, or rubrics to demonstrate how it will objectively measure school and division compliance with each of the Standards of Accreditation described in subsection B of this section. All such guidance shall be submitted to the board for approval and final guidance shall be published on the department's website and directly provided to local school divisions.

B. The principal of each new or existing school and the division superintendent shall annually document and report to the Department of Education, in a manner prescribed by the board, satisfactory evidence of the following:

1. The division's promotion and retention policies have been developed in accordance with the requirements of 8VAC20-132-40;
2. Compliance with the requirements to offer courses that shall allow students to complete the graduation requirements in 8VAC20-132-50 and 8VAC20-132-51, as applicable;
3. The school and school division's ability to offer the instructional program prescribed in 8VAC20-132-70 through 8VAC20-132-100;

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4. The school and school division's offering of history and social science and English, to include writing, as prescribed in 8VAC20-132-70 C;

5. Compliance with the leadership and staffing requirements of 8VAC20-132-200 through 8VAC20-132-230;

6. Compliance with the facilities and safety provisions of 8VAC20-132-240;

7. Compliance with the parental notification provisions of 8VAC20-132-250 B;

8. The Standards of Learning have been fully incorporated into the school division's curriculum in all accreditation-eligible schools, and the Standards of Learning material is being taught to all students eligible to take the SOL tests;

9. A long-range comprehensive plan for the division and a comprehensive, unified, long-range school plan has been prepared and implemented as required by the Standards of Quality in accordance with § 22.1-253.13:6 C of the Code of Virginia for each division and school. The comprehensive plans shall be reviewed and updated as needed on an annual basis. Such plans shall be published on the website of each division and school and be available to students, parents, staff, and the public. Each comprehensive division and school plan shall be evaluated as part of the development of the next plan.

To develop such plans, each school shall conduct a comprehensive needs assessment in collaboration with its school division staff to identify needed actions to ensure continuous improvement for its students. For schools receiving comprehensive, targeted, or additional targeted support, results of the needs assessment shall be used to develop the multi-year school support plan, consistent with the requirements specified in 8VAC20-132-280, which shall be included in the school's comprehensive, unified, long-range plan;

10. Actions prescribed by 8VAC20-132-280 have been completed, and in the case of a school identified for comprehensive support, a corrective action plan for continuous improvement aligned to its multi-year school support plan demonstrates the support plan is being implemented with fidelity and the school is on track to improve student achievement, growth, and performance on other school quality indicators in 8VAC20-132-270 consistent with subsection C of this section; and

11. Actions taken to correct any noncompliance issues that the school reported in the previous year.

C. Accreditation designations. Effective no later than the academic year 2025-2026, schools shall be assigned one of the following accreditation designations.

1. Fully accredited.

a. For a school that is not identified for comprehensive support under 8VAC20-132-280 based on its performance on the school quality indicators in 8VAC20-132-270 B, once all required evidence in subsection B of this section is submitted to the department, deemed satisfactory, and approved for compliance, the school shall be designated "Fully Accredited."

b. If a school is identified for comprehensive support, the required evidence in subsection B of this section must be submitted to the department, deemed satisfactory, and approved for compliance along with a corrective action plan for continuous improvement. Such plan must demonstrate the school is faithfully implementing its department-approved multi-year school support plan under 8VAC20-132-280 and include data showing the school's progress in improving student achievement, growth, and performance on other school quality indicators.

If the school is not among the lowest performing 5.0% on the school quality indicators in the current year (or has improved the four-year adjusted cohort graduation rate above 67% for schools identified due to low graduation rates), the school shall be designated "Fully Accredited." Further, the board may grant an exception and designate schools identified for comprehensive support as "Fully Accredited" that have not met the progress threshold using current year data but are improving at a rate using data from previous years that would lead to the school meeting the exit criteria established by the board in 8VAC20-132-280 within the required timeline.

2. Conditionally accredited.

a. If any piece of required evidence in subsection B of this section is submitted to the department and determined to be unsatisfactory or noncompliant, a school shall be designated "Conditionally Accredited" until such school successfully submits additional evidence and is deemed to meet the conditions set forth in subsection B of this section by the department.

b. If the corrective action plan for continuous improvement submitted by a school identified for comprehensive support does not demonstrate such school has improved from the lowest performing 5.0% on the school quality indicators in the current year (or improved the four-year adjusted cohort graduation rate above 67% for schools identified due to low graduation rates) or is improving at a rate using data from previous years that would lead to the school meeting the exit criteria established by the board in 8VAC20-132-280 within the required timeline, the school shall be designated "Conditionally Accredited." If a school identified for comprehensive support is "Conditionally Accredited," the department shall require and approve revisions to the school's multi-year support plan under 8VAC20-132-280 C 1 to include more rigorous actions to improve student

achievement, growth, and performance on the school quality indicators.

3. Accreditation denied.

a. If a school is designated "Conditionally Accredited" and the school or school division fails to submit additional documentation consistent with subsection A of this section, it may be designated by the board as "Accreditation Denied."

b. If a school identified for comprehensive support is designated "Conditionally Accredited" and fails to submit, amend, adopt, and implement a revised multi-year support plan with more rigorous actions, the Superintendent of Public Instruction shall review the school for potential designation by the board as "Accreditation Denied" and shall present the results of such review to the board with recommendations. If the board determines that any such school is at not on track to improve student achievement, growth, and performance on other school quality indicators and meet the exit criteria in 8VAC20-132-280 due to its failure to adopt and implement a multi-year school support plan and corrective action plan with fidelity as required by this section, the board shall designate such school as "Accreditation Denied."

The local school board shall be given an opportunity to correct such failure, and if successful in a timely manner, the school's "Accreditation Denied" designation may be rescinded at the board's discretion.

c. If the board determines that the local school board failed to demonstrate progress in developing or implementing the corrective action plan on behalf of any school designated "Accreditation Denied," the local school board shall enter into a memorandum of understanding with the board, which shall delineate responsibilities for the local school board, the board, school division staff, school staff, and department staff and shall also include required goals, measurable objectives, and actions based on a division-level needs assessment to improve student achievement and to improve performance on school quality indicators. Department staff shall meet regularly with school division staff to monitor the memorandum of understanding and corrective action plan, to track progress on the school quality indicators, and to identify next steps. School divisions that do not demonstrate evidence of progress under the memorandum of understanding and the associated corrective action plan shall be subject to additional actions, which may include more frequent meetings with department staff, required technical assistance, or appearance before the board.

D. Any school in violation of this chapter shall be subject to appropriate action by the board, including withholding the school's accreditation rating.

E. A school's accreditation rating may be withheld by action of the board for any school found to be in violation of test

security procedures pursuant to § 22.1-19.1 of the Code of Virginia.

F. Review cycles. If a school has been designated "Fully Accredited" for three consecutive years and is not receiving comprehensive support as specified in 8VAC20-132-280, the board shall review the accreditation status of the school every three years. If a school is identified for comprehensive support during its triennial accreditation period, the school shall be required to receive approval from the department of its school support plan, consistent with 8VAC20-132-280, and submit a corrective action plan to the department consistent with subsection C of this section each subsequent year within that triennial period.

If the board finds that a school with multi-year accreditation status that is not identified for comprehensive support would have been accredited every year of the triennial review period, the board shall accredit the school for another three years. A multi-year accreditation status shall neither relieve any school or division of annual reporting requirements, nor relieve any school or division of annual review of school quality indicators used for school accountability and subsequent actions as appropriate and provided for in 8VAC20-132-270 and 8VAC20-132-280.

G. Division-level reviews and corrective actions. Because a high proportion of schools identified for support under 8VAC20-132-280 within a single division may be indicative of a division-level failure to implement the Standards of Quality or other division-level action or inaction, school divisions with at least 40% of their schools identified for comprehensive or additional targeted support or 10 or more schools identified for comprehensive support will be required to undergo a division-level academic and resource allocation review conducted by the department consistent with the Elementary and Secondary Education Act (Pub. L. No. 89-10, as amended).

After the completion of such review, the Superintendent of Public Instruction shall present the results of such review to the board with recommendations. Each local school board shall, within a time period specified by the board, enter into a memorandum of understanding with the board and shall subsequently submit to the board for approval a corrective action plan, consistent with criteria established by the board, delineating responsibilities for the local school board, the board, school division staff, school staff, and department staff and setting forth specific actions and a schedule designed to ensure that schools within its school division meet the standards established by the board and improve performance on the school quality indicators. If the board determines that the proposed corrective action plan is not sufficient to enable all schools within the division to meet the standards established by the board, the board may return the plan to the local school board with directions to submit an amended plan pursuant to board guidance. Such corrective action plans shall be part of

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the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6 of the Code of Virginia.

Department staff shall meet regularly with school division staff to monitor the memorandum of understanding and corrective action plan, to track progress on the school quality indicators, and to identify next steps.

School divisions that do not demonstrate evidence of progress under the memorandum of understanding and the associated corrective action plan shall be subject to additional actions, which may include more frequent meetings with department staff, required technical assistance, or appearance before the board.

H. At-risk add-on funds. As provided in the appropriation act, if the board has required a local school board to submit a corrective action plan pursuant to § 22.1-253.13:3 A of the Code of Virginia, either for the school division pursuant to a division-level review or for any schools within its division that have been designated as not meeting the standards as approved by the board, the Superintendent of Public Instruction shall determine and report to the board whether each such local school board has met its obligation to develop and submit such corrective action plan and is making adequate and timely progress in implementing the plan. Additionally, if an academic review process undertaken pursuant to § 22.1-253.13:3 A of the Code of Virginia has identified actions for a local school board to implement, the Superintendent of Public Instruction shall determine and report to the board whether the local school board has implemented required actions. If the Superintendent of Public Instruction certifies that a local school board has failed or refused to meet any of those obligations, the board shall withhold payment of some or all at-risk add-on funds otherwise allocated to the affected division pursuant to this allocation for the pending fiscal year. In determining the amount of at-risk add-on funds to be withheld, the board shall take into consideration the extent to which such funds have already been expended or contractually obligated. The local school board shall be given an opportunity to correct its failure and if successful in a timely manner, may have some or all of its at-risk add-on funds restored at the board's discretion.

I. Additional remedies. The board may exercise its authority to seek school division compliance with school laws pursuant to the relevant provisions of the Code of Virginia when any school within a division receives an accreditation designation other than "Fully Accredited."

In accordance with the Standards of Quality at § 22.1-253.13:8 of the Code of Virginia, if the board determines that a school division has failed or refused and continues to fail or refuse to comply with any of the Standards of Quality, including the requirement for local school boards to maintain schools designated as "Accredited" as provided in § 22.1-253.13:3 A of the Code of Virginia, the board may petition the circuit court having jurisdiction in the school division to

mandate or otherwise enforce compliance with such standard, including the development or implementation of any required corrective action plan that a local school board has failed or refused to develop or implement in a timely manner.

J. The board shall provide a process for a local school board to appeal an accreditation designation under subsection C of this section for any school in the division. The board shall grant such appeals only in limited circumstances that warrant special consideration. In order to appeal such designation, the local school board shall submit a request to the board, signed by the chairman of the school board and the division superintendent, explaining why the school board is appealing the designation and shall include documentation supporting the request.

8VAC20-132-310. Waivers and alternative accreditation plans.

A. Except as specified in this section, the board may grant, for a period of up to five years, a waiver of requirements of this chapter that are not mandated by state or federal law or designed to promote health or safety. The board may grant all or a portion of the request for a waiver and designate conditions as appropriate. Waivers of requirements in 8VAC20-132-40, 8VAC20-132-50, 8VAC20-132-51, 8VAC20-132-70, and 8VAC20-132-260 through 8VAC20-132-320 shall not be granted, and no waiver may be approved for a program that violates the Standards of Quality.

B. Waivers of some of the requirements of this chapter may be granted by the board based on submission of a request from the division superintendent and chairman of the local school board. The request shall include documentation of the justification and need for the waiver. In no event shall waivers be granted to the requirements of Part III (8VAC20-132-40 et seq.) of this chapter, except that the board may provide for the waiver of certain graduation requirements and the subsequent award of a high school diploma in 8VAC20-132-50 and 8VAC20-132-51 upon (i) the board's initiative; (ii) the request of a local school board; or (iii) the request of the parent of any high school senior who died in good standing prior to graduation during the student's senior year. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis. The board shall develop guidelines for implementing this chapter.

Any student with a disability whose Individualized Education Program (IEP) or 504 Plan documents that the student cannot successfully complete training in emergency first aid, cardiopulmonary resuscitation, or the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation, as required for graduation in 8VAC20-132-50 B 2 and C 2 and 8VAC20-132-51 B 2 and C 2 shall be granted a waiver from this graduation requirement.

C. Waivers for innovative or school experimental programs. With the approval of the local school board, schools seeking to

implement experimental or innovative programs, or both, that are not consistent with this chapter shall submit a waiver request to the board for evaluation and approval prior to implementation. The request must include the following:

1. Purpose and objectives of the experimental or innovative programs;
2. Description and duration of the programs;
3. Anticipated outcomes;
4. Number of students affected;
5. Evaluation procedures; and
6. Mechanisms for measuring goals, objectives, and student academic achievement.

D. Alternative accreditation plans. Subject to the provisions of subsection B of this section, the governing school board of special purpose schools such as those provided for in § 22.1-26 of the Code of Virginia, Governor's schools, special education schools, alternative schools, or career and technical schools that serve as the student's school of principal enrollment may seek approval of an alternative accreditation plan from the board. Schools offering alternative education programs and schools with a graduation cohort of 50 or fewer students as defined by the graduation rate formula adopted by the board may request that the board approve an alternative accreditation plan using different graduation rate measures than those specified in 8VAC20-132-270 B. Special purpose schools with alternative accreditation plans shall be evaluated on standards appropriate to the programs offered in the school and approved by the board prior to August 1 of the school year for which approval is requested. Any student graduating from a special purpose school with a Standard Diploma or an Advanced Studies Diploma must meet the requirements prescribed in 8VAC20-132-50 or 8VAC20-132-51.

As set forth in the Standards of Quality and according to department procedures, any school board may request the board for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for schools enumerated in this subsection, based on special circumstances.

8VAC20-132-320. Effective dates.

A. Graduation requirements.

1. The graduation requirements for students entering grade nine for the first time in the 2013-2014 school year and prior to the 2018-2019 school year shall be those provided in 8VAC20-132-50.
2. The graduation requirements for students entering grade nine for the first time in the 2018-2019 school year and beyond shall be those provided in 8VAC20-132-51.

3. The graduation requirements applicable to students transferring into a Virginia high school for the first time shall be as determined by 8VAC20-132-60 G.

B. Locally awarded verified credits.

1. Locally awarded verified credits conferred for English, mathematics, laboratory science, and history and social science for students entering grade nine for the first time prior to the 2018-2019 school year shall be as provided in 8VAC20-132-110 B 3 a.

2. Locally awarded verified credits conferred for English, mathematics, laboratory science, and history and social science for students entering grade nine for the first time in 2018-2019 or thereafter shall be as provided in 8VAC20-132-110 B 3 b.

C. Academic and career planning.

1. The requirements for academic and career planning prescribed in 8VAC20-132-140 B shall be effective beginning with the 2013-2014 academic year and through the 2017-2018 academic year.

2. The requirements for Academic and Career Plans prescribed in 8VAC20-132-140 C shall be effective beginning with the 2018-2019 academic year.

D. Unless otherwise specified, the remainder of this chapter shall become effective beginning with the 2025-2026 academic year.

VA.R. Doc. No. R24-7679; Filed April 17, 2024, 11:42 a.m.



TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Final Regulation

REGISTRAR'S NOTICE: Pursuant to 1VAC7-10-60, the Registrar of Regulations is updating a regulation of the State Water Control Board to correct an invalid web address in the Virginia Administrative Code.

Title of Regulation: **9VAC25-260. Water Quality Standards (amending 9VAC25-260-155).**

Effective Date: May 6, 2024.

Agency Contact: Melissa Porterfield, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, or email melissa.porterfield@deq.virginia.gov.

Summary:

Pursuant to 1VAC7-10-60, the web address for the Department of Environmental Quality, Office of Water Quality Programs where the program will maintain a

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comprehensive list of all sites where the department has determined that early life stages of fish are absent and identify the waterbodies affected and the corresponding times of the year that early life stages of fish are absent is changed to <https://www.deq.virginia.gov/our-programs/water/water-quality/standards>.

VA.R. Doc. No. R24-7860; Filed April 5, 2024, 3:03 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR BARBERS AND COSMETOLOGY

Proposed Regulation

Titles of Regulations: **18VAC41-20. Barbering and Cosmetology Regulations (amending 18VAC41-20-100, 18VAC41-20-110, 18VAC41-20-200, 18VAC41-20-210, 18VAC41-20-220, 18VAC41-20-260).**

18VAC41-70. Esthetics Regulations (amending 18VAC41-70-100, 18VAC41-70-180, 18VAC41-70-190, 18VAC41-70-260; repealing 18VAC41-70-110).

Statutory Authority: § 54.1-201 of the Code of Virginia.

Public Hearing Information:

July 15, 2024 - 10 a.m. - Department of Professional and Occupational Regulation, 9960 Mayland Drive, Boardroom 3, Suite 200, Richmond, VA 23233.

Public Comment Deadline: July 19, 2024.

Agency Contact: Kelley Smith, Executive Director, Board for Barbers and Cosmetology, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8590, FAX (866) 245-9693, or email barbercosmo@dpor.virginia.gov.

Basis: Section 54.1-201 of the Code of Virginia gives authority to the board to promulgate regulations. The section states, in part, that the board has the power and duty to promulgate regulations, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), necessary to ensure continued competency, to prevent deceptive or misleading practices by practitioners, and to effectively administer the regulatory system administered by the regulatory board.

Purpose: The board is amending its current regulations to make them as minimally intrusive and burdensome as possible to contribute to a regulatory environment that protects the public's health, safety, and welfare with the fewest restrictions. The existing regulations are inconsistent and impose excessive burdens on instructor applicants. The amended regulation aligns the standards for the barber, cosmetology, nail, and wax instructor curricula with the requirements for esthetic instructor curricula. The board determined that the esthetic instructor curriculum is adequate for all professions and provides educational consistency across programs.

The amendments to the regulation make the procedure easier for schools and instructors. The amendments eliminate the need for duplicate applications and the additional payments associated with acquiring multiple instructor licenses. The regulatory change establishes equivalent educational requirements for esthetics, barber, cosmetology, nail, and wax technicians. Establishing a uniform instructor program for all license types eliminates inconsistencies in the instructor training programs, simplifies the application process, and makes it more affordable for schools and instructors.

Substance: 18VAC41-20-100. General requirements for an instructor certificate. The proposed amendments eliminate duplicative phrases, clarify the standards for instructor training and removes profession-specific terminology for acquiring an instructor license through a course or examination, and allow the instructor certificate to apply to all non-body art professions in which the individual is licensed.

18VAC41-20-110. Student Instructor temporary permit. The proposed amendments streamline the requirements for student-instructor training while eliminating profession-specific requirements for their direct supervision and allow student temporary permit holders who are taking the exam to get an additional permit if needed.

18VAC41-20-200. General requirements. The proposed amendments require that instructor programs be taught by a certified instructor and that instructor curricula include student teaching.

18VAC40-20-210. Curriculum requirements. The proposed amendments add a curriculum outline for the instructor curricula requirements.

18VAC41-20-220. Practical performance requirements. The proposed amendments remove redundant curricula requirements already listed in 18VAC40-20-200.

18VAC41-20-260. Display of license. The proposed amendments remove a reference to the Department of Labor and Industry (DOLI) issued apprenticeship cards, which DOLI no longer utilizes.

18VAC41-70-100. General requirements for an instructor certificate. The proposed amendments (i) combine the qualifications for esthetic instructors and master esthetic instructors, which are identical but listed separately in the current regulations; (ii) align instructor certification requirements with the Board for Barbers and Cosmetology regulations; and (iii) add the option for instructors to pass an instructor examination offered by the board or testing service acting on behalf of the board and eliminating the state board exam requirement from the instructor school qualification method.

18VAC41-70-110. General requirements for an instructor certificate. The proposed amendments repeal the section as it has been combined with 18VAC41-70-100.

18VAC41-70-180. General requirements. The proposed amendment clarifies that the instructor program must be taught by a certified instructor.

18VAC41-70-190. Curriculum and hours of instruction requirements. The proposed amendments clarify and unify the criteria for instructor education and update the list of core courses to align the esthetic and master esthetic instructor curriculum with the barbers, cosmetology, nail, and waxing instructor curriculum.

18VAC41-70-260. Display of license. The proposed amendments clarify and standardize this portion of the regulation. Apprenticeship cards are no longer distributed by DOLI.

Issues: The proposed regulatory action has several advantages to the public. One advantage is the standardization of the instructor curriculum, which will ensure consistency across programs. The esthetics, barbers, cosmetologists, nail technician, and wax technician instructor programs will be identical. The new rule requires schools to submit a single instructor program curriculum and allows licensed instructors to teach the instructor program for any non-body art profession in which they are licensed. The amendments mandate that schools offer only one cost-effective curriculum for the instructor program.

A significant benefit is that instructors can teach all professions in which they are licensed, which reduces costs. Currently, instructors must hold an instructor certificate for each profession, even though the instructor programs and qualifications are largely the same. This has resulted in licensed instructors repeating training to get an instructor certificate to teach in another profession in which they hold a license. The new instructor certification covers the occupations in which they hold a license, eliminating the need to submit numerous instructor applications. The proposed amendments will benefit the public by establishing clear instructor guidelines for non-body art professions.

There is a disadvantage to the amended regulation. The proposed curricula may require a change in program for existing licensed schools. Accredited cosmetology, barber, nail, and wax schools may have to resubmit their program for review by their accreditor, incurring additional fees. There are approximately 34 accredited schools that would be impacted.

The benefit to the department is that it reduces the complexity of the instructor program application review process. Currently, there is not a specific curriculum for instructor programs, and staff spend significant time speaking with schools about what should constitute an acceptable instructor program when no curriculum is mandated in the regulations. By identifying a specific set of courses and only requiring one instructor program per school, this will reduce the volume and duration of review for instructor program applications.

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 § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). The analysis presented represents DPB's best estimate of these economic impacts.¹

Summary of the Proposed Amendments to Regulation. The Board for Barbers and Cosmetology (Board) proposes to unify the instructor certification training curriculum for professionals who are licensed under the Board's Barbering and Cosmetology Regulations (18VAC41-20) and Esthetics Regulations (18VAC41-70). The proposed changes would establish a uniform instructor curriculum and practical training requirement for student instructors regardless of their profession. The proposed changes would also specify that certified instructors may only teach in a profession in which they hold the underlying license. That is, only licensed barber instructors could provide instruction in a barber training program.²

Background. The barbering and cosmetology regulation currently does not contain any curriculum hours or topics for instructor training programs or certification.³ In contrast, the esthetics regulation currently requires instructor programs to provide 400 credit hours of training covering a specific list of topics (18VAC41-70-190 E), and also maintains separate requirements for instructor certification. (More specifically, 18VAC41-70-100 addresses the requirements for esthetics instructor certification, and 18VAC41-70-110 addresses the requirements for master esthetics instructor certification.)⁴ Generally, the required topics in the instructor curricula cover course development, lesson planning, teaching techniques, learning styles, recordkeeping, and other topics that pertain to teaching, rather than the underlying material being taught.

Under the status quo, barber and cosmetology schools offer four separate instructor training programs that lead to a certificate: a barber instructor, a cosmetologist instructor, a nail technician instructor, and a wax instructor. In addition, each instructor training program is taught by a certified instructor who holds the corresponding professional license; in other words, instructor training programs for barbers are taught by a certified instructor who is licensed as a barber. Lastly, students in an instructor program must hold a professional license and be in good standing in the same profession in which they seek instructor certification. As a result, schools must submit separate applications to the Board for each instructor certification program, and professionals who hold multiple licenses are required to (a) undertake separate instructor training programs, (b) obtain separate instructor certifications to teach in each area, and (c) be licensed in good standing in each area in which they wish to be certified as an instructor.

The Board seeks to unify the requirements for barber, cosmetology, nail technician, and wax technician instructor

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certifications by specifying that instructor training programs cover the same topics currently required of esthetics instructors and include student teaching. In addition, the professional license held by a certified instructor teaching the instructor program and the professional licenses held by students in the instructor program would no longer be a consideration. This would be accomplished by making the following changes to 18VAC41-20, Barbering and Cosmetology Regulations:

Section 20-100 would be amended to establish a single instructor certification program by removing references to profession-specific instructor programs. The requirements to undertake instructor training would similarly be amended so that students would be required to hold any (one or more) of the barber-cosmetology professional licenses and be in good standing in the profession(s) in which they are licensed.

Section 20-110 would be amended to remove references to the specific professional license held by the instructor of the instructor training program. The amended language would require student instructors to practice teaching under the supervision of a certified instructor. (The implication here is that the specific professional license held by that instructor would be moot, as long as it was one of the barber-cosmetology licenses.)

Section 20-200 would be amended to add that instructor programs shall include student teaching and to specify that the instructor training program be taught by a certified instructor. (The implication here is that the specific professional license held by that instructor would be moot, as long as it was one of the barber-cosmetology licenses.)

Section 20-210 would be amended to add curriculum requirements for the instructor training program. These requirements largely match the existing requirements for esthetician instructors in section 70-190 and focus on how to provide instruction rather than the subject matter that would be taught. The following topics that are not currently in 70-190 would be added: introduction to teaching, professional ethics, supervision of clinic floor, and practicum teaching.

The Board also proposes to amend section 20-220 to remove redundant language regarding hours of instruction that can be found in 20-200, and to amend 20-260 to remove outdated references to apprenticeship cards that are no longer utilized.

The Board similarly seeks to unify the requirements for esthetician and master esthetician instructor certifications by making the following changes to 18VAC41-70, Esthetics Regulations:

Repeal section 70-110 and combine the requirements for esthetics and master esthetics instructor certification under section 70-100 by replacing esthetician with esthetician and master esthetician. This would allow a certified instructor with either an esthetician license or a master esthetician license to teach an instructor training program for licensed estheticians and licensed master estheticians.

Amend section 70-180 to specify that instructor programs must be taught by a certified instructor. (The implication being that the specific professional license held by that instructor would be moot, as long as it was either of the esthetician licenses.)

Amend section 70-190 so that the instructor curriculum requirements match those being added to 20- 210. Specifically, the following topics would be added to the curriculum: introduction to teaching, professional ethics, supervision of clinic floor, and practicum teaching.

Estimated Benefits and Costs. The proposed changes primarily benefit barber, cosmetology, nail technician, and wax technician schools that currently offer instructor training programs and will also benefit esthetician schools that offer instructor training programs. These instructor programs would potentially benefit from higher enrollment by being able to enroll students with other professional licenses that fall under the same regulation. They would also benefit from greater flexibility in hiring instructors to instruct and supervise the student instructors, since the professional license held by that instructor would no longer be a consideration. The barber-cosmetology instructor programs may face some initial costs in reworking their curriculum to meet the requirements that would be added to sections 20-200 and 20-210 and resubmitting it for Board approval. Although the Department of Professional and Occupational Regulation (DPOR) has indicated that they will not have to pay any fees relating to the Board review and approval process, these schools will likely incur some one-time costs from developing a new curriculum.⁵ However, the benefits in terms of higher enrollment and lower hiring costs would accrue over time and thereby would likely exceed the one-time costs associated with curriculum development. Furthermore, these one-time costs would be minimized since the curriculum requirements would be explicitly spelled out in section 20-210.

DPOR reports that 20 schools already offer multiple profession-specific instructor training programs; these schools would be able to replace them with a single instructor training program and thereby may be able to hire fewer instructors to teach and supervise student instructors. These schools would benefit the most in terms of reduced administrative costs once their new unified instructor curriculum is approved by the Board. They may also benefit from increased enrollment by being able to enroll students with professional licenses other than the ones for which they currently offer instruct training.⁶

DPOR currently charges a \$100 fee per program for schools that add a program of instruction and anticipates that they may forego new program fees for two or three instructor program applications per year from schools that specifically seek to add profession-specific instructor programs. However, consolidating the instructor programs may also make it cost-effective for some barber-cosmetology schools that do not currently offer any instructor training programs to do so. Schools newly seeking to offer an instructor training program would benefit from only having to pay the new program fee

once and only having to submit one curriculum for Board approval. This could offset any loss in new program fees for DPOR. An increase in the availability of instructor training programs would lower the cost of obtaining instructor certification, which would increase the supply of certified instructors in the state, making it easier and cheaper for other barber-cosmetology and esthetician schools to hire instructors.

Lastly, the proposed changes would also benefit practitioners who have multiple licenses and want to instruct in all the fields in which they are licensed, since they would only have to undergo instructor certification once to be able to teach in all the fields in which they are licensed instead of undertaking separate instructor certification for each field.

Barber-cosmetology and esthetics schools that do not currently offer an instructor program, and that do not start offering an instructor program after the proposed changes go into effect, would only be affected indirectly, to the extent that the proposed changes affect the supply of certified instructors who hold the requisite professional licenses in the local market.

Businesses and Other Entities Affected. The proposed amendments primarily affect barber-cosmetology and esthetician schools that offer instructor programs. DPOR reports that as of January 1, 2022, there are 87 schools with instructor programs, of which 20 schools have more than one instructor program, and 32 are accredited.⁷ As mentioned previously, consolidating the instructor program requirements across professions may make it cost-effective for some barber-cosmetology schools to start offering instructor training programs in addition to their existing barber-cosmetology training programs. Thus, the proposed amendments could lead to a growth in instructor certification programs, which could lead to greater employment for currently certified instructors. DPOR reports that as of January 1, 2022, there are 345 barber instructors, 2,430 cosmetology instructors, 253 nail instructors, 25 wax instructors, and 70 esthetics instructors. There are approximately 60 individuals that have an instructor certificate in more than one profession. The proposed amendments would also benefit individuals with more than one professional license under the barber-cosmetology regulations who are interested in instructing in both (or all) the fields in which they are licensed; the number of such individuals is unknown.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.⁸ An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. As noted above, the proposed amendments benefit schools offering instructor programs by standardizing requirements and allowing greater flexibility with respect to who can teach and enroll in an instructor program. Although these schools may face costs to rework their curriculum and get it approved by the Board (and by the accrediting body, where applicable) these one-time costs are unlikely to exceed the ongoing benefits of increased enrollment. Thus, an adverse impact is not indicated.

Small Businesses⁹ Affected:¹⁰ The proposed amendments do not appear to adversely affect small businesses.

Types and Estimated Number of Small Businesses. Affected All 87 schools with instructor programs would be considered small businesses. Other barber-cosmetology and esthetics schools that do not currently offer instructor programs, but may choose to in the future, would likely also be considered small businesses.

Costs and Other Effects. As mentioned previously, the proposed amendments would require a one-time administrative time cost for these schools because they would have to change their instructor curriculum to match the requirements that would be added to section 20-210. However, they would also potentially have higher enrollment and greater flexibility and/or lower costs in hiring instructors to teach the instructor programs. Since the permanent benefits likely outweigh the one-time costs, an adverse economic impact¹¹ on small barber-cosmetology and esthetics schools is not indicated.

Alternative Method that Minimizes Adverse Impact. Although the Board proposes these changes at its discretion, there are no clear alternative methods that both reduce adverse impact and meet the intended policy goals.

Localities¹² Affected.¹³ The proposed amendments would impact all barber-cosmetology and esthetics schools that offer teaching programs, regardless of their location. The proposed amendments do not introduce costs for local governments.

Consequently, an adverse economic impact¹⁴ is not indicated for localities.

Projected Impact on Employment. The proposed amendments could lead to a growth in instructor certification programs, which could lead to greater employment for currently certified instructors as well as increased supply of certified instructors in the future. More than 3,000 currently certified instructors could benefit from this change. However, since instructor programs would no longer be program specific, some certified instructors currently teaching in schools with multiple instructor program may lose their jobs if the schools decide to unify the programs and only retain one instructor.

Effects on the Use and Value of Private Property. The proposed amendments may increase the value of barber-cosmetology and esthetics schools that have an instructor program by potentially increasing their enrollment and lowering teaching and administrative costs. The proposed amendments do not affect real estate development costs.

¹ Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

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²Two exceptions are allowed in 18VAC20-200: licensed and certified cosmetology instructors may instruct in nail and wax technician programs, and licensed and certified esthetics instructors may instruct in wax programs. These exceptions would be preserved by this action.

³The Department of Professional and Occupational Regulation reports that most instructor programs are currently around 400 hours, but they can range from 200 to 600 hours See Agency Background Document (ABD), page 5. https://townhall.virginia.gov/l/GetFile.cfm?File=134\5719\9547\AgencyStatement_DPOR_9547_v3.pdf.

⁴The master esthetician license is cumulative; applicants for a master esthetician license must first obtain an esthetics license. (Per the definition of master esthetician in § 54.1-700 of the Code of Virginia.)

⁵DPOR reports that some of these schools are accredited and may face some administrative costs from getting changes to their instructor program and curriculum approved by the accrediting body. (See ABD, page 5.)

⁶School license renewals are charged a flat fee per-school and not per-program, so consolidating multiple instructor training programs into one would not reduce their license renewal fees. (Email dated March 8, 2022.)

⁷See ABD, pages 5 and 7.

⁸Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define adverse impact, state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

⁹Pursuant to § 2.2-4007.04, small business is defined as a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.

¹⁰ If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

¹¹ Adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined.

¹²Locality can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

¹³ Section 2.2-4007.04 defines particularly affected" as bearing disproportionate material impact.

¹⁴Adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined.

Agency's Response to Economic Impact Analysis: The Board for Barbers and Cosmetology concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed amendments establish a uniform instructor program among licensed cosmetology, barber, nail, wax,

and esthetics schools. Currently, schools with multiple licensing programs have to submit different instructor applications for each license type. Additionally, instructors are required to complete a training program for each profession. The Board for Barbers and Cosmetology proposes a standard instructor curriculum that unifies the barbers, cosmetologists, nail technician, wax technician, and esthetics instructor programs. Establishing a standard instructor program for all license types will eliminate additional costs for instructors and schools. Under the new requirements, certified instructors will be able to teach in any profession in which they hold the underlying license.

The board seeks to create an instructor curriculum that is not profession-specific. The proposed amendments align the criteria for barber, cosmetology, nail, and wax instructor curricula with the esthetic instructor requirements. The board has indicated that the esthetic instructor program's curriculum is sufficient for all professions and creates educational consistency across the programs. The proposed amendments also make technical corrections to references to the Department of Labor and Industry apprenticeship paperwork.

18VAC41-20-100. General requirements for a ~~barber instructor certificate, cosmetology instructor certificate, nail technician instructor certificate, or wax technician an~~ instructor certificate.

A. Any individual wishing to engage in ~~barbering instruction, master barbering instruction, cosmetology instruction, nail care instruction, or waxing instruction~~ in barbering, master barbering, cosmetology, nail care, or waxing shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician, and instructor, respectively, in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or in the practice of teaching any of those professions. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has ~~been~~ previously been licensed in Virginia as a ~~barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor~~ an instructor in barbering, master barbering, cosmetology, nail care, or waxing.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant

wherein who the board deems ~~the applicant is~~ unfit or unsuited to engage in the instruction of barbering, cosmetology, nail care, or waxing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia barber, master barber, cosmetology, nail technician, or wax technician license, respectively;

3. The applicant shall:

- a. Pass a course in teaching techniques at the post-secondary educational level;
- b. Complete an instructor training course approved by the ~~Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, master barber, cosmetologist, nail technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively~~ board; or
- c. Pass an instructor examination in ~~barber, master barber, cosmetology, nail technician, or wax technician instruction respectively~~, administered by the board or by a testing service acting on behalf of the board; and

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and
- b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

B. Instructors shall be required to maintain a barber, master barber, cosmetology, nail technician, or wax technician license, respectively.

C. Certified instructors may teach in any profession for which they hold the underlying license.

18VAC41-20-110. Student instructor temporary permit.

A. A licensed barber, master barber, cosmetologist, nail technician, or wax technician may be granted a student instructor temporary permit to function under the direct supervision of a ~~barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor respectively~~ certified instructor in a licensed school. ~~A licensed nail technician or wax technician may also be granted a student instructor permit to function under the direct supervision of a cosmetology instructor.~~

B. The student instructor temporary permit shall remain in force for not more than 12 months after the date of issuance and shall be nontransferable and nonrenewable.

~~C. No applicant for examination shall be issued more than one student instructor temporary permit.~~

~~D. C. Student instructors may teach in any profession for which they hold the underlying license.~~ Failure to maintain a barber, master barber, cosmetology, nail technician, or wax technician license shall disqualify an individual from holding a student instructor temporary permit.

~~E. D.~~ Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-20-100.

18VAC41-20-200. General requirements.

A barber, cosmetology, nail, or waxing school shall:

- 1. Hold a school license for each and every location.
- 2. Hold a salon license if the school receives compensation for services provided in its clinic.
- 3. Employ a staff of and ensure all training is conducted by licensed and certified barber, master barber, cosmetology, nail technician, or wax technician instructors, respectively.
 - a. Licensed and certified cosmetology instructors may also instruct in nail and waxing programs.
 - b. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing programs.
 - c. Instructor programs must be taught by a certified instructor.
- 4. ~~Develop~~ Prepare individuals for ~~entry-level~~ entry-level competency in barbering, master barbering, cosmetology, nail care, or waxing.
- 5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
 - a. Barber curricula shall be based on a minimum of 1,100 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - b. Master barber curricula shall be based on a minimum of 400 clock hours and shall include performances in accordance with 18VAC41-20-220.

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c. Dual barber/master barber program curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with 18VAC41-20-220.

d. Cosmetology curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with 18VAC41-20-220.

e. Nail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with 18VAC41-20-220.

f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with 18VAC41-20-220.

g. Instructor curricula shall include student teaching.

6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.

7. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.

8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to the board.

18VAC41-20-210. Curriculum requirements.

A. Each barber school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for barbering shall include the following:

1. School policies;
2. State law, regulations, and professional ethics;
3. Business and shop management;
4. Client consultation;
5. Personal hygiene;
6. Cutting the hair with a razor, clippers, and shears;
7. Tapering the hair;
8. Thinning the hair;
9. Shampooing the hair;
10. Shaving;
11. Trimming a moustache or beard;
12. Applying hair color;

13. Analyzing skin or scalp conditions;

14. Giving scalp treatments;

15. Giving basic facial massage or treatment;

16. Sanitizing and maintaining implements and equipment; and

17. Honing and stropping a razor.

B. Each barber school seeking to add a master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for master barbering shall include the following:

1. Styling the hair with a hand hair dryer;
2. Thermal waving;
3. Permanent waving with chemicals;
4. Relaxing the hair;
5. Lightening or toning the hair;
6. Hairpieces and wigs; and
7. Waxing limited to the scalp.

C. Each school seeking to add a dual barber/master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for dual barber/master barber program shall include the following:

1. School policies;
2. State law, regulations, and professional ethics;
3. Business and shop management;
4. Client consultation;
5. Personal hygiene;
6. Cutting the hair with a razor, clippers, and shears;
7. Tapering the hair;
8. Thinning the hair;
9. Shampooing the hair;
10. Styling the hair with a hand hair dryer;
11. Thermal waving;
12. Permanent waving with chemicals;
13. Relaxing the hair;
14. Shaving;

15. Trimming a moustache or beard;
16. Applying hair color;
17. Lightening or toning the hair;
18. Analyzing skin or scalp conditions;
19. Giving scalp treatments;
20. Waxing limited to the scalp;
21. Giving basic facial massage or treatment;
22. Hair pieces;
23. Sanitizing and maintaining implements and equipment; and
24. Honing and stropping a razor.

D. Each cosmetology school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for cosmetology shall include the following:

1. Orientation:
 - a. School policies;
 - b. State law, regulations, and professional ethics;
 - c. Personal hygiene; and
 - d. Bacteriology, sterilization, and sanitation.
2. Manicuring and pedicuring:
 - a. Anatomy and physiology;
 - b. Diseases and disorders;
 - c. Procedures to include both natural and artificial application; and
 - d. Sterilization.
3. Shampooing and rinsing:
 - a. Fundamentals;
 - b. Safety rules;
 - c. Procedures; and
 - d. Chemistry, anatomy, and physiology.
4. Scalp treatments:
 - a. Analysis;
 - b. Disorders and diseases;
 - c. Manipulations; and
 - d. Treatments.
5. Hair styling:
 - a. Anatomy and facial shapes;
 - b. Finger waving, molding, and pin curling;
 - c. Roller curling, combing, and brushing; and
 - d. Heat curling, waving, and pressing.
6. Hair cutting:
 - a. Anatomy and physiology;
 - b. Fundamentals, materials, and equipment;
 - c. Procedures; and
 - d. Safety practices.
7. Permanent waving-chemical relaxing:
 - a. Analysis;
 - b. Supplies and equipment;
 - c. Procedures and practical application;
 - d. Chemistry;
 - e. Recordkeeping; and
 - f. Safety.
8. Hair coloring and bleaching:
 - a. Analysis and basic color theory;
 - b. Supplies and equipment;
 - c. Procedures and practical application;
 - d. Chemistry and classifications;
 - e. Recordkeeping; and
 - f. Safety.
9. Skin care and make-up:
 - a. Analysis;
 - b. Anatomy;
 - c. Health, safety, and sanitary rules;
 - d. Procedures;
 - e. Chemistry and light therapy;
 - f. Temporary removal of hair; and
 - g. Lash and brow tinting.
10. Wigs, hair pieces, and related theory:
 - a. Sanitation and sterilization;
 - b. Types; and
 - c. Procedures.
11. Salon management:
 - a. Business ethics; and
 - b. Care of equipment.

E. Each nail school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for nail care shall include the following:

1. Orientation:
 - a. School policies; and
 - b. State law, regulations, and professional ethics;

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2. Sterilization, sanitation, bacteriology, and safety;
3. Anatomy and physiology;
4. Diseases and disorders of the nail;
5. Nail procedures (i.e., manicuring, pedicuring, and nail extensions); and
6. Nail theory and nail structure and composition.

F. Each waxing school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for waxing shall include the following:

1. Orientation:
 - a. School policies;
 - b. State law, regulations, and professional ethics; and
 - c. Personal hygiene.
2. Skin care and treatment:
 - a. Analysis;
 - b. Anatomy and physiology;
 - c. Diseases and disorders of the skin;
 - d. Health sterilization, sanitation, bacteriology, and safety, including infectious disease control measures; and
 - e. Temporary removal of hair.
3. Skin theory, skin structure, and composition.
4. Client consultation:
 - a. Health conditions;
 - b. Skin analysis;
 - c. Treatments;
 - d. Client expectations; and
 - e. Health forms and questionnaires.
5. Waxing procedures for brow, lip, facial, legs, arms, underarm, chest, back, and bikini areas:
 - a. Fundamentals;
 - b. Safety rules; and
 - c. Procedures.
6. Wax treatments:
 - a. Analysis;
 - b. Disorders and diseases;
 - c. Manipulations; and
 - d. Treatments.
7. Salon management:
 - a. Business ethics; and
 - b. Care of equipment.

G. The instructor curriculum shall include the following:

1. Orientation, introduction to teaching, and professional ethics;
2. Curriculum;
3. Course outline and development;
4. Lesson planning;
5. Classroom management;
6. Teaching techniques;
7. Methods of instruction, including theory and practical instruction;
8. Learning styles;
9. Learning disabilities;
10. Teaching aids;
11. Developing, administering, and grading examinations;
12. School administration;
13. Recordkeeping;
14. Laws and regulations;
15. Supervision of clinic floor; and
16. Practicum teaching.

H. A licensed school with an approved barber, master barber, dual barber/master barber, cosmetology, nail technician, or wax technician program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and 18VAC41-20-220.

The school shall make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

18VAC41-20-220. Hours of instruction and performances Practical performances.

~~A. Curriculum and performance requirements shall be offered over a minimum of 1,100 clock hours for barbering, 400 clock hours for master barbering, 1,500 clock hours for dual barber/master barber program and cosmetology, 150 clock hours for nail care, and 115 clock hours for waxing.~~

~~B.~~ The curriculum requirements for barbering must include the following minimum performances:

Hair and scalp treatments	10
Hair services	320
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Basic facials	5
TOTAL	370

~~C. B.~~ The curriculum requirements for master barbering must include the following minimum performances:

Bleaching and frosting	10
Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
TOTAL	120

~~D. C.~~ The curriculum requirements for dual barber/master barber program must include the following minimum performances:

Hair and scalp treatments	10
Hair styling services	320
Bleaching and frosting	10
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
Basic facials and waxings	5
TOTAL	490

~~E. D.~~ The curriculum requirements for cosmetology must include the following minimum performances:

Hair and scalp treatments	10
Hair styling	320
Tinting	15
Bleaching and frosting	10

Temporary rinses	10
Semi-permanent color	10
Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
Manicures and pedicures	15
Basic facials and waxings	5
Sculptured nails, nail tips, and wraps	20
TOTAL	525

~~F. E.~~ The curriculum requirements for nail care must include the following minimum performances:

Manicures	30
Pedicures	15
Individual sculptured nails and nail tips	200
Individual removals	10
Individual nail wraps	20
TOTAL	275

~~G. F.~~ The curriculum requirements for waxing must include the following minimum performances:

Arms	4
Back	2
Bikini area	6
Brows	12
Chest	1
Facial (i.e., face, chin, and cheek and lip)	6
Leg	3
Underarm	2
TOTAL	36

18VAC41-20-260. Display of license.

A. Each shop, salon, or school shall ensure that all current licenses, certificates, or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon, or school. Duplicate licenses, certificates, or permits shall be posted in a like manner in every shop, salon, or school location where the regulant provides services.

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B. Each shop, salon, or school shall ensure that no employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.

C. All licensees, certificate holders, and permit holders shall operate under the name ~~in~~ for which the license, certificate, or permit is issued.

D. Unless also licensed as a cosmetologist, a barber or master barber is required to hold a separate nail technician or wax technician license if performing nail care or waxing.

E. ~~All~~ Proof of apprenticeship cards registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.

18VAC41-70-100. General requirements for an esthetics instructor certificate.

A. Any individual wishing to engage in esthetics or master esthetics instruction shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed esthetician or master esthetician in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as an esthetician or master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant ~~wherein it who the board~~ deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia ~~esthetics~~ esthetician or master esthetician license;

3. The applicant shall complete one of the following qualifications:

- a. Pass a course in teaching techniques at the postsecondary educational level; ~~or~~

- b. Complete an instructor training course approved by the ~~Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board; and board; or~~

- c. Pass an instructor examination administered by the board or by a testing service acting on behalf of the board.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and

- b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

B. Instructors shall be required to maintain a Virginia esthetician or master esthetician license.

C. Certified instructors may teach in any profession for which they hold the underlying license.

~~18VAC41-70-110. General requirements for a master esthetics instructor certificate. (Repealed.)~~

~~A. Any individual wishing to engage in master esthetics instruction shall meet the following qualifications:~~

- ~~1. The applicant shall be in good standing as a licensed master esthetician in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as an esthetician or master esthetician.~~

~~Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be~~

~~considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;~~

~~2. The applicant shall hold a current Virginia master esthetician license;~~

~~3. The applicant shall complete one of the following qualifications:~~

~~a. Pass a course in teaching techniques at the postsecondary educational level; or~~

~~b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board; and~~

~~4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:~~

~~a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and~~

~~b. All felony convictions within 20 years of the date of application.~~

~~Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.~~

~~B. Instructors shall be required to maintain a Virginia master esthetician license.~~

18VAC41-70-180. General requirements.

An esthetics school shall:

1. Hold a school license for each and every location.
2. Hold a spa license if the school receives compensation for services provided in its clinic.
3. For esthetics courses, employ a staff of licensed and certified esthetics instructors or licensed and certified master esthetics instructors.
4. For master esthetics courses, employ a staff of licensed and certified master esthetics instructors.

~~5. Develop Prepare individuals for entry-level competency in esthetics.~~

~~6. Submit its curricula for board approval. Esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 18VAC41-70-190. Master esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 18VAC41-70-190 C. All changes to curricula must be resubmitted and approved by the board.~~

~~7. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the spa in plain view of the public.~~

~~8. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.~~

~~9. Complete practical instruction in the school's clinic area.~~

~~10. Ensure that instructor programs are taught by a certified instructor.~~

18VAC41-70-190. Curriculum and hours of instruction requirements.

A. Each esthetics school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lessons plans, a sample of evaluation methods to be used, and a breakdown of hours or credit hours and performances for all courses to be taught that will lead to licensure or certification. In addition, if a school awards credit in accordance with subsection D of this section, the school shall submit copies of the assessment policy, method of evaluation of transcripts, and the examination to be used in making the assessment.

B. The esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include the following:

1. Orientation and business topics - minimum of 25 hours of instruction.
 - a. School policies;
 - b. Management;
 - c. Sales, inventory, and retailing;
 - d. Taxes and payroll;
 - e. Insurance;
 - f. Client records and confidentiality; and
 - g. Professional ethics and practices.
2. Laws and regulations - minimum of 10 hours of instruction.
3. General sciences - minimum of 80 hours of instruction.
 - a. Bacteriology;

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- b. Microorganisms;
 - c. Infection control, disinfection, and sterilization;
 - d. Occupational Safety and Health Administration (OSHA) requirements;
 - e. Material Safety Data Sheet (MSDS);
 - f. General procedures and safety measures;
 - g. Cosmetic chemistry;
 - h. Products and ingredients; and
 - i. Nutrition.
4. Applied sciences - minimum of 95 hours of instruction.
- a. Anatomy and physiology;
 - b. Skin structure and function;
 - c. Skin types;
 - d. Skin conditions; and
 - e. Diseases and disorders of the skin.
5. Skin care - minimum of 255 hours of instruction.
- a. Health screening;
 - b. Skin analysis and consultation;
 - c. Effleurage and related movements and manipulations of the face and body;
 - d. ~~Cleansings~~ Cleansing procedures;
 - e. Masks;
 - f. Extraction techniques;
 - g. Machines, equipment, and electricity;
 - h. Manual facials and treatments;
 - i. Machine, electrical facials, and treatments; and
 - j. General procedures and safety measures.
6. Makeup - minimum of 65 hours of instruction.
- a. Setup, supplies, and implements;
 - b. Color theory;
 - c. Consultation;
 - d. General and special occasion application;
 - e. Camouflage;
 - f. Application of false lashes and lash extensions;
 - g. Lash and tinting;
 - h. Lash perming;
 - i. ~~Lightening~~ Lightening of the hair on body₂ except scalp; and
 - j. General procedures and safety measures.
7. Body and other treatments - minimum of 20 hours of instruction.
- a. Body treatments;
 - b. Body wraps;
 - c. Body masks;
 - d. Body scrubs;
 - e. Aromatherapy; and
 - f. General procedures and safety measures.
8. Hair removal - minimum of 50 hours of instruction.
- a. Types of hair removal;
 - b. Wax types;
 - c. Tweezing;
 - d. Chemical hair removal;
 - e. Mechanical hair removal; and
 - f. General procedures and safety measures.
- C. The master esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include the following:
1. Orientation, advanced business subjects, and infection control - minimum of 45 hours of instruction.
 - a. School policies and procedures;
 - b. Professional ethics and practices;
 - c. Ethics and professional conduct;
 - d. Insurance and liability issues;
 - e. Confidentiality and Health Insurance Portability and Accountability Act of 1996 Privacy Rule (HIPAA);
 - f. Client records and documentation;
 - g. Microbiology and bacteriology;
 - h. Infection control, disinfection, and sterilization;
 - i. Occupational Safety and Health Administration (OSHA), U.S. Food and Drug Administration (FDA); and Material Safety Data Sheet (MSDS); and
 - j. Personal protective equipment.
 2. State laws, rules, and regulations - minimum of 10 hours of instruction.
 3. Advanced anatomy and physiology - minimum of 65 hours of instruction.
 - a. Advanced anatomy and physiology;
 - b. Advanced skin structure and functions;
 - c. Advanced skin typing and conditions;
 - d. Advanced disease and disorders;
 - e. Advanced cosmetic ingredients;
 - f. Pharmacology; and
 - g. Advanced homecare.
 4. Advanced skin care and advanced modalities - minimum of 90 hours of instruction.
 - a. Introduction to microdermabrasion and dermaplaning;
 - b. Indications and contraindications for crystal microdermabrasion;

- c. General procedures and safety measures for crystal microdermabrasion;
 - d. Indications and contraindications for crystal-free microdermabrasion and dermaplaning;
 - e. General procedures and safety measures for crystal-free microdermabrasion and dermaplaning;
 - f. Equipment safety: crystal and crystal-free microdermabrasion and dermaplaning;
 - g. Waste disposal, Occupational Safety and Health Administration (OSHA);
 - h. Introduction to microdermabrasion techniques and proper protocols;
 - i. Machine parts, operation, protocols, care, waste disposal, and safety;
 - j. Practical application and consultation for crystal microdermabrasion;
 - k. Practical application and consultation for crystal-free microdermabrasion and dermaplaning; and
 - l. Pretreatment and posttreatment for microdermabrasion.
5. Advanced procedures and chemical exfoliation - minimum of 270 hours of instruction.
- a. Advanced skin analysis and consultation and health screening and documentation;
 - b. Advanced procedures, light treatments, light-emitting diode (LED), intense pulsed light (IPL) device (IPL);
 - c. Advanced manual, machine, and electric treatments, microcurrent, and ultrasound;
 - d. Introduction to chemical exfoliation and peels of the epidermis;
 - e. Fundamentals of skin care associated with chemical exfoliation and peels and wound healing;
 - f. Pretreatment and posttreatment for chemical exfoliation and peels;
 - g. Assessing suitability and predicting chemical exfoliation efficacy;
 - h. General practical application and consultation protocols;
 - i. Practical application and consultation for enzymes, herbal exfoliations, and vitamin-based peels;
 - j. Indications and contraindications for enzymes, herbal exfoliations, and vitamin-based peels;
 - k. General procedures and safety measures for herbal exfoliations, and vitamin-based peels;
 - l. Pretreatments and posttreatments for herbal exfoliations, and vitamin-based peels;
 - m. Practical application and consultation for alpha hydroxy peels;
 - n. Indications and contraindications for alpha hydroxy peels;
 - o. General procedures and safety measures for alpha hydroxy peels;
 - p. Pretreatment and posttreatment for alpha hydroxy peels;
 - q. Practical application and consultation for beta hydroxy peels;
 - r. Indications and contraindications for beta hydroxy peels;
 - s. General procedures and safety measures for beta hydroxy peels;
 - t. Pretreatment and posttreatment for beta hydroxy peels;
 - u. Practical application and consultation for Jessner and Modified Jessner peels;
 - v. Indications and contraindications for Jessner and Modified Jessner peels;
 - w. General procedures and safety measures for Jessner and Modified Jessner peels;
 - x. Pretreatment and posttreatment for Jessner and Modified Jessner peels;
 - y. Practical application and consultation for trichloroacetic acid peels;
 - z. Indications and contraindications for trichloroacetic acid peels;
 - aa. General procedures and safety measures for trichloroacetic acid peels; and
 - bb. Pretreatment and posttreatment for trichloroacetic acid peels.
6. Lymphatic drainage - minimum of 120 hours of instruction.
- a. Introduction to lymphatic drainage;
 - b. Tissues and organs of the lymphatic system;
 - c. Functions of the lymphatic system;
 - d. Immunity;
 - e. Etiology of edema;
 - f. Indications and contraindications for lymphatic drainage;
 - g. Lymphatic drainage manipulations and movements;
 - h. Face and neck treatment sequence;
 - i. Lymphatic drainage on the trunk and upper extremities;
 - j. Lymphatic drainage on the trunk and lower extremities;
 - k. Cellulite;
 - l. Using lymphatic drainage with other treatments; and
 - m. Machine-aided lymphatic drainage.
- D. A licensed esthetics school with an approved esthetics program may conduct an assessment of a student's competence in esthetics and, based on the assessment, give credit toward the requirements specified in subsection B of this section and 18VAC41-70-200 A. A licensed esthetics school with an approved master esthetics program may conduct an assessment

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of a student's competence in master esthetics and, based on the assessment, give credit toward the requirements specified in subsection C of this section and 18VAC41-70-200 B.

The school shall make the assessment based on a review of the student's transcript and the student's successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

E. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include the following:

1. Orientation, introduction to teaching, and professional ethics;
2. Curriculum;
3. Course outline and development;
4. Lesson planning;
5. Classroom management;
6. Teaching techniques;
7. Methods of instruction, including theory and practical instruction;
8. Learning styles;
9. Learning disabilities;
10. Teaching aids;
11. Developing, administering, and grading examinations;
12. School administration;
13. Recordkeeping;
14. Laws and regulations;
- ~~15. Presentation of theoretical subjects;~~
- ~~16. Presentation of practical subjects;~~
- ~~17. 15.~~ Supervision of clinic floor; and
- ~~18. 16.~~ Practicum teaching.

18VAC41-70-260. Display of license.

A. Each licensed spa or school shall ensure that all current licenses and temporary licenses issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the spa or school. Duplicate licenses or temporary licenses shall be posted in a like manner in every spa or school location where the licensee or temporary license holder provides services.

B. All licensees and temporary license holders shall operate under the name ~~in~~ for which the license or temporary license is issued.

C. ~~All Proof of apprenticeship cards~~ registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the ~~shop or salon~~ spa. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.

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BOARD FOR CONTRACTORS

Proposed Regulation

Title of Regulation: **18VAC50-30. Individual License and Certification Regulations (amending 18VAC50-30-10, 18VAC50-30-40, 18VAC50-30-50; adding 18VAC50-30-45).**

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Public Hearing Information:

May 20, 2024 - 10 a.m. - Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor Conference Center, Board Room 4, Richmond, Virginia 23233.

Public Comment Deadline: July 5, 2024.

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Basis: Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia enumerates the legal authority for the board to administer the licensure and certification programs for tradesmen, gas fitters, liquefied petroleum gas fitters, natural gas fitter providers, water well systems providers, elevator mechanics, residential building energy analysts, backflow prevention device workers, and automatic fire sprinkler inspectors. Section 54.1-201 of the Code of Virginia allows the board to (i) establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation, and (ii) promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, prevent deceptive or misleading practices by practitioners, and effectively administer the regulatory system administered by the regulatory board.

Purpose: The General Assembly has charged the board with the responsibility for regulating those who (i) engage or offer to engage in work as a tradesman (electrician, plumber, or HVAC technician), gas fitter, liquefied petroleum gas fitter, or natural gas fitter provider; (ii) engage in the drilling,

installation, maintenance, or repair of a water well or water well system; (iii) engage in or offer to engage in work as an elevator mechanic or accessibility mechanic; (iv) engage in or offer to engage in work as a residential building energy analyst; (v) present themselves as a certified backflow prevention device worker; and (vi) perform or offer to perform inspections of automatic fire sprinkler systems, by requiring that such individuals obtain the appropriate licensure or certification.

The performance of trade-related work by those who lack sufficient expertise poses a risk to the public health, safety, and welfare. These risks include the potential for significant damage to property, personal injury, and death. In addition, the improper performing of trade-related work can pose a substantial risk of financial harm to any property owner who may be responsible for assuming costs to correct or complete work that is defective.

As mandated by the General Assembly, the board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession.

Substance: 18VAC50-30-10 is being revised to add a definition for "residential journeyman." This change is made in conjunction with amendments to 18VAC50-30-40 to create a new class of license for residential journeyman.

18VAC50-30-40 is being revised to create a new residential journeyman tradesman class of license. This change is made to provide a level of licensure that will allow individuals to qualify for licensure and enter the profession sooner than would be required for a standard journeyman level license. The scope of practice for a residential journeyman license is limited to plumbing or HVAC work in dwellings and townhouses. It does not include commercial, industrial, institutional, or government-use structures outside of dwellings and townhouses. The section is also being revised to allow those seeking a journeyman license in the gas fitting trades to substitute practical experience for some required vocational training, reduce the minimum required vocational training to qualify for examination as a journeyman gas fitter, allow for a residential journeyman tradesman to qualify for examination as a master tradesman, and reduce the number of years of practical experience an individual needs to qualify for the journeyman or master tradesman examination without having required vocational training. The section is also being revised to remove "grandfathering" provisions applicable to individuals (i) who successfully passed the Class A contractor trade examination prior to January 1, 1991, or (ii) who meet the criteria provided for in § 54.1-1145 C of the Code of Virginia to become licensed as residential building energy analysts. These provisions are no longer necessary.

18VAC50-30-45 is being added to allow an applicant to receive a maximum credit of 40 hours for board-approved continuing education training toward formal vocational training required under 18VAC50-30-40 as applicable to the license or certification sought.

18VAC50-30-50 is revised to clarify that individuals who successfully complete an apprenticeship program approved by

the Commissioner of the Department of Labor and Industry, as outlined in § 54.1-1131 A 3 of the Code of Virginia, are exempt from the journeyman examination. This change is made to comport the regulation with the current provisions in the Code of Virginia.

Issues: The primary advantages to the public and the regulated community are that the amendments to the regulation will (i) reduce the required years of experience or minimum education while ensuring minimum competency and protection of the health, safety, and welfare of the public; (ii) allow for more individuals to enter the profession; (iii) provide necessary updates and clarification to the regulation; and (iv) ensure the regulation complements current Virginia law and is clearly written and understandable.

Concerns have been raised by some in the regulated community regarding the reduction of experience requirements for examination eligibility. One concern is that reducing the current requirement of four years for a journeyman would not allow individuals to be proficient in their trade and work alone without requiring assistance. Another concern is that reducing the experience requirement would negatively affect apprenticeships and decrease the safety and quality of work. Another concern is that reducing experience requirements would increase costs for businesses that work on government projects and must pay Davis-Bacon wages. There are no identifiable disadvantages to the Commonwealth.

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 § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.¹

Summary of the Proposed Amendments to Regulation. The Board of Contractors (board) proposes to (i) create a new limited scope residential journeyman license that has reduced experience and training requirements compared to the current journeyman license and would only apply to residential plumbing or to heating, ventilation, and air conditioning (HVAC) work; (ii) revise the experience and vocational training requirements for the journeyman licenses in the gas fitting trades, and revise the qualifications for those who seek to qualify for any journeyman license based solely on practical experience; (iii) revise the experience requirements for the master license; (iv) allow up to 40 hours of continuing education to substitute for the same amount of required hours of formal vocational training; and (v) allow one additional year of experience to substitute for twenty hours of the required vocational training for accessibility mechanics.

Background. This regulation applies to licenses issued for six types of trades: electrician, plumber, HVAC technician, gas fitter, liquefied petroleum gas fitter, and natural gas fitter providers. It also provides distinct entry requirements for licensure or certification of other individuals, such as certification of accessibility mechanics.

The initial impetus for this action is Executive Directive Number One (2022), which directs Executive Branch entities under the

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authority of the Governor to initiate regulatory processes to reduce by at least 25% the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.²

Notably, the proposed amendments would create a new residential journeyman license that is limited to either plumbing or HVAC work in dwellings and townhouses. The scope of this license class would not include work on commercial, industrial, institutional, or government use structures.

The board reports that when initially developing this regulatory proposal it had been considering a reduction in eligibility requirements for the two existing license classes (journeyman and master). However, during the review it became apparent to the board that there was a distinction between the level of proficiency needed to perform work in residential systems compared to that needed to work on nonresidential systems. For example, an individual who performs routine maintenance or repairs on residential HVAC systems does not require the same level of skill as an individual who installs commercial or industrial HVAC systems. It also became clear to the board that some companies or individuals seek only to work on residential properties with no intention of ever working on commercial or industrial properties. In light of these observations, the board decided to create a third license class, known as residential journeyman, to include HVAC and plumbing trades.

According to the board, performance of trade-related work by those who lack sufficient expertise poses a risk to the public health, safety, and welfare. These risks include the potential for significant damage to property, personal injury, and death. In addition, the improper performance of trade-related work can pose a substantial risk of financial harm to a property owner who may be responsible for assuming any costs needed to correct or complete defective work. Accordingly, electric work was intentionally excluded from the scope of the new residential-only license due to concerns that individuals would not be able to safely perform electrical work under the reduced training and experience standards for the residential journeyman license.

Additionally, the board considered certain eligibility requirements in all trades and other areas of licensure as being potentially burdensome and identified additional areas where the required years of experience or minimum education could be reduced while still ensuring minimum competency and protection of the health, safety, and welfare of the public. Those additional areas include revisions to the experience and vocational training requirements for journeyman licenses in the gas fitting trades; revisions to qualifications for those who seek to qualify for any journeyman license based solely on practical experience in a trade; qualifications for a master license; substitution of continuing education for vocational training; and substitution of one additional year of experience toward 20 hours of required vocational training for accessibility mechanics. Other changes are being proposed to remove outdated text, improve the clarity of the regulation, and ensure the regulation complements current Virginia law.

Currently, the journeyman license is the first of two levels of licensure available in order to enter a licensed tradesman

profession in Virginia. Thus, the qualifications to sit for the journeyman tradesman examination comprise the minimum requirements to enter the relevant trade. This regulation currently requires applicants for the journeyman tradesman examination to furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in the trade and 240 hours of formal vocational training in the trade. Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 80 hours of formal training, but not to exceed 200 hours;
2. Four years of practical experience and 80 hours of vocational training for liquefied petroleum gas fitters and natural gas fitter providers except that no substitute experience will be allowed for liquefied petroleum gas and natural gas workers;
3. An associate degree or a certificate of completion from at least a two-year program in a tradesman-related field from an accredited community college or technical school as evidenced by a transcript from the educational institution and two years of practical experience in the trade for which licensure is desired;
4. A bachelor's degree received from an accredited college or university in an engineering curriculum related to the trade and one year of practical experience in the trade for which licensure is desired; or
5. An applicant with 10 years of practical experience in the trade as verified by reference letters of experience from any of the following: building officials, building inspectors, current or former employers, contractors, engineers, architects, or current or past clients attesting to the applicant's work in the trade, may be granted permission to sit for the journeyman's level examination without having to meet the educational requirements.

Currently, upon passage of the examination, applicants meeting one of these requirements are issued a journeyman license, which allows them to perform work not only on residential but also on commercial, industrial, institutional, or government use structures.

According to the board, the required experience is typically gained while working as a helper or laborer under a licensed tradesman, or as an apprentice through a registered apprenticeship. The courses that are acceptable to the board to meet the vocational training requirements must be completed through accredited colleges, universities, junior or community colleges; adult distributive, marketing and formal vocational training; Virginia Apprenticeship Council programs; or proprietary schools approved by the Virginia Department of Education. In addition, formal vocational training can also include Board-approved training conducted by trade associations, businesses, the military, correspondence schools, or other similar training organizations.

Estimated Benefits and Costs. The estimated benefits and costs of this proposal are discussed according to the type of change, beginning with the proposed changes that would create a new residential journeyman plumbing or HVAC license.

1. New residential journeyman plumbing or HVAC license

The proposed changes would allow applicants that have reduced experience and educational standards to enter either the plumbing or HVAC trades and be authorized to perform a limited scope of

work that may only be performed on residential structures. The Board states that Arizona, Colorado, North Carolina, Utah, and Washington currently offer similar licenses to the residential journeyman license, and other states may also be considering this type of license. It appears this topic is being discussed by the National Association of State Contractors Licensing Agencies as a means of encouraging younger workers to enter the trades. Also, the Board was provided information during development of the regulation that indicates that fewer individuals are seeking to work in the trades.

To help address these issues in part and to reduce regulatory burdens in part, the proposal would allow applicants for examination to be licensed as a residential journeyman plumber or HVAC tradesman if they pass the examination and also furnish evidence that one of the following experience and educational standards has been attained:

Current Requirements (Journeyman)	Proposed Requirements (New Residential Journeyman)
Four years of practical experience in the trade and 240 hours of formal vocational training in the trade. Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 80 hours of formal training, but not to exceed 200 hours.	Two years of practical experience in the trade and 160 hours of formal vocational training in the trade.
OR 10 years of practical experience in the trade.	OR three years of practical experience in the trade and 120 hours of formal vocational training in the trade.
	OR four years of practical experience in the trade and 80 hours of formal vocational training in the trade.
	OR five years of practical experience in the trade and 40 hours of formal vocational training in the trade.
	OR six years of practical experience in the trade, and no formal vocational training.

As indicated by the table, the proposed experience and educational standards for the residential journeyman license would be substantially lower as compared to those for the current journeyman license.

For example, under the proposal an applicant with only two years of experience and 160 hours of vocational training would be allowed to perform HVAC or plumbing work on residential structures. This compares to four years of experience and 240 hours of vocational training that is required for the current journeyman license. The proposed reduction in this example translates to a 50% reduction in required experience and a 33.3 percent decrease in vocational training. Similarly, the proposal translates into a 40% reduction in experience for an applicant who has no vocational training, but who has six years of experience; in contrast, currently an applicant without any vocational training must have 10 years of experience.

A reduction in the experience and vocational training required would lower the burden to sit for the exam for this new limited scope license. To the extent that these training and experience requirements discourage or prevent entry into the trades, a reduction in the requirements would increase the number of eligible applicants for the new residential journeyman license. The board estimates that approximately 700 additional individuals annually would meet the qualifications for the proposed residential journeyman license consisting of two years of experience and 160 vocational hours. It is also estimated that approximately the same number of individuals would qualify based on having three years of experience and 120 vocational hours. Thus, it is anticipated the board could receive up to 1,400 license applications for the new limited scope license after the proposed changes become effective. The board further notes that even though these individuals would initially obtain licensure as a residential journeyman, they expect that most would subsequently obtain the journeyman license because the journeyman license is required to perform higher-paid commercial or industrial trade-related work.

The addition of 1,400 new licensees who can perform residential plumbing and HVAC work would create a chain of potential effects, in which the nature of any one effect partially depends upon its interaction with other effects. These potential effects include changes that will likely affect the following areas: the wages and employment of the newly licensed residential journeymen; enrollment in vocational trade schools; the wages and employment of licensed journeymen and unlicensed laborers currently working in the residential market; the prices paid by residential consumers; the revenues of plumbing and HVAC contracting firms; health and safety; the responsibilities of the agency. Each one of these effects are discussed in detail.

a. Impact on residential journeymen and trade schools. The newly qualified residential journeymen would likely benefit the most from the proposed new residential license class. These benefits include savings from reduced vocational, training, the

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value of time that would be freed up from the reduction in training requirements, and higher earning potential.

The board estimates that the cost difference between the 240-hour vocational training currently required and the 160-hour training under the proposal (or the value of an 80-hour reduction in the required vocational training), is \$3,518 per applicant. This estimate translates to over \$4.9 million annually in training-related savings for all of the expected 1,400 new applicants. Conversely, this would result in a substantial revenue reduction for trade schools. Trade schools may also incur one-time costs adjusting their curriculum to accommodate residential journeyman candidates by shifting their coursework to focus more on the residential plumbing and HVAC topics. The new residential journeymen applicants would also save the time that would be freed up by the 80-hour reduction in vocational training. The board states that an unlicensed laborer or apprentice in these trades typically earns \$15 per hour.³ Valued at that hourly wage, the value of an applicant's time savings for those 80 hours (prior to obtaining the license) would be \$1,200 per person, not including the time and travel costs involved in going to the locations where those training hours are earned. For the annual population of 1,400 expected new applicants, the total savings in terms of value of freed up time due to the 80-hour reduction becomes \$1.7 million.

Additionally, the experience requirement would be reduced by two years. As a result, new residential journeyman would be able to become licensed more quickly and also command higher wages than they previously did as an unlicensed laborer or apprentice in these trades. Therefore, the wage differential for two years would represent an additional benefit to the new residential journeymen. According to the Board, a newly licensed tradesman typically earns \$25 per hour.⁴ Based on a 30-hour work week,⁵ on an annualized basis, this equates to \$39,000 per year (30 hours x 52 weeks x wage). An unlicensed laborer or apprentice in these trades typically earns \$15 per hour as mentioned above. Based on a 30-hour work week, on an annualized basis, this equates to \$23,400 per year. Thus, an individual who qualifies for the new license could earn approximately \$15,600 in additional income per year or \$31,200 over the two years. This translates to \$43.7 million in total additional income for all 1,400 expected new licensees each year.

However, while the assumed hourly rate of \$25 for a licensed journeyman is appropriate for comparing the status quo to the proposed changes, the magnitude of the benefits will likely be lower. The expected benefits would accrue only when the residential journeyman license is actually issued under the proposed changes, and when that occurs the \$25 an hour wage assumption may be somewhat inflated for two reasons. First, the supply and demand analysis discussed indicates that prices of residential-only work would likely decline, which would drive down what employers are willing to pay for residential-only licensees. Second, the comparatively lower cost of obtaining a residential-only license would drive down the \$25

an hour wage that residential-only journeymen would be willing to accept. Since the \$25 per hour for journeyman assumption drives the largest portion of the expected benefit, the actual benefit may be lower. In summary, newly licensed residential journeymen would be expected to benefit from a savings of up to \$35,918 per person (or up to \$50.6 million, annually, from all 1,400 new applicants combined), as a result of the proposed new residential-only journeyman license, assuming a \$25 per hour entry level wage.⁶

b. Impact on wages, incumbent journeymen, and unlicensed laborers and apprentices. An influx of 1,400 residential journeymen licensees annually would considerably expand the pool of available tradesmen for hire by the contracting firms whose business is primarily residential construction. The total number of currently licensed plumbers and HVAC journeymen is 4,568. This 30% increase in the labor supply every year would likely result in a downward pressure⁷ on all journeyman wages for residential jobs. Additionally, because of the decrease in the costs needed to obtain a residential-only license, residential journeymen would be more likely to accept jobs at reduced wages. Thus, the incumbent journeymen would be confronted with a marketplace in which lower wages are paid. Accordingly, the proposal would likely make those incumbent journeymen who mostly perform residential work worse off. This result would create a competitive disadvantage for incumbent journeymen who are licensed to perform work on nonresidential structures (e.g., commercial, industrial or government) but who mainly perform residential work currently. If they were to continue performing residential work, such incumbent journeyman may be forced to either accept lower wages or to accept slower wage growth until the relative wages between the incumbent and new licensees for residential work stabilize.

Another way incumbents can respond would be to perform, if they could, additional nonresidential work. However, there are differences between residential, commercial, or industrial work that may limit this opportunity. To some degree, the main difference between residential and nonresidential trade work in the trades is one of scale (i.e., the size of the system installed). However, nonresidential systems can be more complex and require compliance with stricter building codes, which may require additional on-the-job practical experience or training.

Another potential spillover effect may be seen in the demand for unlicensed laborers or apprentices in the HVAC and plumbing trades. It is more than likely that some of the current unlicensed laborers or apprentices would qualify for a residential journeyman license and would likely be able to obtain it. To the extent this occurs, it would be expected that the pool of unlicensed laborers or apprentices would shrink. In addition, new residential journeymen would likely still need support from helpers or laborers, which would tend to increase the existing demand for unlicensed laborers or apprentices. To the extent these factors occur, the increased need for such workers may incentivize employers to increase their wages.

c. Impact on consumers and suppliers of residential plumbing and HVAC services. As the number of licensed residential journeymen increases, the number of tradesmen willing to perform residential work through contracting firms would also increase. An expanded pool of workers would increase the competition for this work, which in turn would reduce the market price.⁸ A decrease in market price would make some of the residential work that consumers were previously unwilling to take on more affordable. Generally speaking, a decrease in prices results in an increase in consumption, and therefore the amount of residential work that is performed would likely increase. The net impact of such a change would benefit consumers,⁹ but the magnitude of this benefit would depend on other factors such as the responsiveness of consumers and suppliers to the change in the market price. Although there is not enough information to estimate the magnitude, we can say with certainty that directionally consumers would be better off because of a price decrease. Unlike the benefit to consumers, the net impact on contracting firms would depend on two opposing factors. First, lower prices would reduce revenue from already existing customers in the market. However, this is offset by the second factor: the additional work that results from the increase in consumption. Thus, the impact on all contracting firms combined depends on the net effect of these two opposing factors: competition versus consumption. Accordingly, the actual impact on contracting firms may be positive or negative, depending on the relative responsiveness of consumers to the changes in the market price.

At a more granular level, there could be an indirect impact on individual contracting firms, and the impacts on individual firms are likely to be mixed. An individual firm makes its supply decisions based on its costs and the prevailing market price. When the market price declines, its profit (i.e., difference between revenues and costs) would also tend to decline. A firm by itself has no control over the market price in a competitive market and the only relevant factor it can control is its costs. If its new costs after this change would be still below the newly-reduced market price generating a net profit, it would continue providing services or even expand them. This would add to its overall revenues and increase its profit. However, if the market price falls below its unit costs generating a net loss, then that firm may have to reduce its unit costs or else cease operations. Given the likely reduction in the market price, some individual firms may thrive, some may be forced to adjust their cost structure to survive, and some may exit the residential plumbing and HVAC market.

In short, the proposed residential journeymen license would benefit consumers by decreasing the cost of those plumbing and HVAC projects that require less experience or skill. However, the outcome for contracting firms is unclear. If consumers respond to lower prices by increasing their demand for residential services to a degree that offsets the reduction in industry revenue, then contracting firms would benefit from the proposed changes. If, however, demand for residential services increases to a lesser degree, then contracting firms

would not benefit. Thus, the net impact on contracting firms as a whole (i.e., incumbents and newcomers all together) may be negative or positive, depending on the demand and supply characteristics of the residential plumbing and HVAC service markets. Finally, the potential impact on individual firms would depend on how their unit costs compare to the prevailing market price.

d. Impact on HVAC and plumbing industry structure. To the extent that incumbent journeymen are crowded out of the residential service market into the nonresidential service market, subsequent spillover effects could be seen in the commercial, industrial, government, and institutional service market. As residential journeymen respond to increased competition in the residential market and start looking for jobs in the nonresidential market, the supply of tradesmen in the nonresidential market could increase. This would make the non-residential jobs more competitive, which in turn could create a downward pressure on the prices of nonresidential service work as well. If the spillovers to the nonresidential service market are significant, more segmentation between the residential-only and nonresidential service markets may occur. According to the board, some HVAC and plumbing companies already operate only in one market: either the residential or the nonresidential service market. This proposal could cause a greater segmentation into two distinct markets due to expected price and wage differences. To the extent this occurs, residential and nonresidential technicians may find it more challenging to switch between residential and commercial work, reducing their flexibility in the job market. Furthermore, an increase in the specialization of the marketplace, combined with the differences between residential, commercial, or industrial work (as noted above) may lead to an unintended consequence. As written, the proposed experience and vocational training requirements do not address the differences between residential, commercial, or industrial work, and instead they treat all such work as being equivalent. As a result, a worker with minimal or no residential experience may satisfy the requirements for a residential journeyman license even if his two-year experience or 160 hours of vocational training consists entirely of commercial service. Similarly, after obtaining three years of experience as a residential journeyman, a worker would be eligible for a journeyman license; this new license would make him eligible to work on all commercial, industrial, government or institutional use structures even if his experience consisted only of residential work. Thus, there exists a potential for such individuals to be authorized by the board to perform work in an area in which they do not have actual practical experience.

The board counters this concern by pointing out that the training that is required to obtain a journeyman license (in any trade) is on the theory of the trade and the applicable building code, which is essentially the same regardless of the building type or use. And as noted, the main difference between residential and nonresidential trade work is one of scale (i.e., the size of the system installed). Additionally, contracting

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firms are more likely than sole proprietors to have management staff whose responsibilities include ensuring that the tradesman has the proper experience to match the type of work they will perform, which would offset such risks. However, a journeyman who is the sole proprietor is also likely to be concerned about liability and thus be mindful about the consequences of performing work for which he is not qualified. Therefore, although some incentives already exist to dissuade the performance of work by an unqualified individual, the regulation as currently written does not provide its own safeguards against such outcomes.

Notwithstanding the potential for any unintended consequences, an increased level of marketplace segmentation may lead to better allocation of scarce resources. This can enhance the overall quality of services if it allows tradesman to focus on specific areas of expertise. For example, a company that provides residential-only services would not have to train their employees on commercial projects. By being able to focus more closely on residential services, the company can improve its knowledge and efficiency. Similarly, a nonresidential services company may redirect the resources that are freed up from residential services to nonresidential services and become more proficient in that area. Similarly, homeowners may feel more confident hiring technicians with a residential-only license, as they would be perceived as experts in the specific needs of residential systems.

e. Tradeoff between experience and training. Another more subtle effect may result from the implied change that lies in the tradeoff between experience and formal training. The current regulation explicitly states that experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 80 hours of formal training but not to exceed 200 hours. Under the proposed language no such explicit statement would exist, but based on the requirements the implied tradeoff is that each year of experience in excess of two years may be substituted for 40 hours of vocational training. Thus, under the proposed changes each year of experience would be worth less relative to the training that it could substitute. Thus, someone with two years of experience, but less than 160 hours of vocational training, would likely shift their focus to obtaining training (in order to reach the 160 hours) rather than obtaining another year of experience. This could offset some of the revenue reduction for trade schools noted above. However, these individuals would likely reduce the total amount of vocational training they obtain by 40 hours compared to the incentives under the current regulation.

f. Impact on health and safety. The proposal may also potentially affect health and safety. As previously mentioned, the board appears to be fully cognizant that performance of trade-related work by those who lack sufficient expertise poses a risk to the public health, safety, and welfare in general. By proceeding with the proposal, we can also deduce that such risks do not outweigh the expected benefits in the board's collective opinion. However, it cannot be ruled out and the

board concedes that there is the potential for increased risk of damage to property or injury to persons due to lower training and education requirements.¹⁰ On the other hand, some of the health and safety risks may be mitigated by local building inspectors, who inspect finished installation work. Additionally, it is worth noting that although experience and training requirements would be decreased, residential journeymen would not be required to work on non-residential systems. Thus, the portion of the two-year reduction in experience and 80-hour reduction in training that would have been related to nonresidential work should not raise safety concerns, assuming all work is performed on residential systems.

g. Impact on license reciprocity and portability. Another concern the board recognizes is the potential implications on license reciprocity and portability. The board staff reports that there are two reciprocity agreements that might be affected by this change, and it is possible that these agreements may need to be amended.¹¹ Under the current agreements, an individual who is licensed as a residential journeyman would not be covered by these two existing reciprocity agreements. However, the board does not know yet whether the other jurisdictions would agree to amending the existing agreements to incorporate the residential journeyman license. Thus, Virginia's ability to maintain existing agreements and to secure new reciprocity and portability agreements with other states may be negatively affected. Similarly, workers and businesses who only have a residential journeyman licenses, and who seek to temporarily perform work in other states, may encounter problems meeting the qualifications required by another state due to the decrease in requirements in Virginia. On the other hand, the lower costs associated with residential projects may provide an advantage if and when the other states are willing to recognize the equivalency of Virginia's residential-only license.

h. Impact on continuing education providers. An influx of additional 1,400 applicants would also impact continuing education providers. Under the proposal, residential journeyman licensees will be required to complete three hours of continuing education every three years in order to renew a license. According to the Board, the average cost of a three-hour continuing education class is \$90. Assuming 75% of the expected 1,400 additional licensees would be renewed every three years, this would result in 1,050 licensees who would take continuing education every three years. Thus, the board anticipates that the new licensees would have to spend approximately \$94,500 in total on continuing education every three years to keep current with their trade.

While this amount represents a cost to the licensees it also represents a benefit to the continuing education providers. Continuing education providers may also be inclined to revise their curriculum for residential journeyman licensees by expanding coverage of residential topics and decreasing or eliminating coverage of topics related to work on commercial or industrial or larger structures.

i. Impact on the agency. The proposed changes would also affect the agency itself as the additional 1,400 applicants that the board expects would increase the workload of the board's licensing staff. The board estimates that up to three additional licensing specialist positions would be needed to process additional applications. The estimated cost for the three positions is at least \$139,500 for the first year, and this cost is expected to increase by approximately 2.0% annually. According to the board, this cost reflects estimated salary compensation only, and does not include benefits, taxes, or other related costs. The board and its supporting staff are funded by fees collected from licensees. Based on initial application fee of \$130 and expected 1,400 additional applications annually, additional revenue from initial applications would be \$182,000 per year. Moreover, assuming 1,050 licensees renew triennially, the board anticipates additional revenue of \$141,750 from renewals every three years. It is therefore unclear if this would require an increase in fees, which would require a fuller assessment of the board's other revenues and costs.

2. Journeyman license. Several proposed changes in this category would provide more flexibility to sit for the journeyman license, and a few of the changes specifically apply to gas fitter licenses. The changes that affect all persons seeking a journeymen license would reduce the number of years of experience from 10 years to eight years for applicants who do not meet the educational requirements. This change would apply to journeymen licenses for all trades. However, there is no estimate on the number of potential new applicants that may be expected from this change.

Regarding gas fitter licenses, the changes would affect each of the three types of gas fitter licenses: gas fitter; liquefied petroleum gas fitter; and natural gas fitter provider. The distinctions between these types are detailed in the definitions section of the regulation. The terms liquefied petroleum gas fitter and natural gas fitter provider are terms created by statute in § 54.1-1128 of the Code of Virginia. One of the key distinctions is that someone licensed as a gas fitter can do work covered by the liquefied petroleum and natural gas fitter license, but persons with a liquefied petroleum or natural gas fitter license cannot perform the work of a gas fitter. The proposed changes to these licenses. For licensure as either a journeyman liquefied petroleum gas fitter or as a natural gas fitter provider, the proposal would introduce a new option for those with five or more years of practical experience in the trade and 40 hours of vocational training in the trade. Currently, the only option is four years of practical experience in the trade and 80 hours of vocational training in the trade; Therefore, the new option would allow substitution of one additional year experience for 40 hours of vocational training. However, the board does not have an estimate on the number of applicants for the liquefied petroleum gas fitter or natural gas fitter provider licenses that may qualify to sit for the journeyman exam as a result of this change.

The proposal would also revise the journeyman gas fitter license requirements. Currently, the regulation requires 240 hours of training; however, vocational training providers do not offer 240 hours of training for applicants because there is not enough content to cover in that many hours. The board therefore views the current requirements as being overly burdensome because it reports that vocational gas fitting courses are not readily available. As a result, individuals have not been able to complete the required hours for gas fitting, and they either must obtain 10 years of experience or have their application reviewed by the board for a potential waiver or substantial equivalency. The result of the lack of training providers is that every applicant for a gas fitter license must come before the board for approval. To address this, the board proposes changes to journeyman gas fitter qualification to ease the burden. Under the proposal, for licensure as a journeyman gas fitter the applicant must satisfy either:

- a. Four years of practical experience in the trade and 120 hours of vocational training in the trade;
- b. Five years of practical experience in the trade and 80 hours of vocational training in the trade; or
- c. Six or more years of practical experience in the trade and 40 hours of vocational training in the trade;

As mentioned, the current requirements for the journeyman gas fitter are four years of practical experience in the trade and 240 hours of vocational training in the trade; Thus, the changes would reduce the education requirement from 240 hours to 120 hours (a 50% reduction) to become a journeyman gas fitter. The board estimates that approximately 25 applicants may be newly qualified under this particular change. Additionally, proposed changes would newly allow applicants with five and six-year experience with a 160-hour and 200-hour reduction in the corresponding educational hours required, respectively. There is no estimate available on how many applicants may newly qualify with the five and six-year experience. The changes that affect all persons seeking a journeyman license are expected to newly qualify some applicants who would not qualify under current rules. Although data generally are not available to estimate the number of additional applications that these changes would create, most of the economic effects would be similar to those discussed under residential journeyman license albeit at a smaller scale. For example, the board expects additional 25 applications as a result of the proposed change to reduce educational training by 120 hours to sit for the journeyman gas fitter exam. Such an individual would save approximately \$5,330 from 120 reduced training hours. The total savings for the 25 individuals would be \$133,250 per year.

The other effects of the proposed changes for these newly qualified individuals would be similar to those discussed above for the residential journeyman, including the value of their time that is freed up by the reduction in the training requirements; an increase in their ability to earn higher wages more quickly; an increase in competition for trades work, which would lead to lower prices, and thus a positive impact on consumers; a negative

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impact on existing journeymen in the relevant trade; potential effects on safety, license reciprocity and portability,¹² on continuing education providers, and on the board's staffing needs.

The expected directional effects on these issues would be the same as for the residential journeyman analysis but at a smaller scale.

3. Master license. The master license represents the next level of qualifications above the journeyman license. The requirements to sit for the master license exam would be revised in two ways. First, the newly created residential journeyman licensees would be allowed to become a master tradesman if they have held a valid residential journeyman license in the trade for three years. The second change would reduce the required number of years of experience from 10 years to nine years for applicants who do not meet the educational requirements. The change to qualify for a master license based on nine instead of 10 years of experience, for applicants who do not meet the educational requirement, would likely result in a small increase in the number of newly eligible applicants. In addition, the pathway for a residential journeyman to become a master would not affect the number of master applications after the first batch of residential journeymen applications are granted. After this three-year period elapses, some of the residential journeyman would start to qualify for the master license and thereby increase the population of masters. Thus, this change would benefit residential journeymen wishing to attain a master license and start earning higher wages. Due to the influx of new masters, existing masters would face additional competition in the job market and the wages of masters may decline or their wage growth may decrease relative to what would have occurred if there were no additional applicants. However, no data are available to estimate the magnitude of the additional applicants this change would create. In addition, the agency does not have information on the master workforce characteristics. The current workforce may have too few masters, or an excess supply may exist at the time that residential journeymen start qualifying for the master licenses. The fact that master license requirements apply to all six trades requires even more granulated information about the specific market conditions for each of the six types of master tradesman, and these data are not available.

4. Continuing education allowable as formal vocational training. The board also proposes to allow an applicant to receive credit for a maximum of 40 hours for board-approved continuing education training toward the formal vocational training that is required for residential journeyman, standard journeyman, and master vocational educational requirements.

Using data provided by the agency on the cost of training for the residential journeyman, the cost of 40 hours of vocational training and 40 hours of continuing education are extrapolated to be \$1,777 and \$1,200, respectively. Thus, it appears that allowing the requirement for 40 hours of vocational training to be fulfilled through continuing education would be less expensive, and this would incentivize residential journeyman license applicants to utilize the continuing education option. To the extent that licensees choose the continuing education option, providers of this service would benefit from this change while formal vocational training providers would be expected to be worse off. Although no data exist to estimate the same costs for standard journeyman and master licenses, it appears that the same conclusion would

hold true for the other license classes. Also, using continuing education to substitute for formal vocational training is optional. Therefore, this change would likely be beneficial for those who choose this avenue.

5. Allowing one more year of experience to substitute for vocational training for accessibility mechanics. Under the proposed changes, an individual seeking licensure as an accessibility mechanic, who has more than three years of experience, would be allowed to substitute one year of experience for 20 hours of formal vocational training (not to exceed 60 hours). The option to substitute one year of experience for 20 hours of vocational training with a 60-hour cap is also allowed under the current regulation, except that the individual must have more than four years of experience rather than the three years as proposed. The proposal would reduce the length of experience required to take advantage of this option by one year (25%) and would likely expand the pool of qualified applicants for this option. The available data indicates that the cost of 20 hours of vocational training for a residential journeyman is about \$889. If the cost of vocational training for an accessibility mechanic is similar, and if a mechanic with more than three years of experience substitutes an additional year in exchange for 20 hours of vocational training, the mechanic would be expected to save approximately \$889. This change is also optional, and individuals would likely to utilize it if it would be beneficial to them. On the other hand, to the extent this option is exercised, a reduction in demand for vocational training would occur.

Businesses and Other Entities Affected. This regulation applies to all tradesman licensed in the Commonwealth. The number of existing journeyman licenses by trade are 453 gas fitter; 43 liquefied petroleum fitter; 22 natural gas fitter; 2,901 HVAC; 1,667 plumber; and 8,611 electrician. Similarly, the master tradesman licenses by trade are 3,974 gas fitter; 342 liquefied petroleum fitter; 310 natural gas fitter; 7,619 HVAC; 5,955 plumber; and 11,715 electrician. Also, 25 individuals are certified as accessibility mechanics.

Although the proposed changes are expected to have differential effects on tradesmen in different trades, none of the tradesman in the same category appear to be disproportionately affected. Additionally, licenses granted under this regulation are issued to individuals, and not to business entities. Thus, the proposal does not directly affect the businesses. However, licensees are likely owners or employees of business entities in the trades regulated. Thus, potential effects expected on tradesman would likely indirectly affect trade businesses. Moreover, revisions to vocational training hours and continuing education requirements would also have effects on entities providing training and education.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.¹³ An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.¹⁴ As noted, the proposal would create a residential-only journeyman license and is expected to create an influx of new applicants for that license as well as make it easier to obtain a standard journeyman license and a master license. The expanded labor force in the trades as well as in different classes of

licensure are expected to adversely affect incumbent tradesman competing for the same jobs. Additionally, all but one of the changes related to vocational training would reduce the hours required and would reduce such trade school revenues by as much as \$5 million per year. However, this estimate assumes that all 1,400 residential journeymen would have obtained vocational training hours currently required, which is not likely. Thus, the actual impact on vocational providers would likely be smaller but still be substantial. For these reasons, an adverse impact on incumbent tradesmen as well as vocational training providers is indicated.

Small Businesses¹⁵ Affected:¹⁶ According to the board, most of the trade businesses likely meet the definition of a small business, but the board has no specific data. However, as discussed, the regulation does not directly affect the businesses but may have an indirect effect as most tradesmen work for or own such businesses. Thus, no direct effect on small businesses is expected. In addition, the potential impact on businesses discussed in terms of industry revenues does not necessarily indicate a negative economic impact on them. Additionally, there is no information on whether any of the trade schools would meet the definition of a small business.

Localities¹⁷ Affected.¹⁸ This regulation applies equally in all localities of the Commonwealth. The proposal does not introduce any direct costs on the localities. However, the board notes that there may be an indirect cost imposed on local building departments. Local building departments rely on the board's licensing records to determine license validity before issuing construction permits. Local building departments would need to become familiar with the new residential journeyman class of license and possibly need to train their staffs that issue building permits regarding the new license class. Additionally, the board anticipates that the proposed change may indirectly benefit local schools as more students may seek out vocational training based on the potential to begin a career track sooner, possibly upon graduation.

Projected Impact on Employment. The projected impact on employment is likely mixed. The proposed changes would increase the demand for and earning potential of individuals that would be licensed as residential journeyman; have a negative impact on supply of unlicensed laborers or apprentices in the trades and thus a positive impact on their wages; and have a possibly negative impact on the demand for and wages of incumbent journeymen who are primarily performing residential work. In addition, a negative revenue impact on vocational training providers may result and reduce their demand for instructors. In addition to those mixed effects, the net impact on total employment also largely depends on new persons entering the labor force to replace the helpers and laborers who are expected to leave their jobs to become a residential journeyman. Thus, the impact on total employment is not clear.

Effects on the Use and Value of Private Property. The proposed changes do not have direct effects on contracting firms, and the likely indirect impacts do not necessarily indicate a negative revenue impact on them. If any of the vocational training providers are private institutions, their asset values may be negatively affected. Another plausible effect on the use and value of private property, and to a lesser extent on real estate

development costs, may be through the improved quality of residential plumbing and HVAC services as well as lower service costs. No other impact on the use and value of private property is anticipated.

¹Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

² <https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/ed/ED-1-Regulatory-Reduction.pdf>

³The pay range for an unlicensed laborer or apprentice ranges from \$10 to \$15 per hour, Office of Regulatory Management Economic Review Form, page 5.

⁴The pay range for a newly licensed tradesman ranges from \$25 to \$35 per hour, Office of Regulatory Management Economic Review Form, page 4.

⁵The assumption of the 30-hour work week is based on the board's definition of what is considered a full-time employee in 18VAC50-22.

⁶\$3,518 plus \$1,200 plus \$15,600 equals \$35,918 per person, 1,400 applicants multiplied by \$35,918 equals \$50,582,200 in total savings.

⁷Supply curve of residential journeyman would shift to the right reducing the wage in that labor market.

⁸An expanded pool of workers would shift the supply curve of residential plumbing and HVAC services to the right.

⁹Consumer surplus which is a measure of consumer well-being would be larger.

¹⁰Source: Office of Regulatory Management Economic Review Form, page 5.

¹¹These are reciprocity agreements with District of Columbia covering plumbing journeyman and with Maryland covering HVAC journeyman.

¹²According to the board, Virginia really only has one true reciprocal agreement and that is with North Carolina and is limited to electricians. In addition, Virginia has examination waiver agreements with Alabama, the District of Columbia (D.C.), Kentucky, Maryland, and West Virginia for licensed electricians. Virginia also has an agreement with D.C. for plumbers and gas fitters journeymen, and with Maryland for HVAC journeymen.

¹³Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance.

¹⁴Statute does not define adverse impact, state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

¹⁵Pursuant to § 2.2-4007.04, small business is defined as a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.

¹⁶If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a

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description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

¹⁷ Locality can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

¹⁸ Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency's Response to Economic Impact Analysis: The Board for Contractors concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed amendments create a new residential journeyman tradesman class of license. The scope of practice for a residential journeyman license is limited to plumbing or HVAC work in dwellings and townhouses and does not include commercial, industrial, institutional, or government use structures outside of dwellings and townhouses. The proposed amendments include (i) revisions to experience and vocational training requirements for journeyman licenses in the gas fitting trades and (ii) revisions to qualifications for those who seek to qualify for licensure based solely on practical experience in a trade. Other changes are made to clarify the regulation.

18VAC50-30-10. Definitions.

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

~~"Apprentice" means a person who assists tradesmen while gaining knowledge of the trade through on-the-job training and related instruction in accordance with the Virginia Voluntary Apprenticeship Act (§ 40.1-117 et seq. of the Code of Virginia).~~

"Backflow prevention device work" means work performed by a backflow prevention device worker as defined in § 54.1-1128 of the Code of Virginia (13VAC5-63).

~~"Building official/inspector" is an employee of the state, a local building department, or other political subdivision who enforces the Virginia Uniform Statewide Building Code.~~

"Certified accessibility mechanic" means an individual who is certified by the board and who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing, or maintaining wheelchair lifts, incline chairlifts, dumbwaiters with a capacity limit of 300 pounds, and private residence elevators.

"Certified automatic fire sprinkler inspector" means an individual who is certified by this chapter and whose work includes the inspection of sprinkler systems as defined in Section 3.6.4 of NFPA 25 (2014 edition), including subsections 3.6.4.1 through 3.6.4.6.

"Certified elevator mechanic" means an individual who is certified by the board and who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing, or maintaining elevators, escalators, or related conveyances in accordance with the Virginia Uniform Statewide Building Code (13VAC5-63).

"Division" means a limited subcategory within any of the trades, as approved by the department.

"Electrical work" consists of, but is not limited to, the following: (i) planning and layout of details for installation or modifications of electrical apparatus and controls, including preparation of sketches showing location of wiring and equipment; (ii) measuring, cutting, bending, threading, assembling, and installing electrical conduits; (iii) performing maintenance on electrical systems and apparatus; (iv) observation of installed systems or apparatus to detect hazards and need for adjustments, relocation, or replacement; and (v) repairing faulty systems or apparatus.

"Electrician" means a tradesman who does electrical work, including the construction, repair, maintenance, alteration, or removal of electrical systems in accordance with the National Electrical Code and the Virginia Uniform Statewide Building Code.

"Formal vocational training" means courses in the trade administered at an accredited educational facility; or formal training, approved by the board, conducted by trade associations, businesses, the military, correspondence schools, or other similar training organizations.

"Gas fitter" means an individual who ~~does~~ performs gas fitting-related work usually as a division within the HVAC or plumbing trades in accordance with the Virginia Uniform Statewide Building Code. This work includes the installation, repair, improvement, or removal of liquefied petroleum or natural gas piping, tanks, and appliances annexed to real property.

~~"Helper" or "laborer" means a person who assists a licensed tradesman and who is not an apprentice as defined in this chapter.~~

"HVAC tradesman" means an individual whose work includes the installation, alteration, repair, or maintenance of heating systems, ventilating systems, cooling systems, steam and hot water heating systems, boilers, process piping, backflow prevention devices, and mechanical refrigeration systems, including tanks incidental to the system.

"Inactive tradesman" means an individual who meets the requirements of 18VAC50-30-73 and is licensed under that section.

"Incidental" means work that is necessary for that particular repair or installation and is outside the scope of practice allowed to the regulant by this chapter.

"Journeyman" means a person who possesses the necessary ability, proficiency, and qualifications to install, repair, and maintain specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code and according to plans and specifications.

"Limited use/limited application endorsement" means an addition to the certification record of a certified accessibility mechanic authorizing the certificate holder to erect, construct, install, alter, service, repair, test, or maintain limited use/limited application elevators as defined by the Virginia Uniform Statewide Building Code.

"Liquefied petroleum gas fitter" means any individual who engages in or offers to engage in work for the general public for compensation ~~in work~~ that includes the installation, repair, improvement, ~~alterations~~ alteration, or removal of piping, liquefied petroleum gas tanks, and appliances (excluding hot water heaters, boilers, and central heating systems that require a heating, ventilation and air conditioning, or plumbing certification) annexed to real property.

"Maintenance" means the reconstruction or renewal of any part of a backflow device for the purpose of maintaining its proper operation. This does not include the actions of removing, replacing, or installing, except for winterization.

"Master" means a person who possesses the necessary ability, proficiency, and qualifications to plan and lay out the details for installation and supervise the work of installing, repairing, and maintaining specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code.

"Natural gas fitter provider" means any individual who engages in, or offers to engage in, work for the general public for compensation in the incidental repair, testing, or removal of natural gas piping or fitting annexed to real property, excluding new installation of gas piping for hot water heaters, boilers, central heating systems, or other natural gas equipment that requires heating, ventilation, and air conditioning or plumbing certification.

"Periodic inspection" means to examine a cross connection control device in accordance with the requirements of the locality to be sure that the device is in place and functioning in accordance with the standards of the Virginia Uniform Statewide Building Code.

"Plumber" means an individual who does plumbing work in accordance with the Virginia Uniform Statewide Building Code.

"Plumbing work" means work that includes the installation, maintenance, extension, ~~or~~ alteration, or removal of piping, fixtures, appliances, and appurtenances in connection with any of the following:

1. Backflow prevention devices;
2. Boilers;
3. Domestic sprinklers;
4. Hot water baseboard heating systems;
5. Hydronic heating systems;
6. Process piping;
7. Public or private water supply systems within or adjacent to any building, structure, or conveyance;
8. Sanitary or storm drainage facilities;
9. Steam heating systems;
10. Storage tanks incidental to the installation of related systems;
11. Venting systems; or
12. Water heaters.

These plumbing tradesmen may also install, maintain, extend, or alter the following:

1. Liquid waste systems;
2. Sewerage systems;
3. Storm water systems; and
4. Water supply systems.

"Regulant" means an individual (i) licensed as a tradesman, liquefied petroleum gas fitter, or natural gas fitter provider or (ii) certified as a backflow prevention device worker, elevator mechanic, water well systems provider, or fire sprinkler inspector.

"Reinstatement" means having a license or certification card restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or certification card for another period of time.

"Repair" means the reconstruction or renewal of any part of a backflow prevention device for the purpose of returning to service a currently installed device. This does not include the removal or replacement of a defective device by the installation of a rebuilt or new device.

"Residential journeyman" means a person who possesses the necessary ability, proficiency, and qualifications to install, repair, and maintain specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code applicable to dwellings and townhouses as defined in the Virginia Residential Building Code or structures annexed to those dwellings or townhouses as defined in the Virginia Residential Building Code. It does not include commercial, industrial, institutional, or government-use

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structures outside of dwellings and townhouses as defined in the Virginia Uniform Statewide Building Code.

"Supervisor" means the licensed master or journeyman tradesman who has the responsibility to ensure that the installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code, one of whom must be on the job site at all times during installation.

"Testing organization" means an independent testing organization whose main function is to develop and administer examinations.

"Trade" means any of the following: electrical, gas fitting, HVAC (heating, ventilation, and air conditioning), liquefied petroleum gas fitting, natural gas fitting, plumbing, and divisions within them.

"Water distribution systems" includes fire sprinkler systems, highway/heavy, HVAC, lawn irrigation systems, plumbing, or water purveyor work.

18VAC50-30-40. Evidence of ability and proficiency Qualifications for examination approval.

A. Applicants for examination to be licensed as a residential journeyman plumber or HVAC tradesman must furnish evidence that one of the following experience and education standards has been attained:

1. Two years of practical experience in the trade and 160 hours of formal vocational training in the trade;
2. Three years of practical experience in the trade and 120 hours of formal vocational training in the trade;
3. Four years of practical experience in the trade and 80 hours of formal vocational training in the trade;
4. Five years of practical experience in the trade and 40 hours of formal vocational training in the trade; or
5. Six years of practical experience in the trade.

B. Applicants for examination to be licensed as a journeyman shall ~~must~~ furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in the trade and 240 hours of formal vocational training in the trade. ~~Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 80 hours of formal training, but not to exceed 200 hours;~~ ~~2. Four years of practical experience and 80 hours of vocational training for liquefied petroleum gas fitters and natural gas fitter providers except that no substitute experience will be allowed for liquefied petroleum gas and natural gas workers;~~
2. Five years of practical experience in the trade and 160 hours of formal vocational training in the trade;
3. Six years of practical experience in the trade and 80 hours of formal vocational training in the trade;

4. Seven years of practical experience in the trade and 40 hours of formal vocational training in the trade;

5. For licensure as a journeyman liquefied petroleum gas fitter or a natural gas fitter provider, either:

- a. Four years of practical experience in the trade and 80 hours of vocational training in the trade; or
- b. Five or more years of practical experience in the trade and 40 hours of vocational training in the trade;

6. For licensure as a journeyman gas fitter, either:

- a. Four years of practical experience in the trade and 120 hours of vocational training in the trade;
- b. Five years of practical experience in the trade and 80 hours of vocational training in the trade; or
- c. Six or more years of practical experience in the trade and 40 hours of vocational training in the trade;

7. An associate degree or a certificate of completion from at least a two-year program in a tradesman-related field from an accredited community college or technical school as evidenced by a transcript from the educational institution and two years of practical experience in the trade for which licensure is desired;

8. A bachelor's degree received from an accredited college or university in an engineering curriculum related to the trade and one year of practical experience in the trade for which licensure is desired; or

9. An applicant with ~~40~~ eight years of practical experience in the trade as verified by reference letters of experience from ~~any of the following:~~ building officials, building inspectors, current or former employers, contractors, engineers, architects, or current or past clients attesting to the applicant's work in the trade; may be granted permission to sit for the journeyman's level examination without having to meet the educational requirements.

B. C. Applicants for examination to be licensed as a master shall ~~must~~ furnish evidence that one of the following experience standards has been attained:

1. ~~Evidence that they have one year of experience as a licensed journeyman; or~~
2. ~~Having held a valid residential journeyman license in the trade for three years;~~
2. Having held a valid journeyman license in the trade for a minimum of one year; or
3. An applicant with ~~40~~ nine years of practical experience in the trade, as verified by reference letters of experience from ~~any of the following:~~ building officials, building inspectors, current or former employers, contractors, engineers, architects, or current or past clients; attesting to the applicant's work in the trade; may be granted permission to

sit for the master's level examination without having to meet the educational requirements.

~~C. Individuals who have successfully passed the Class A contractors trade examination prior to January 1, 1991, administered by the Virginia Board for Contractors in a certified trade shall be deemed qualified as a master in that trade in accordance with this chapter.~~

D. Applicants for examination to be certified as a backflow prevention device worker ~~shall~~ must furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in water distribution systems and a minimum of 32 hours of formal vocational training in a school approved by the board; or
2. Applicants with seven or more years of experience may qualify with 16 hours of formal vocational training in a school approved by the board.

The board accepts the American Society of Sanitary Engineers' (ASSE) standards for testing procedures. Other programs could be approved after board review. The board requires all backflow training to include instruction in a wet lab.

E. An applicant for certification as an elevator mechanic ~~shall~~ must:

1. Have three years of practical experience in the construction, maintenance, and ~~service/repair~~ service or repair of elevators, escalators, or related conveyances; 144 hours of formal vocational training; and satisfactorily complete a written examination administered by the board. Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 40 hours of formal training, but not to exceed 120 hours;
2. Have three years of practical experience in the construction, maintenance, and ~~service/repair~~ service or repair of elevators, escalators, or related conveyances and a certificate of completion of the elevator mechanic examination of a training program determined to be equivalent to the requirements established by the board; or
3. Successfully complete an elevator mechanic apprenticeship program that is approved by the Virginia Apprenticeship Council or registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, as evidenced by providing a certificate of completion or other official document, and satisfactorily complete a written examination administered by the board.

F. Pursuant to § 54.1-1129.1 A of the Code of Virginia, an applicant for examination as a certified water well systems provider ~~shall~~ must provide satisfactory proof to the board of at least:

1. One year of full-time practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider or other equivalent experience as approved by the board to qualify for examination as a trainee water well systems provider;

2. Three years of practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider or other equivalent experience as approved by the board and 24 hours of formal vocational training in the trade to qualify for examination as a journeyman water well systems provider; or

3. Six years of practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider or other equivalent experience as approved by the board and 48 hours of formal vocational training in the trade to qualify for examination as a master water well systems provider.

G. An applicant for certification as an accessibility mechanic ~~shall~~ must:

1. Have three years of practical experience in the construction, installation, maintenance, service, repair, and testing of wheelchair lifts, incline chairlifts, dumbwaiters, residential elevators, or related conveyances; 80 hours of formal vocational training; and satisfactorily complete a written examination administered by the board. Experience in excess of ~~four~~ three years may be substituted for formal vocational training at a ratio of one year of experience for 20 hours of formal training, but not to exceed 60 hours;

2. Have three years of practical experience in the construction, installation, maintenance, service, repair, and testing of wheelchair lifts, incline chairlifts, dumbwaiters, residential elevators, or related conveyances and a certificate of completion of an accessibility mechanic examination of a training program determined to be equivalent to the requirements established by the board; or

3. Successfully complete an accessibility mechanic apprenticeship program that is approved by the Virginia Apprenticeship Council or registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, as evidenced by providing a certificate of completion or other official document, and satisfactorily complete a written examination administered by the board.

H. An applicant for a limited use/limited application (LULA) endorsement shall:

1. Hold a current certification as an accessibility mechanic issued by the board.

2. Have one year of practical experience in the construction, installation, maintenance, service, repair, and testing of

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limited use/limited application elevators and; complete a vocational education program approved by the board; and (i) satisfactorily complete a written examination administered by the board; or (ii) complete a limited use/limited application elevator training program determined to be equivalent to the requirements established by the board.

I. Pursuant to § 54.1-1145 B of the Code of Virginia, an applicant for licensure as a residential building energy analyst shall ~~must~~ provide satisfactory proof to the board of:

1. The completion of a residential building energy analyst training program approved by the board;
2. The completion of a minimum of five residential building energy analyses under the supervision of a licensed residential building energy analyst;
3. Current membership in good standing with a certifying organization approved by the board; and
4. Maintaining a minimum of \$100,000 of general liability insurance from a company authorized to provide such insurance in the Commonwealth of Virginia unless the individual is employed by a company that holds a valid residential building energy analyst firm license issued by the board.

The applicant shall ~~must~~ provide information for the past five years prior to application on any outstanding past-due debts, outstanding judgments, outstanding tax obligations, defaults on bonds, or pending or past bankruptcies.

~~J. Individuals applying for initial licensure as residential building energy analysts who meet the criteria of § 54.1-1145 C of the Code of Virginia are not required to meet the eligibility standards for licensure found in subsection I of this section.~~

18VAC50-30-45. Continuing education allowable as formal vocational training.

An applicant may receive credit for a maximum of 40 hours for board-approved continuing education training toward formal vocational training required under 18VAC50-30-40 as applicable to the license or certification sought.

18VAC50-30-50. Exemptions from examination.

A. An individual certified or licensed by any ~~one~~ of the following agencies shall ~~will~~ not be required to fulfill the examination requirement:

1. The Department of Housing and Community Development prior to July 1, 1995;
2. Any local governing body prior to July 1, 1978; or
3. Any Virginia locality backflow prevention device worker certification issued prior to July 1, 1998.

~~B. Other methods of exemption from the journeyman examination are as follows: 1. Successful completion of An individual who successfully completes an apprenticeship~~

~~program which is approved by the Virginia Apprenticeship Council for exemption from examination Commissioner of the Department of Labor and Industry as outlined in § 54.1-1131 A 3 of the Code of Virginia, as evidenced by providing a certificate of completion or other official document, is exempt from the journeyman examination.~~

~~2. Any tradesman who had a Class B registration in the trade prior to January 1, 1991, and has been continuously licensed as a Class B contractor.~~

VA.R. Doc. No. R23-7421; Filed April 16, 2024, 10:33 a.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

DEPARTMENT OF TRANSPORTATION

Final Regulation

REGISTRAR'S NOTICE: Pursuant to 1VAC7-10-60, the Registrar of Regulations is updating some regulations of the Virginia Department of Transportation to correct contact information and web addresses in the Virginia Administrative Code.

Titles of Regulations: 24VAC30-61. Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (amending 24VAC30-61-20, 24VAC30-61-30, 24VAC30-61-40).

24VAC30-91. Subdivision Street Requirements (amending 24VAC30-91-160).

24VAC30-92. Secondary Street Acceptance Requirements. 24VAC30-315. Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways.

Effective Date: May 6, 2024.

Agency Contact: Jo Anne Maxwell, Director, Governance and Regulatory Affairs Division, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-1830, or email joanne.maxwell@vdot.virginia.gov.

Summary:

The Virginia Department of Transportation (VDOT) recently upgraded its website, www.vdot.virginia.gov. Pursuant to 1VAC7-10-60, VDOT has notified the Registrar of Regulations, and the Registrar is updating (i) six instances of web addresses in regulations changed due to the upgrading of the agency website and (ii) one instance of contact information in regulation replacing an outdated web address.

VA.R. Doc. No. R24-7861; Filed April 8, 2024, 10:38 a.m.

GUIDANCE DOCUMENTS

PUBLIC COMMENT OPPORTUNITY

Pursuant to § 2.2-4002.1 of the Code of Virginia, a certified guidance document is subject to a 30-day public comment period after publication in the Virginia Register of Regulations and prior to the guidance document's effective date. During the public comment period, comments may be made through the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) or sent to the agency contact. Under subsection C of § 2.2-4002.1, the effective date of the guidance document may be delayed for an additional period. The guidance document may also be withdrawn. The following guidance documents have been submitted for publication by the listed agencies for a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

Title of Document: [Adult Protective Services Minimum First Year Training Standards.](#)

Public Comment Deadline: June 5, 2024.

Effective Date: June 6, 2024.

Agency Contact: Charlotte Arbogast, Senior Policy Analyst and Regulatory Coordinator, Department for Aging and Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, VA 23229, telephone (804) 662-7093, or email charlotte.arbogast@dars.virginia.gov.

STATE BOARD OF HEALTH

Title of Document: [Radon Testing and Mitigation.](#)

Public Comment Deadline: June 5, 2024.

Effective Date: June 6, 2024.

Agency Contact: Cameron Rose, Deputy Director, Office of Radiological Health, Virginia Department of Health, 109 Governor Street, Richmond, VA 23235, telephone (804) 864-7090, or email cameron.rose@vdh.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Document: [Chapter 7 of Residential Treatment Services Manual Service Authorization.](#)

Public Comment Deadline: June 5, 2024.

Effective Date: June 6, 2024.

Agency Contact: Emily McClellan, Policy Division Director, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219, telephone (804) 371-4300, or email emily.mcclellan@dmass.virginia.gov.

DEPARTMENT OF MOTOR VEHICLES

Title of Document: [Virginia Motorcycle Rider Training Program Policy and Procedures.](#)

Public Comment Deadline: June 5, 2024.

Effective Date: June 6, 2024.

Agency Contact: Nicolas Megibow, Senior Policy Analyst, Department of Motor Vehicles, 2300 West Broad Street, Richmond, VA 23220, telephone (804) 367-6701, or email nicholas.megibow@dmv.virginia.gov.

BOARD OF PHARMACY

Titles of Documents: [Compliance with USP Standards for Compounding.](#)

[Pharmacy Inspection Deficiency Monetary Penalty Guide.](#)

Public Comment Deadline: June 5, 2024.

Effective Date: June 6, 2024.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

BOARD OF PSYCHOLOGY

Title of Document: [Submission of Evidence of Completion of Graduate Work.](#)

Public Comment Deadline: June 5, 2024.

Effective Date: June 6, 2024.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

GUIDANCE DOCUMENTS

The following guidance documents have been submitted for deletion and the listed agencies have opened up a 30-day public comment period. The listed agencies had previously identified these documents as certified guidance documents, pursuant to § 2.2-4002.1 of the Code of Virginia. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to view the deleted document and comment. This information is also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact.

DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

Title of Document: [Revised Adult Protective Services \(APS\) Minimum Training Standards.](#)

Public Comment Deadline: June 5, 2024.

Effective Date: June 6, 2024.

Agency Contact: Charlotte Arbogast, Senior Policy Analyst and Regulatory Coordinator, Department for Aging and Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, VA 23229, telephone (804) 662-7093, or email charlotte.arbogast@dars.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Titles of Documents: [Early Intervention Appendix B.](#)

[Early Intervention Appendix C.](#)

[Early Intervention Appendix D.](#)

[Early Intervention Appendix E.](#)

[Vision Manual - Appendix B.](#)

[Visual Manual - Chapter 2.](#)

[Visual Manual - Chapter 4.](#)

[Visual Manual - Chapter 5.](#)

[Visual Manual - Chapter 6.](#)

Public Comment Deadline: June 5, 2024.

Effective Date: June 6, 2024.

Agency Contact: Emily McClellan, Policy Division Director, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219, telephone (804) 371-4300, or email emily.mcclellan@dmas.virginia.gov.

BOARD OF PHARMACY

Title of Document: [Hours of Continuous Work and Breaks for Pharmacists.](#)

Public Comment Deadline: June 5, 2024.

Effective Date: June 6, 2024.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

TREASURY BOARD

Titles of Documents: [Debt Calendar Link.](#)

[Debt Capacity Advisory Committee Reports 2018.](#)

[Debt Capacity Advisory Committee Reports 2019.](#)

[Debt Capacity Advisory Committee Reports 2020.](#)

[Debt Capacity Advisory Committee Reports 2021.](#)

[Debt Capacity Advisory Committee Reports 2022.](#)

Public Comment Deadline: June 5, 2024.

Effective Date: June 6, 2024.

Agency Contact: Bill Watt, Senior Policy Analyst, Department of the Treasury, James Monroe Building, 101 North 14th Street, Third Floor, Richmond, VA 23219, telephone (804) 836-8523, or email william.watt@trs.virginia.gov.

ANNUAL LIST

Section 2.2-4103.1 of the Code of Virginia requires annual publication in the Virginia Register of Regulations of guidance document lists from state agencies. A guidance document is defined as "...any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations..." Agencies are required to maintain a complete, current list of all guidance documents and make the full text of such documents available to the public.

Generally, the format for the guidance document list is: document number (if any), title of document, date issued or last revised, and citation of Virginia Administrative Code regulatory authority or Code of Virginia statutory authority. Questions concerning documents or requests for copies of documents should be directed to the contact person listed by the agency.

BOARD OF ACCOUNTANCY

Copies of the following documents may be viewed or obtained on regular work days from 8:15 a.m. until 5 p.m. at the Board of Accountancy, 9960 Mayland Drive, Suite 402, Henrico, VA 23233, telephone (804) 367-8505, or fax (804) 527-4409. There are no costs associated with obtaining printed copies of the documents listed.

Questions regarding obtaining copies, interpretation, or implementation of these documents may be directed to Nancy J. Glynn, CPA, Executive Director, at the address provided.

Guidance Documents:

[3638, Board of Accountancy Rights and Responsibilities under FOIA](#), 8/22/2019

[5970, Virginia Board of Accountancy \(VBOA\) Policy #1: Trust Account](#), 4/1/2020

[5971, VBOA Policy 2: Continuing Professional Education Guidelines for Sponsors](#), 8/20/2020

[5972, VBOA Policy 3: Substantially Equivalent Jurisdictions](#), 8/20/2020

[5973, VBOA Policy 4: Continuing Professional Education Guidelines for CPAs](#), 7/1/2022

[5974, VBOA Policy #5: Publication of Disciplinary Action](#), 12/31/2018

[5975, VBOA Policy 6: Certified Public Accountant \(CPA\) and International Qualification Examinations](#), 12/31/2018

[5976, VBOA Policy 7: Peer Review Oversight Committee](#), 12/31/2018

[5977, VBOA Policy 8: Ethics Committee](#), 8/20/2020

[5978, VBOA Policy 9: Inactive Status Procedure for Approval, Denial, or Appeal](#), 3/5/2020

[5979, VBOA Policy 10: Electronic Participation in Virginia Board of Accountancy Meetings](#), 12/12/2019

[6132, Education Handbook](#), 9/1/2017

[6831, Virginia Board of Accountancy Bylaws](#), 4/30/2020

[7030, Disposition of Cases Involving Unlicensed Use of the CPA Title by Previously Licensed Individuals](#), 7/6/2023

[7082, CPE Violation Penalties - Guidelines](#), 9/28/2023

[7155, Delegations of Authority](#), 1/11/2022

[7384, Guidelines for Accreditation of Educational Institutions](#), 12/22/2022

[7544, VBOA Enforcement Processes](#), 2/25/2020

VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

Copies of the following document may be viewed or obtained on regular work days from 8:30 a.m. until 5 p.m. at the office of the Virginia Birth-Related Neurological Injury Compensation Program, 7501 Boulders View Drive, Suite 201, Richmond, VA 23225, telephone (804) 330-2471, or FAX (804) 330-3054. There are no costs associated with obtaining copies of the document listed. The document may be viewed using the link provided or on the Virginia Regulatory Town Hall at www.townhall.virginia.gov.

Please address any questions concerning the guidance document to George Deebo, Executive Director, telephone (804) 330-2471 or email gdeebo@vabirthingjury.com.

Guidance Document:

[6252, Administrative Guidance Regarding Changes in the Program's Manner of Processing Claims](#), 8/15/2017

DEPARTMENT OF ENERGY

Questions regarding this list of guidance documents may be directed to Michael Skiffington, Regulatory Coordinator, Department of Energy, 1100 Bank Street, 8th Floor, Richmond, VA 23219, telephone (804) 692-3212, FAX (804) 692-3237, or mike.skiffington@energy.virginia.gov.

Guidance Documents

All Department of Energy guidance documents are available for no charge on the Virginia Regulatory Town Hall at www.townhall.virginia.gov.

Division of Mines

Division of Mines Study and Instruction Material

Study and instruction materials relating to coal mine safety are available free of charge and may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Energy, Mine Safety Program, 3405 Mountain Empire Road, Big Stone Gap, VA 24219.

Questions regarding the interpretation or implementation of this material may be directed to Sammy Fleming, Inspector Supervisor, Mine Safety Program, at the same address, telephone (276) 523-8100, or FAX (276) 523-8239.

Notices and Memoranda to Operators

Mine Safety Program Notices and Memoranda to Operators may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Energy, 3405 Mountain Empire Road, Big Stone Gap, VA 24219.

Questions regarding interpretation or implementation of these documents may be directed to Randy Moore, Director of the Mine Safety Program, at the same address, telephone (276) 523-8226, or FAX (276) 523-8239.

Coal Mine Safety Program Procedures

Coal Mine Safety Program procedures may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Energy, 3405 Mountain Empire Road, Big Stone Gap, VA 24219. These procedures are used by agency staff to implement the Coal Mine Safety Act, § 45.2-500 et seq. of the Code of Virginia.

Questions regarding interpretation or implementation of these procedures may be directed to Randy Moore, Director of Coal Mine Safety Program at the same address, telephone (276) 523-8226, or FAX (276) 523-8239.

Guidelines for Application of Regulatory Standards

Guidelines for Application of Regulatory Standards may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Energy, 3405 Mountain Empire Road, Big Stone Gap, VA 24219. These documents are used by agency staff to implement the Coal Mine Safety Act, § 45.2-500 et seq. of the Code of Virginia.

Questions regarding interpretation or implementation of these documents may be directed to Mike Willis, same address, telephone (276) 523-8228 or FAX (276) 523-8239.

Division of Mined Land Repurposing

Memoranda

Division of Mined Land Repurposing memoranda may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Energy, Customer Assistance Center, 3405 Mountain Empire Road, Big Stone Gap, VA 24219. Inquiries may be directed to Sherry Horne, telephone (276) 523-8100, or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Darlene Gibson, Hearings and Legal Services Officer, Department of Energy, Division of Mined Land Repurposing, same address, telephone (276) 523-8157, or FAX (276) 523-8163.

Repurposing Procedures

Division of Mined Land Repurposing procedures may be viewed or copied during regular work hours from 8 a.m. until 5 p.m. at the Department of Energy, Customer Assistance Center, 3405 Mountain Empire Road, Big Stone Gap, VA 24219. Inquiries may be directed to Sherry Horne, telephone (276) 523-8100, or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Darlene Gibson, Hearings and Legal Services Officer, Department of Energy, Division of Mined Land Repurposing, same address, (276) 523-8157, or FAX (276) 523-8163.

Other Documents

Other documents issued by the Division of Mined Land Repurposing may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Energy, Customer Assistance Center, 3405 Mountain Empire Road, Big Stone Gap, VA 24219, telephone (276) 523-8100, or FAX (276) 523-8141.

Division of Mineral Mining

Documents and Communication Memoranda

Division of Mineral Mining documents and communication memoranda may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Energy, Division of Mineral Mining, 900 Natural Resources Drive, P.O. Box 3727, Charlottesville, VA 22903 (Fontaine Research Park). Copies may be obtained by contacting Anne Grassler at the same address, telephone (434) 951-6311, or FAX (434) 951-6325.

Questions regarding interpretation or implementation of these documents may be directed to Phil Skorupa, same address, telephone (434) 951-6312, or FAX (434) 951-6325.

Procedures

Division of Mineral Mining procedures may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Energy, Division of Mineral Mining, 900 Natural Resources Drive, P.O. Box 3727, Charlottesville, VA 22903 (Fontaine Research Park). Copies may be obtained by

contacting Anne Grassler at the same address, telephone (434) 951-6311, or FAX (434) 951-6325. These procedures are used by agency staff to implement 4VAC25-31, 4VAC25-35, and 4VAC25-40.

Questions regarding interpretation or implementation of these procedures may be directed to Phil Skorupa, same address, telephone (434) 951-6312, or FAX (434) 951-6325.

Forms

Division of Mineral Mining forms may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Energy, Division of Mineral Mining, 900 Natural Resources Drive, P.O. Box 3727, Charlottesville, VA 22903 (Fontaine Research Park). Copies may be obtained by contacting Anne Grassler at the same address, telephone (434) 951-6311, or FAX (434) 951-6325. These forms are used by agency staff to implement 4VAC25-31, 4VAC25-35, and 4VAC25-40.

Questions regarding interpretation or implementation of these forms may be directed to Phil Skorupa, same address, telephone (434) 951-6312, or FAX (434) 951-6325.

Division of Gas and Oil

Memoranda to Operators and Bulletins

Division of Gas and Oil memoranda to operators and bulletins may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Energy, Division of Gas and Oil, 3405 Mountain Empire Road, Big Stone Gap, VA 24219. Copies may be obtained by contacting Sarah Gilmer at the same address, telephone (276) 523-8100.

Questions regarding interpretation or implementation of these documents may be directed to Phil Skorupa, Director, Division of Gas and Oil.

Forms

Division of Gas and Oil forms may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Energy, Division of Gas and Oil, 3405 Mountain Empire Road, Big Stone Gap, VA 24219. Copies may be obtained by contacting Sarah Gilmer at the same address, telephone (276) 523-8100.

Questions regarding interpretation or implementation of these forms may be directed to Phil Skorupa, Director, Division of Gas and Oil.

Guidance Documents:

[DM-14-07, DMME Mine Incident Response, Rescue and Recovery Plan](#), 12/2/2014

[DM-G-161.109, DM Chapter 14.3, Article 2, § 45.1-161.109 A, Roof, Rib, and Face Control](#), 8/1/2001

[DM-G-161.115, DM Chapter 14.3, Article 2, § 45.1-161.115 D, Supplies of Materials for Supports](#), 4/10/2000

[DM-G-161.124, DM Chapter 14.3, Article 4, § 45.1-161.124 A, Shop and Other Equipment](#), 4/10/2000

[DM-G-161.129, DM Chapter 14.3, Article 5, § 45.1-161.129, Blasting Practices](#), 4/10/2000

[DM-G-161.139, DM Chapter 14.3, Article 6, § 45.1-161.139, Inspection of Underground Equipment](#), 4/10/2000

[DM-G-161.141, DM Chapter 14.3, Article 6, § 45.1-161.141 E, Self-Propelled Equipment](#), 4/10/2000

[DM-G-161.143, DM Chapter 14.3, Article 6, § 45.1-161.143 A and B, Transportation of Material](#), 4/10/2000

[DM-G-161.147, DM Chapter 14.3, Article 6, § 45.1-161.147, Operation of Equipment](#), 4/10/2000

[DM-G-161.149, DM Chapter 14.3, Article 6, § 45.1-161.149, Availability of Mantrips](#), 4/10/2000

[DM-G-161.159, DM Chapter 14.3, Article 7, § 45.1-161.159 A and C, Hoisting Engineer](#), 4/10/2000

[DM-G-161.162, DM Chapter 14.3, Article 8, § 45.1-161.162 A, Mine Openings and Escapeways](#), 9/30/2002

[DM-G-161.165, DM Chapter 14.3, Article 8, § 45.1-161.165, Maintenance of Mine Openings](#), 4/10/2000

[DM-G-161.189, DM Chapter 14.3, Article 11, § 45.1-161.189.E, Electricity](#), 9/30/2002

[DM-G-161.193, DM Chapter 14.3, Article 11, § 45.1-161.193, Electricity](#), 8/1/2001

[DM-G-161.195A, DM Chapter 14.3, Article 11, § 45.1-161.195 A, Inspection of Electric Equipment and Wiring; Checking and Testing Methane Monitors](#), 4/15/2004

[DM-G-161.195B, DM Chapter 14.3, Article 11, § 45.1-161.195 B, C, and D, Inspection of Electric Equipment and Wiring; Checking and Testing Methane Monitors](#), 4/10/2000

[DM-G-161.196, DM Chapter 14.3, Article 11, § 45.1-161.196, Repairs to Circuits and Electric Equipment](#), 9/30/2002

[DM-G-161.197, DM Chapter 14.3, Article 12, § 45.1-161.197, First Aid Equipment](#), 4/10/2000

[DM-G-161.199, DM Chapter 14.3, Article 12, § 45.1-161.199, Certified Emergency Medical Services Personnel](#), 4/10/2000

[DM-G-161.202, DM Chapter 14.3, Article 13, § 45.1-161.202 B, Emergency Response Plans; List of Next of Kin](#), 4/10/2000

[DM-G-161.205, DM Chapter 14.3, Article 13, § 45.1-161.205 F, Storage and Use of Flammable Fluids and Materials](#), 9/30/2002

[DM-G-161.206, DM Chapter 14.3, Article 13, § 45.1-161.206, Diesel Powered Equipment](#), 9/30/2002

[DM-G-161.207, DM Chapter 14.3, Article 13, § 45.1-161.207 B, Welding and Cutting](#), 8/1/2001

Guidance Documents

DM-G-161.209, DM Chapter 14.3, Article 14, § 45.1-161.209, On-Shift Examinations, 4/10/2000

DM-G-161.210, DM Chapter 14.3, Article 14, § 45.1-161.210 J, Weekly Examinations, 4/10/2000

DM-G-161.221, DM Chapter 14.3, Article 14, § 45.1-161.221 D, Coursing of Air, 4/10/2000

DM-G-161.222, DM Chapter 14.3, Article 14, § 45.1-161.222, Actions for Excessive Methane, 4/15/2004

DM-G-161.23, DM Chapter 14.2, Article 2, § 45.1-161.23, Technical Specialist, 4/10/2000

DM-G-161.238, DM Chapter 14.3, Title 15, § 45.1-161.238 D, Storage and Use of Flammable Fluids and Materials, 9/30/2002

DM-G-161.251, DM Chapter 14.3, Article 16, § 45.1-161.251 A, Employment of Inexperienced Underground Miners, 4/10/2000

DM-G-161.256, DM Chapter 14.4, Article 2, § 45.1-161.256-257, Safety Examinations, 4/10/2000

DM-G-161.258, DM Chapter 14.4, Article 2, § 45.1-161.258, Areas with Safety or Health Hazards, 4/10/2000

DM-G-161.262, DM Chapter 14.4, Article 4, § 45.1-161.262, First Aid Equipment, 4/10/2000

DM-G-161.267, DM Chapter 14.4, Article 5, § 45.1-161.267 L, Storage and Use of Flammable Fluids and Materials, 9/30/2002

DM-G-161.28-30, DM Chapter 14.2, Article 1, §§ 45.1-161.28 through 45.1-161.30, Operator or Independent Contractor (Examinations and Record Keeping), 9/30/2002

DM-G-161.288, DM Chapter 14.4, Article 12, §§ 45.1-161.288 and 45.1-161.290, Inspection of Electric Equipment and Wiring; Checking and Testing Methane Monitors, 4/10/2000

DM-G-161.30A, DM Chapter 14.2, Article 3, § 45.1-161.30 A, Performance of Certain Tasks by Uncertified Persons, Penalty, 4/10/2000

DM-G-161.37A, DM Chapter 14.2, Article 3, § 45.1-161.37 A, General Coal Miner Certification, 4/10/2000

DM-G-161.38A, DM Chapter 14.2, Article 3, § 45.1-161.38 A, First Class Mine Foreman Certification, 4/10/2000

DM-G-161.57A, DM Chapter 14.2, Article 5, § 45.1-161.57 A, License Required for Operation of Coal Mines, 4/15/2004

DM-G-161.63, DM Chapter 14.2, Article 5, § 45.1-161.63 B and C, Notices to Department; Resumption of Mining Following Discontinuance, 4/15/2004

DM-G-161.77, DM Chapter 14.2, Article 7, § 45.1-161.77 A, Reports of Explosions and Mine Fires, 4/10/2000

DM-G-161.78, DM Chapter 14.2, Article 7, § 45.1-161.78 A, Operator's Reports of Accidents; Investigations; Reports by Department. 4/10/2000

DM-G-161.8, DM Chapter 14.2, Article 1, § 45.1-161.8, Definitions, Accidents, 4/10/2000

DM-G-161.83, DM Chapter 14.2, Article 8, § 45.1-161.83, Review of Inspection Reports and Records, 4/10/2000

DM-G-161.84, DM Chapter 14.2, Article 8, § 45.1-161.84 A, Advance Notice of Inspections; Confidentiality of Trade Secrets, 4/10/2000

DM-G-161.85, DM Chapter 14.2, Article 8, § 45.1-161.85 A, Scheduling of Inspections, 4/10/2000

DM-G-161.8A, DM Chapter 14.2, Article 1, § 45.1-161.8, Definitions, Operators, 4/10/2000

DM-G-161.8B, DM Chapter 14.2, Article 1, § 45.1-161.8, Surface Coal Mine and Underground Coal Mine, 4/10/2000

DM-G-161.90, DM Chapter 14.2, Article 9, § 45.1-161.90 A, Notices of Violation, 4/15/2004

DM-G-MED, DM Mine Emergency Directory, 4/1/2002

DM-M-05-05, DM Operator Memorandum DM-05-05 Accident and Fatality Reports, 9/7/2005

DM-M-05-08, DM Operator Memorandum 05-08 Surface Mine Maps, 11/16/2005

DM-M-06-03A, DM Operator Memorandum 06-03A Emergency Response Plans, 4/4/2006

DM-M-06-03B, DM Operator Memorandum 06-03B Generic Emergency Response Plan, 4/4/2006

DM-M-06-03C, DM Operator Memorandum 06-03C Self Contained Self Rescuer Outby Storage Plan, 4/4/2006

DM-M-06-03D, DM Operator Memorandum 06-03D Mine Emergency Evacuation and Firefighting Program of Instruction, 4/4/2006

DM-M-06-03E, DM Operator Memorandum 06-03E Mine Emergency Scenarios Template, 4/3/2006

DM-M-06-03F, DM Operator Memorandum 06-03F Mine Emergency Addendum to Existing Training Plan, 4/4/2006

DM-M-06-06, DM Operator Memorandum 06-06 Coalfield Employment Enhancement Tax Credit Production Labor Report, 10/12/2006

DM-M-06-07, DM Operator Memorandum 06-07 Alternative Seal Designs, 10/12/2006

DM-M-07-04, Map Submittal, 7/1/2007

DM-M-08-01, DM Operator Memorandum DM-08-01 Mine Incident Response, Rescue, and Recovery Plan, 1/17/2008

- DM-MOU-01-03, DM Fatal Mine Accident Investigations, 1/3/2003
- DM-MOU-01-03-2, DM Inspection Coordination, 1/1/2003
- DM-MOU-09-97, DM Memorandum of Agreement (Small Mine Assistance Training), 9/1/1997
- DM-P-1.03.01, DM Procedure No. 1.03.01, Emergency Response Team, 1/1/1999
- DM-P-1.03.02, DM Procedure No. 1.03.02, Rescue and Recovery Plan, 10/1/2000
- DM-P-1.04.05, DM Procedure No. 1.04.05, Spot Inspection, 10/1/2000
- DM-P-1.04.07, DM Procedure No. 1.04.07, Independent Contractors, 1/1/1997
- DM-P-1.04.09, DM Procedure No. 1.04.09, Administrative Review of Notices of Violation, 1/1/1997
- DM-P-1.04.10, DM Procedure No. 1.04.10, Impoundment Inspections, 7/18/2001
- DM-P-1.05.01, DM Procedure No. 1.05.01, Investigation of Accidents and Incidents, 10/1/2000
- DM-P-1.05.02, DM Procedure No. 1.05.02, Inundation of Water and Gas, 10/1/2000
- DM-P-1.05.03, DM Procedure No. 1.05.03, Methane Ignition, 10/1/2000
- DM-P-1.05.04, DM Procedure No. 1.05.04, Serious Personal Injury, 10/1/2000
- DM-P-1.05.06, DM Procedure No. 1.05.06, Unlicensed Mine Sites, 10/1/2000
- DM-P-1.05.09, DM Procedure No. 1.05.09, Investigation Documents File, 5/3/1999
- DM-P-1.06.01, DM Procedure No. 1.06.01, Plan Approvals, 9/1/2002
- DM-P-1.06.02, DM Procedure No. 1.06.02, Map Submittals, 10/1/2000
- DM-P-1.07.01, DM Procedure No. 1.07.01, Technical Instruction, 1/29/1999
- DM-P-1.07.03, DM Procedure No. 1.07.03, Training and Accident Reduction, 1/9/1999
- DM-P-1.09.02, DM Procedure No. 1.09.02, Recertification Requirements, 1/1/1997
- DMLR--MOU-05-97, DM/DMLR Memorandum of Agreement, Refuse Piles, Water and Silt Retaining Dams, 5/29/1997
- DMLR-MOU-01-97, DM Memorandum of Agreement DM and DMLR (Blasting), 1/7/1997
- DMLR-MOU-09-00, DM/DMLR Memorandum of Understanding, Reclamation Activities at Previously Licensed Coal Mine Sites, 9/1/2000
- DMLR-MOU-10-98, DM Memorandum of Understanding Between the Virginia Department of Mines, Minerals and Energy Divisions of Mined Land Reclamation and Mines and the U.S. Department of Labor Mine Safety and Health Administration District 5 Norton, Virginia, 12/5/2002
- DMLR-P-1.2.01, DMLR Procedure No. 1.2.01, Threatening, Abusing or Impeding a Division Employee, 4/17/2006
- DMLR-P-3.6.01, DMLR Procedure No. 3.6.01, Certification of Pollution Control Equipment, 3/12/1997
- DMM-M-02-15, Mineral Mining Electrical Repairman Certification, 8/1/2015
- DMME-FOIA, Responding to Requests for Information, 5/29/2015
- DMME-MMP-SMMP, State Minerals Management and Subaqueous Plans, 7/1/2007
- 5861, Final Uniform Statewide Financial Underwriting Guidelines for Clean Energy Loans Made by Localities under § 15.2-958.3 of the Code of Virginia, 12/1/2015
- 6454, Post-Drilling Water Analysis Evaluation Standards, 12/19/2018
- DGO-G-1, Acceptable Forms of Alternative Documentation That May Be Accepted in Lieu of a Cement Bond Log for the Water Protection String, 12/28/2016
- DGO-G-12-02, DGO Landfarming Guidance Document, 12/1/2002
- DGO-G-2, Bonding and Additional Financial Security Requirements Applicable to Wells Drilled in Tidewater Virginia, 12/28/2016
- DGO-G-3, Fluid Reuse and Recycling, 8/30/2017
- DGO-MOU-06-01, DGO Safety Memorandum of Understanding between DMME and DOLI, 6/1/2001
- DM-10-01, DM Operator Memorandum DM-10-01 Mine Incident Response, Rescue and Recovery Plan, 1/13/2010
- DM-11-05, Roof Bolter Mounted Cooling Fans, 11/8/2011
- DM-14-02, Surface First Aid Supplies, 7/29/2014
- DM-14-04, Definition of Serious Person Injury, 8/1/2014
- DM-C-AEO, DM Automatic Elevator Operator Certification Requirements, 6/2/2008
- DM-C-AFA, DM Advanced First Aid Certification Requirements, 6/2/2008
- DM-C-AFAI, DM Advanced First Aid Instructor Requirements, 6/2/2008

Guidance Documents

- DM-C-BCMEi, DM Board of Coal Mining Examiners Instructor Certification Requirements, 6/2/2008
- DM-C-CES, DM Chief Electrician (Surface) Certification Requirements, 4/10/2001
- DM-C-CESU, DM Chief Electrician (Surface and Underground) Certification Requirements, 6/2/2008
- DM-C-DF, DM Dock Foreman Certification Requirements, 6/2/2008
- DM-C-EMFS, DM Electrical Maintenance Foreman (Surface) Certification Requirements, 4/10/2001
- DM-C-EMFSU, DM Electrical Maintenance Foreman (Surface and Underground) Certification Requirements, 6/2/2008
- DM-C-FCMF, DM First Class Mine Foreman Certification Requirements, 6/2/2008
- DM-C-FCSSF, DM First Class Shaft or Slope Foreman Certification Requirements, 6/2/2008
- DM-C-GCM, DM Underground General Coal Miner Certification for Underground Mines and Surface Area of Underground Mines, 5/1/2003
- DM-C-GCM, DM General Coal Miner Certification Requirements, 6/2/2008
- DM-C-HE, DM Hoisting Engineer Certification Requirements, 6/2/2008
- DM-C-MI, DM Mine Inspector Certification Requirements, 7/1/2001
- DM-C-PPF, DM Preparation Plant Foreman Certification Requirements, 6/2/2008
- DM-C-QGD, DM Qualified Gas Detection Certification Requirements, 11/26/2002
- DM-C-SB, DM Surface Blaster Certification Requirements, 4/10/2001
- DM-C-SER, DM Surface Electrical Repairman Certification Requirements, 6/2/2008
- DM-C-SF, DM Surface Foreman Certification Requirements, 6/2/2008
- DM-C-SFF, DM Surface Facilities Foreman for Shops, Labs, and Warehouses Certification Requirements, 6/2/2008
- DM-C-SGCM, DM Surface General Coal Miner Certification for Surface Mines and Auger Mines Training Manual, 5/1/2003
- DM-C-TP, DM Top Person Certification Requirements, 6/2/2008
- DM-C-UDEM, DM Underground Diesel Engine Mechanic Certification Requirements, 6/2/2008
- DM-C-UDEMI, DM Underground Diesel Engine Mechanic Instructor Certification Requirements, 6/2/2008
- DM-C-UER, DM Underground Electrical Repairman Certification Requirements, 6/2/2008
- DM-C-USF, DM Underground Shot Firer Certification Requirements, 6/2/2008
- DM-G-161.128, DM Chapter 14.3, Article 5, § 45.1-161.128 B, Explosives and Blasting, 4/15/2004
- DM-G-161.158, DM Chapter 14.3, Article 5, § 45.1-161.158 F, Hoisting, 4/15/2004
- DM-G-161.62, DM Chapter 14.2, Article 5, § 45.1-161.62 A and C, Licensing of Mines - Annual Reports, 4/15/2004
- DM-G-161.64, DM Chapter 14.2, Article 5, § 45.1-161.64 A, Licensing of Mines, Mine Maps are Required, 4/15/2004
- DM-M-07-03, DM-07-03 Implementation of Senate Bill 1091, Changes to Coal Mine Safety Law, 7/5/2007
- DM-M-07-05, DM-07-05 Examination Fees, 7/25/2007
- DM-M-11-01, DM-11-01, Mine Incident Response, Rescue and Recovery Plan, 1/13/2011
- DM-M-11-06, Mine Incident Response, Rescue and Recovery Plan, 11/22/2011
- DM-M-99-05, DM Operator Memorandum 99-05, Reciprocity Agreement with West Virginia, 5/7/1999
- DM-MOU-03-02, DM Coal Mine Electrical Certification and Qualification Program- Memorandum of Agreement, 4/28/2002
- DM-MOU-05-01, DM Memorandum of Agreement between DMME's DM and West Virginia's DM Certification Reciprocity, 5/15/2001
- DM-P-1.04.01, DM Procedure No. 1.04.01, Inspection of Coal Mines, 10/1/2003
- DM-P-1.04.02, DM Procedure No. 1.04.02, Five-Day Spot Inspection, 8/1/2005
- DM-P-1.04.03, DM Procedure No. 1.04.03, Reopening Inspection, 8/1/2005
- DM-P-1.04.04, DM Procedure No. 1.04.04, Regular Inspections, 7/1/2007
- DM-P-1.04.06, DM Procedure No. 1.04.06, Risk Assessment, 10/1/2003
- DM-P-1.04.08, DM Procedure No. 1.04.08, Smoking Articles Inspection, 7/1/2007
- DM-P-1.04.11, DM Procedure No. 1.04.11, Surface Mine Inspection - Ground Control Plans, 2/1/2006
- DM-P-1.04.12, DM Procedure No 1.04.12 - DM/DMLR Inspection of RZ Resources Owned Mines, 9/16/2008

- DM-P-1.04.13, DM Procedure No. 1.04.13 - Substance Abuse, 7/1/2007
- DM-P-1.05.05, DM Procedure No. 1.05.05, Unintentional Roof Falls, 7/1/2007
- DM-P-1.05.07, DM Procedure No. 1.05.07, Safety Complaints, 10/1/2003
- DM-P-1.05.08, DM Procedure No. 1.05.08, Blasting Complaints, 1/1/1997
- DM-P-1.05.10, DM Procedure No. 1.05.10, Safety Issues Involving Coal Mines and Gas Well Activities, 8/1/2005
- DM-P-1.06.03, DM Procedure No. 1.06.03, Mining Near Gas Wells, 10/1/2000
- DM-P-1.07.02, DM Procedure No. 1.07.02, Small Mine Safety Service, 1/29/1999
- DM-P-1.08.01, DM Procedure No. 1.08.01, Licensing, 7/1/2007
- DM-P-1.08.02, DM Procedure No. 1.08.02, Licensing Through Initial Reclamation of Mine Sites, 10/1/2003
- DM-P-1.08.03, DM Procedure No. 1.08.03, Requests Through the Freedom of Information Act, 8/1/2005
- DM-P-1.08.04, DM Procedure No. 1.08.04, Other Requests for Assistance, 8/1/2005
- DM-P-1.09.01, DM Procedure No. 1.09.01, Certification of Miners, 8/1/2008
- DM-P-1.09.03, DM Procedure No. 1.09.03, Revocation of Certification, 1/1/1997
- DM-P-1.09.04, DM Procedure No. 1.09.04, Certification Requiring On Site Observation, 1/1/1997
- DM-T-D, DM Diesel Engine Mechanic Instructor Manual, 5/1/2003
- DM-T-GDT, DM Gas Detection Packet, 5/1/2003
- DM09-04, Virginia Substance Abuse and Quick-Test Screening, 11/2/2009
- DMLR-G-03-01, DMLR Guidance Memorandum No. 3-01, Permit Application and Priority Reviews, 12/12/2001
- DMLR-G-04-02, DMLR Guidance Memorandum No. 4-02, Approximate Original Contour Guidelines, 3/22/2002
- DMLR-G-06-03, DMLR Guidance Memorandum No. 6-03, Permit Fees, 5/12/2003
- DMLR-G-07-03, DMLR Guidance Memorandum, No. 7-03, Bond Reduction/Release Applications and Completion Reports, 4/21/2008
- DMLR-G-09-04, DMLR Guidance Memo 9-04, Requirements for Permit Transfer, 2/17/2004
- DMLR-G-10-05, DMLR Guidance Memorandum No. 10-05 Requirements for Haulroad Construction and Design, 3/4/2005
- DMLR-G-11-05, DMLR Guidance Memorandum No. 11-05 Ground Control Plan, 6/13/2005
- DMLR-G-12-05, DMLR Guidance Memorandum No. 12-05, Permit Signs and Markers, 8/22/2005
- DMLR-G-14-05, DMLR Guidance Memorandum No. 14-05 Watersheds with Adopted TMDLs, 11/23/2005
- DMLR-G-15-07, DMLR Guidance Memorandum No. 15-07 Potential Problem Discharges during Reclamation and Bond Release, 3/12/2007
- DMLR-G-16-07, DMLR Guidance Memorandum 16-07 Permitting and Bonding of Shared Facilities, 9/19/2007
- DMLR-G-17-07, DMLR Guidance Memorandum 17-07 Impoundments - Underground Mining, 10/16/2007
- DMLR-G-18-07, DMLR Guidance Memorandum 18-07 Completed Areas and DGO Permitted Operations, 10/16/2007
- DMLR-G-19-07, DMLR Guidance Memorandum 19-07 Acreage Amendments, Anniversary Reports, and Temporary Cessations, 4/21/2008
- DMLR-G-20-07, DMLR Guidance Memorandum 20-07 Permit Applications - Submittal of Corrections, Description of Attachments, and File Path Lengths, 11/28/2007
- DMLR-G-21-07, DMLR Guidance Memorandum No. 21-07, Submittal of Electronic Engineers Signatures and Seals for Maps, Drawings, and Plans, 8/27/2008
- DMLR-G-22-08, DMLR Guidance Memo 22-08 Forestry Reclamation Approach, 2/1/2008
- DMLR-G-23-08, DMLR Guidance Memorandum No. 23-08, Revisions: Insignificant versus Significant; Acreage Amendments; and Incidental Boundary, 6/24/2008
- DMLR-G-24-08, DMLR Guidance Memorandum No. 24-08, Clarification of "Depth to Water" for Ground Water Monitoring Wells, 5/9/2008
- DMLR-G-25-08, DMLR Guidance Memorandum No. 25-08, National Pollutant Discharge Elimination System (NPDES) Permit and Anniversary Fees, 6/25/2008
- DMLR-G-26-09, DMLR Guidance Memorandum 26-09 Aquatic Species-Specific Protective Measures, 2/17/2009
- DMLR-G-26-09A, Aquatic Species-Specific Protective Measures Guide to Permitted Coal Mining Activities in Virginia, 2/17/2009
- DMLR-G-28-09, Guidance Memorandum No. 28-09 Application Processing Time Limits, 9/24/2009
- DMLR-G-29-09, Guidance Memorandum No. 29-09 Roads Maintenance and Fugitive Dust Control, 10/22/2009

Guidance Documents

- DMLR-G-31-10, Abandoned Mined Land Refuse/Gob Piles Exploration and Recovery, 8/16/2010
- DMLR-G-36-11, DMLR Guidance Memorandum 36-11, Coal Removal from Government Financed Projects, 9/9/2015
- DMLR-G-37-12, DMLR Guidance Memorandum 37-12, Joint Mining and Monitoring Permits - Public Participation, 9/9/2015
- DMLR-G-AMLWPR, DMLR Abandoned Mined Land Water Project Review Manual, 7/1/2007
- DMLR-G-APA, DMLR Virginia Coal Surface Mining and Reclamation Permanent Regulatory Program, Administrative Hearings Procedures, 3/17/2008
- DMLR-G-BIO, DMLR- Biosolids Use Guidelines, 4/21/2008
- DMLR-G-BOND, DMLR Virginia Coal Surface Mining and Reclamation Permanent Regulatory Program, Guide to Bond Reduction or Release, 12/1/2002
- DMLR-G-CCB, DMLR- Coal Combustion By-Products Guidelines, 7/17/2008
- DMLR-G-EP, DMLR General Instructions for Electronic Application Preparation, 8/14/2002
- DMLR-G-GFC, DMLR Government Financed Construction Guidelines, 6/1/2005
- DMLR-G-WRSR, DMLR Guide to Water Replacement and Subsidence Repair, 12/1/2002
- DMLR-M-1-90, DMLR Memoranda to Operators No. 1-90, Baseline Hydrologic Data Requirements (Probable Hydrologic Consequences Assessment), 4/21/2008
- DMLR-M-11-82, DMLR Memoranda to Operators No. 11-82, Archaeological Sites or Historic Places, 10/1/2001
- DMLR-M-11-94, DMLR Memoranda to Operators No. 11-94, Public Notice and Comment Periods, 10/1/2001
- DMLR-M-12-94, DMLR Memoranda to Operators No. 12-94, Application (Corrections) Submittal; Anniversary Fees, 4/21/2008
- DMLR-M-13-86, DMLR Memoranda to Operators No. 13-86, Application Processing Time Limit, 10/1/2001
- DMLR-M-2-85, DMLR Memoranda to Operators No. 2-85, Confidential Information, 4/21/2008
- DMLR-M-2-91, DMLR Memoranda to Operators No. 2-91, Cost Bond - Long Term Facilities, 4/21/2008
- DMLR-M-2-95, DMLR Memoranda to Operators No. 2-95, Coal Combustion By-Products Guidelines, 4/21/2008
- DMLR-M-27-09, DMLR Memoranda to Operators No. 27-09, Electronic Permitting, Digital Mapping Guidelines, 10/1/2009
- DMLR-M-3-83, DMLR Memoranda to Operators No. 3-83, Certificates of Deposit, 10/1/2001
- DMLR-M-3-89, DMLR Memoranda to Operators No. 3-89, Filing Application - Public Participation Process, 4/21/2008
- DMLR-M-3-90, DMLR Memoranda to Operators No. 3-90, Standardized Reporting Form (Quarterly Acid-Base Monitoring), 10/1/2001
- DMLR-M-3-92, DMLR Memoranda to Operators No. 3-92, Updating Ownership and Control Info, 4/21/2008
- DMLR-M-3-98, DMLR Memoranda to Operators No. 3-98, Permit Streamline Procedures, 4/21/2008
- DMLR-M-3-99, DMLR Memoranda to Operators No. 3-99, Groundwater Monitoring Frequency, 10/1/2001
- DMLR-M-31-10, Abandoned Mined Land Refuse/Gob Piles - Exploration and Recovery, 8/23/2010
- DMLR-M-34-11, Guidance Memorandum 34-11 Groundwater Monitoring of Fill Underdrains, 2/1/2011
- DMLR-M-35-11, Receipt of Electronic Correspondence from the Agency, 4/1/2011
- DMLR-M-4-84, DMLR Memoranda to Operators No. 4-84, Permit Renewals, 4/21/2008
- DMLR-M-4-85, DMLR Memoranda to Operators No. 4-85, Notice of Effluent Non-Compliance Reports, 10/1/2001
- DMLR-M-4-98, DMLR Memoranda to Operators No. 4-98, Remining Incentives, 10/1/2001
- DMLR-M-5-84, DMLR Memoranda to Operators No. 5-84, Reclamation Fees, 10/1/2001
- DMLR-M-5-93, DMLR Memoranda to Operators No. 5-93, Contractor Information in Public Notices, 10/1/2001
- DMLR-M-5-95, DMLR Memoranda to Operators No. 5-95, Highwall Settlement Guidelines, 10/1/2001
- DMLR-M-6-88, DMLR Memoranda to Operators No. 6-88, Waiver to Mine Within 300 Feet, 10/1/2001
- DMLR-M-6-95, DMLR Memoranda to Operators No. 6-95, Biosolids Use Guidelines, 4/21/2008
- DMLR-M-7-92, DMLR Memoranda to Operators No. 7-92, Public Notices, 4/21/2008
- DMLR-M-7-94, DMLR Memoranda to Operators No. 7-94, NPDES Monitoring and Reporting Requirements, 10/1/2001
- DMLR-M-8-82, DMLR Memoranda to Operators No. 8-82, Air Pollution Control Plan, 10/1/2001
- DMLR-M-8-85, DMLR Memoranda to Operators No. 8-85, NPDES Enforcement Policy, 10/1/2001
- DMLR-M-8-92, DMLR Memoranda to Operators No. 8-92, NPDES Permits or Stormwater Discharge, 10/1/2001

- DMLR-M-9-89, DMLR Memoranda to Operators No. 9-89, Mining Operations near Facilities, 10/1/2001
- DMLR-M-9-92, DMLR Memoranda to Operators No. 9-92, DMLR Blasters Endorsement Certification, 4/21/2008
- DMLR-M-9-93, DMLR Memoranda to Operators No. 9-93, Company Structure Master File, 10/1/2001
- DMLR-M-9-98, DMLR Memoranda to Operators No. 9-98, Permit Streamline Procedures - Forms, 4/21/2008
- DMLR-MOU-10-02, DMLR, 11/7/2008
- DMLR-P-1.1.01, DMLR Procedure No. 1.1.01, Training Events, 4/17/2006
- DMLR-P-1.2.02, DMLR Procedure No. 1.2.02, Hazardous Waste or Toxic Waste Reporting, 9/25/2006
- DMLR-P-1.2.03, DMLR Procedure No. 1.2.03, Work Hours and Reporting, 4/17/2006
- DMLR-P-1.2.04, DMLR Procedure No. 1.2.04, Mailing Administrative Decisions, 9/10/2007
- DMLR-P-2.1.03, DMLR Procedure No. 2.1.03, Unpermitted/Exempted Sites, 4/17/2006
- DMLR-P-2.1.04, DMLR Procedure No. 2.1.04, Exemption for Extraction of Coal When it is Incidental to Extraction of Other Minerals, 4/17/2006
- DMLR-P-2.1.06, DMLR Procedure No. 2.1.06, Exemptions for Government Financed Projects, 6/20/2005
- DMLR-P-2.2.01, DMLR Procedure No. 2.2.01, Permit Review Quality and Completeness Check, 10/7/2002
- DMLR-P-2.2.02, DMLR Procedure No. 2.2.02, Confidentiality of Permit Application Information, 4/17/2006
- DMLR-P-2.2.03, DMLR Procedure No. 2.2.03, Proof of Application Filing, 4/17/2006
- DMLR-P-2.2.04, DMLR Procedure No. 2.2.04, Application Processing Time Limit, 4/17/2006
- DMLR-P-2.2.05, DMLR Procedure No. 2.2.05, Applicant Violator System (AVS) and Ownership or Control (O/C), 2/21/2007
- DMLR-P-2.2.05A, DMLR Procedure No. 2.2.05A, AVS - O/C Investigations, 8/18/2000
- DMLR-P-2.2.06, DMLR Procedure No. 2.2.06, Applications with Violations, 3/12/1997
- DMLR-P-2.2.07, DMLR Procedure No. 2.2.07, Relinquishments, 8/18/2000
- DMLR-P-2.2.09, DMLR Procedure No. 2.2.09, Name Changes on Applications, 8/18/2000
- DMLR-P-2.2.10, DMLR Procedure No. 2.2.10, Mining Under State Boundaries, 8/17/2000
- DMLR-P-2.2.12, DMLR Procedure No. 2.2.12, Terms of Issuance (TOI) Terms of Approval (TOA), 4/17/2006
- DMLR-P-2.3.01, DMLR Procedure No. 2.3.01, Permanent Program - Revision Applications, 2/21/2007
- DMLR-P-2.3.02, DMLR Procedure No. 2.3.02, Permittee - Official Changes, 3/12/1997
- DMLR-P-2.3.03, DMLR Procedure No. 2.3.03, Anniversary Fees/Reports, 10/11/2005
- DMLR-P-2.3.04, DMLR Procedure No. 2.3.04, Temporary Cessation, 8/18/2000
- DMLR-P-2.3.05, DMLR Procedure No. 2.3.05, Midterm Permit Evaluation, 6/20/2002
- DMLR-P-2.3.06, DMLR Procedure No. 2.3.06, Permit Renewals, 8/2/1999
- DMLR-P-2.3.07, DMLR Procedure No. 2.3.07, Completion Letters, 4/17/2006
- DMLR-P-2.3.09, DMLR Procedure No. 2.3.09, Bond Release, 8/2/2005
- DMLR-P-2.3.10, DMLR Procedure No. 2.3.10, Permit Transfers, Assignment, or Sale of Rights, 3/12/1997
- DMLR-P-2.3.11, DMLR Procedure No. 2.3.11, Ground Control Plans, 4/17/2006
- DMLR-P-2.3.12, DMLR Procedure No. 2.3.12, Inspections of DM designated RZ Resources Owned sites, 8/2/2005
- DMLR-P-2.3.13, DMLR Procedure No. 2.3.13, Performance Bond Review and Approval, 8/16/2007
- DMLR-P-2.4.01, DMLR Procedure No. 2.4.01, Checks Returned for Non-Payment, 3/6/1997
- DMLR-P-3.1.01, DMLR Procedure No. 3.1.01, Daily Reports, 2/21/2007
- DMLR-P-3.1.03, DMLR Procedure No. 3.1.03, Monthly/Quarterly Reports, 4/17/2006
- DMLR-P-3.1.04, DMLR Procedure No. 3.1.04, Radio Contact, 4/17/2006
- DMLR-P-3.1.05, DMLR Procedure No. 3.1.05, Photographic Documentation, 4/17/2006
- DMLR-P-3.1.06, DMLR Procedure No. 3.1.06, Citizen Complaint Investigation, 9/23/2005
- DMLR-P-3.3.01, DMLR Procedure No. 3.3.01, Permanent Program (Chapter 19) Enforcement and Inspection Procedures, 8/18/2000
- DMLR-P-3.3.02, DMLR Procedure No. 3.3.02, Numbering and Encoding Reports- Enforcement Action, 8/18/2000
- DMLR-P-3.3.03, DMLR Procedure No. 3.3.03, Approving Regrading, 9/26/2002

Guidance Documents

- DMLR-P-3.3.04, DMLR Procedure No. 3.3.04, Water Rights and Replacement, 10/1/1998
- DMLR-P-3.3.05, DMLR Procedure No. 3.3.05, NPDES Permits, 4/17/2006
- DMLR-P-3.3.06, DMLR Procedure No. 3.3.06, Coal Exploration, 4/17/2006
- DMLR-P-3.3.07, DMLR Procedure No. 3.3.07, Certification of Ponds, Roads, Fills and Stream Channel Diversions, 2/26/2003
- DMLR-P-3.3.08, DMLR Procedure No. 3.3.08, Alternative Enforcement Action, 3/12/1997
- DMLR-P-3.3.09, DMLR Procedure No. 3.3.09, Performance Bond Forfeiture, 2/11/2002
- DMLR-P-3.3.10, DMLR Procedure No. 3.3.10, Show Cause Order and Permit Suspension/Revocation, 2/11/2002
- DMLR-P-3.3.11, DMLR Procedure No. 3.3.11, Operations on Federal Lands (U.S. Forest Service Federal Land Management Agency), 4/17/2006
- DMLR-P-3.3.12, DMLR Procedure No. 3.3.12, Coal Surface Mining Reclamation Fund (Pool Bond Fund) Tax Reporting/Payment, 2/27/2002
- DMLR-P-3.3.13, DMLR Procedure No. 3.3.13, Third-Party Disturbances of Reclaimed Sites, 8/18/2000
- DMLR-P-3.3.14, DMLR Procedure No. 3.3.14, Certificate of Liability Insurance, 8/18/2000
- DMLR-P-3.3.15, DMLR Procedure No. 3.3.15, Temporary Structures, 9/26/2002
- DMLR-P-3.3.16, DMLR Procedure No. 3.3.16, Sediment Pond Effluent Limits, 4/4/2003
- DMLR-P-3.3.17, DMLR Procedure No. 3.3.17 Tree Planting, 8/30/2005
- DMLR-P-3.3.18, DMLR Procedure 3.3.18 Road Maintenance - Fugitive Dust Control, 10/22/2009
- DMLR-P-3.3.19, Inspector Receipt, Review, and Processing of Permit Materials, 9/9/2015
- DMLR-P-3.4.01, DMLR Procedure No. 3.4.01, Suspension and Revocation of DMLR Blaster Endorsement Certification, 4/17/2006
- DMLR-P-3.5.01, DMLR Procedure No. 3.5.01, Bond Forfeiture Reclamation, 4/17/2006
- DMLR-P-3.7.01, DMLR Procedure No. 3.7.01, Coal Surface Mining Control and Reclamation Act of 1979 or Clean Water Act Violations - Settlement Agreements, 8/2/2005
- DMLR-P-4.01.04, DMLR Procedure No. 4.01.04 Abandoned Mine Lands (AML) Enhancement Projects, 9/9/2015
- DMLR-P-4.01.06, DMLR Procedure No. 4.1.06 AML Procedure Guidelines, 9/9/2015
- DMLR-P-4.01.07, DMLR Procedure No. 4.1.07 Invoice Processing, 9/9/2015
- DMLR-P-4.1.01, DMLR Procedure No. 4.1.01, Reclamation Project Eligibility, 4/17/2006
- DMLR-P-4.1.02, DMLR Procedure No. 4.1.02, Realty Procedures, 6/1/2005
- DMLR-P-4.1.03, DMLR Procedure No. 4.1.03, Federal Abandoned Mine Land Inventory System (AMLIS) Data Entry, 8/2/2005
- DMLR-P-4.1.05, DMLR Procedure No. 4.1.05, AML Contract Provisions, Ground Control Plan, 4/27/2006
- DMLR-SRP, DMLR State Reclamation Plan, 9/1/1999
- DMLR-T-CPA, DMLR Civil Penalty Assessment Manual, 4/17/2006
- DMM Op Manual, DMM - Mineral Mine Operator's Manual, 4/6/2007
- DMM-C-B, DMM Certification Requirements for Blaster, 3/1/2001
- DMM-C-E, DMM Mineral Mine Electrician Certification, 5/1/2003
- DMM-C-F, DMM Certification Requirements for Foreman, 9/1/2001
- DMM-C-SBF, DMM Surface Blaster Certification Student Guide, 3/1/2001
- DMM-C-SF, DMM Surface Foreman's Certification Study Guide, 3/1/2002
- DMM-C-SUFB, DMM Board of Mineral Mining Examiners Certification Requirements (Summary Sheets), 9/1/2001
- DMM-G-06-96, DMM Operators Memorandum: Transferability of Mineral Mining Permits, 6/28/1996
- DMM-G-EAE, DMM Excavation Activity Evaluation Chart, 2/20/1991
- DMM-G-ETP, DMM Education and Training Plan for Mineral Mining, 1/1/1996
- DMM-G-MERR, DMM Mineral Mine Emergency, Rescue and Recovery Plan, 10/20/2009
- DMM-G-OLAC, DMM By-Laws of Orphaned Land Advisory Committee, 6/14/2000
- DMM-G-OLP, DMM Abandoned Mineral Mining Inventory Protocol, 6/1/2003
- DMM-M-01-05, DMM Communication Memorandum No. 01-05, Electronic Blast Detonator Systems, 3/28/2005

- DMM-M-01-08, DMM Communication Memoranda Nos. 01-08, 02-08, and 03-08 DMM e-Forms Center Enhancements, 8/11/2008
- DMM-M-01-93, DMM Communication Memorandum No. 01-93, Reclamation Schedule, 3/20/1993
- DMM-M-01-98, DMM Communication Memorandum No. 01-98, 11/11/1998
- DMM-M-01-99, DMM Communication Memorandum No. 01-99, 6/14/1999
- DMM-M-02-93, DMM Communication Memorandum 02-93, 5/12/1993
- DMM-M-02-99, DMM Communication Memorandum No. 02-99, 7/16/1999
- DMM-M-03-01-90, DMM Operator's Memorandum 03-01-90, 3/1/1990
- DMM-M-03-99, DMM Communication Memorandum No. 03-99, 7/16/1999
- DMM-M-04-08, DMM Communication Memorandum No. 04-08 Standardized Formatting of Paper Documents, 8/11/2008
- DMM-M-10-00, DMM Communication Memorandum No. 10-00, 9/13/2000
- DMM-M-12-94, DMM Operators Memorandum, Mine Safety Maps, 12/9/1994
- DMM-M-93-01, DMM Operator Memorandum, Waste Materials Brought onto Mine Sites, 1/25/1993
- DMM-M-C, DMM Contractor Memorandum Regarding Annual Reports, 1/2/2003
- DMM-P-2.1, DMM Procedure No. 2.1, Operator Assistance, 5/21/1997
- DMM-P-2.10, DMM Procedure No. 2.10, Closure Orders, 5/21/1997
- DMM-P-2.11, DMM Procedure No. 2.11, Recommending Bond Forfeitures, 5/21/1997
- DMM-P-2.12, DMM Procedure No. 2.12, Safety/Health/Reclamation Complaints, 5/21/1997
- DMM-P-2.13, DMM Procedure No. 2.13, Blasting Complaint Investigations, 5/21/1997
- DMM-P-2.14, DMM Procedure No. 2.14, Accident or Fire Investigations, 5/21/1997
- DMM-P-2.15, DMM Procedure No. 2.15, Unlicensed Mine Sites, 5/21/1997
- DMM-P-2.4, DMM Procedure No. 2.4, Inspections, 5/21/1997
- DMM-P-2.5, DMM Procedure No. 2.5, Inspection Frequency; Safety, 5/21/1997
- DMM-P-2.6, DMM Procedure No. 2.6, Inspection Frequency; Reclamation, 5/21/1997
- DMM-P-2.7, DMM Procedure No. 2.7, Inspection Reports, 5/21/1997
- DMM-P-2.8, DMM Procedure No. 2.8, Special Orders/Notices of Violation, 5/21/1997
- DMM-P-2.9, DMM Procedure No. 2.9, Notice of Noncompliance, 5/21/1997
- DMM-P-3.1, DMM Procedure No. 3.1, General Procedures for Reclaiming Orphaned Land Sites, 2/24/1998
- DMM-P-4.1, DMM Procedure No. 4.1, Relinquishments and Repermitting, 9/10/1991
- DMM-P-4.10, DMM Procedure No. 4.10, Field Approval, 1/8/1996
- DMM-P-4.11, DMM Procedure No. 4.11, Initial Site Inspection, 9/10/1991
- DMM-P-4.12, DMM Procedure No. 4.12, Mineral Mining Quarrying Schedule (Tonnage Report), 9/10/1991
- DMM-P-4.13, DMM Procedure No. 4.13, Permit Application Review, 9/10/1991
- DMM-P-4.14, DMM Procedure No. 4.14, Hearing Procedure, 9/10/1991
- DMM-P-4.15, DMM Procedure No. 4.15, Termination of License Requirement, 10/24/1995
- DMM-P-4.18, DMM Procedure No. 4.18, Contractor Information, 1/8/1996
- DMM-P-4.19, DMM Procedure No. 4.19, Confidential Files, 3/24/1997
- DMM-P-4.2, DMM Procedure No. 4.2, Permit Renewal and Progress Reports, 9/10/1991
- DMM-P-4.20, DMM Procedure No. 4.20, Permit Transfers, 1/8/1996
- DMM-P-4.3, DMM Procedure No. 4.3, Additional Bond Required at Anniversary Time, 9/10/1991
- DMM-P-4.4, DMM Procedure No. 4.4, Bond Reduction and Release, 9/10/1991
- DMM-P-4.5, DMM Procedure No. 4.5, Completion Material/Permit Close-Out, 9/10/1991
- DMM-P-4.6, DMM Procedure No. 4.6, Amendments, 1/8/1996
- DMM-P-4.7, DMM Procedure No. 4.7, Change in Operating Officials, 9/10/1991
- DMM-P-4.8, DMM Procedure No. 4.8, Temporary Cessation of Surface Mines, 9/10/1991

Guidance Documents

DMM-P-4.9, DMM Procedure No. 4.9, Exemption for Extraction of Coal That Is Incidental to the Extraction of Other Minerals, 9/10/1991

DMM-P-5.1, DMM Procedure 5.1, Training and Certification of Mineral Mining Industry Personnel, 9/12/2002

DMM-P-5.2, DMM Procedure No. 5.2, Certification of Mineral Mining Industry Personnel by the Board of Mineral Mining Examiners, 9/1/2002

DMM-P-5.6, DMM Procedure No. 5.6, Accident Reports and Posting, 9/12/2002

DMM-P-5.7, DMM Procedure No. 5.7, Education and Training Plan and Service, 9/12/2002

DMM-T-GMM, DMM General Mineral Miner Training Course Guide, 3/1/2001

DEPARTMENT OF FORENSIC SCIENCE

The following document is available on the department's website at <http://dfs.virginia.gov>. Questions regarding this document may be directed to Amy C. Jenkins, Department Counsel, Department of Forensic Science, 700 North 5th Street, Richmond, VA 23219. (804) 786-2281, amy.jenkins@dfs.virginia.gov.

Guidance Document:

5942, Breath Test Operator Instructional Manual Intox EC/IR II, 7/7/2008

DEPARTMENT OF FORESTRY

For additional information about the Reforestation of Timberlands (RT) Program or the Seed Law, including Alternate Management Plans, please contact your local forester at <http://dof.virginia.gov/locations/index.htm>.

Guidance Documents:

6165, Reforestation of Timberlands, 1/9/2017

6166, Seed Tree Law and Alternate Management Plans, 1/9/2017

DEPARTMENT OF GENERAL SERVICES

Copies of the following guidance documents are available to view on the Virginia Regulatory Town Hall at www.townhall.virginia.gov. Copies of the guidance documents are also available by contacting Rhonda Bishton, Regulatory Coordinator, Department of General Services, 1100 Bank Street, Suite 420, Richmond, VA 23219, or by visiting the department's website at www.dgs.virginia.gov.

Guidance Documents:

DGS TCO, Guidance Document for Total Cost of Ownership, 12/22/2022

APSPM, Agency Procurement and Surplus Property Manual, 7/1/2021

DGS Directive No. 15, Indoor Clean Air Act, 8/19/2015

DGS Directive 16, Banning Open Carrying of Firearms, 11/13/2015

DGS Parking Policies and Procedures for Use of Parking Facilities, 9/25/2012

Office of Fleet Management Policies and Procedures Manual, 1/20/2020

Surplus SPO, Virginia Federal Property Agency State Plan of Operation, 3/24/2009

Vendors Manual, 7/1/2021

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 5 p.m. at the Department of Housing and Community Development, 600 East Main, Suite 300, Richmond, VA 23219, <http://www.dhcd.virginia.gov>. Copies may be obtained at agency cost by contacting Chase Sawyer at the same address or by telephone (804) 310-5872.

Questions regarding interpretation or implementation of these documents may be directed to Chase Sawyer at the address provided or telephone number or by email at chase.sawyer@dhcd.virginia.gov.

Guidance Documents:

Board of Housing and Community Development

5884, Job Creation Grant Instruction Manual, 3/16/2023

5885, Real Property Investment Grant Instruction Manual, 3/16/2023

5886, Certified Public Accountant (CPA) Agreed-Upon Procedures Instruction Manual, 3/16/2023

5887, Local Zone Administrator's Management Manual, 1/25/2020

5890, Indoor Plumbing Rehabilitation Program Manual, 10/1/2018

5892, Vibrant Community Initiative, 10/1/2017

5902, Continuing Education Policy Applicable to Board of Housing and Community Development (BHCD) Certified Code Enforcement Personnel, 10/1/2012

5903, Affordable and Special Needs Housing - Consolidated Application Program Guidelines, 1/9/2021

5906, Virginia Homeless and Special Needs Housing Funding Guidelines, 4/2/2022

[6086, Virginia Telecommunications Initiative Program Guidelines and Criteria, 10/14/2023](#)

[7037, Utility Leverage Program – Unserved Certification Guidelines, 3/4/2023](#)

[7111, Virginia Small Business Resiliency Fund: Program Guidelines and Instruction Manual, 11/25/2021](#)

[7119, Virginia Broadband Availability Map Internet Service Provider Service Territory Data Submission Guidelines, 12/24/2022](#)

Commission on Local Government

[Municipal Annexation, 12/6/2017](#)

[Agreements Defining Annexation Rights, 12/6/2017](#)

[Annulment of Town Charter, 12/6/2017](#)

[Boundary Adjustments by Agreement, 12/6/2017](#)

[Reversion from City to Town Status, 12/6/2017](#)

[Consolidation of Two or More Units of Local Government, 12/6/2017](#)

[Town Incorporation, 12/6/2017](#)

[Voluntary Settlement Agreements, 12/6/2017](#)

DEPARTMENT OF MILITARY AFFAIRS

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. through the Virginia Department of Military Affairs, Office of the Chief Operations Officer, 5901 Beulah Road, Sandston, VA 23150. Copies may be obtained free of charge by contacting Everton Nevers at the same address, telephone (804) 236-7890, or email everton.e.nevers.nfg@army.mil, or Russell Woodlief at telephone (804) 236-7898 or email russell.w.woodlief.civ@army.mil.

Questions regarding interpretation or implementation of these documents may be directed to Everton Nevers at the address provided.

Guidance Documents:

[7250, Command Policy 22-023: Virginia National Guard \(VaNG\) State Tuition Assistance Program, 9/15/2022](#)

[7510, VaNG Regulation No. 56-3: National Guard Members and Retirees Vehicle License Plates, 1/31/2023](#)

DEPARTMENT OF STATE POLICE

Guidance documents maintained by the Virginia State Police may be viewed during regular work days at Virginia State Police Headquarters, 7700 Midlothian Turnpike, Richmond, VA 23235.

The documents are available online for no charge from the Virginia Regulatory Town Hall at www.townhall.virginia.gov

or the Virginia State Police website at <http://www.vsp.virginia.gov>.

To obtain printed copies of a guidance document, contact Virginia State Police, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 674-2000 and provide the name of the document. Please address any questions concerning the attached list to Kirk Marlowe at kirk.marlowe@vsp.virginia.gov.

Guidance Documents:

[3246, How the Complaint Process Works, 1/1/2021](#)

[5845, VCheck User's Guide, 3/1/2022](#)

[6431, Procedure Manual for Firearms Dealers, 3/1/2022](#)

[7008, Community Policing Data Instructions and Technical Specification v5.3 with Form, 7/1/2023](#)

STATE BOARD OF EDUCATION

Request for Public Comment and Participation on Regulatory Changes to 8VAC20-81 in Response to the Office of Special Education Programs Differentiated Monitoring and Support Report

Purpose of notice and background information: As a result of an onsite federal monitoring visit by the U.S. Department of Education's Office of Special Education Programs (OSEP), conducted in September 2023 with a Differentiated Monitoring and Support Report ([DMS Report](#)) being released to the Virginia Department of Education (VDOE) on March 13, 2024, the Board of Education has approved revisions to the Regulations Governing Special Education Programs for Children with Disabilities in Virginia ([8VAC20-81](#)) to implement corrective actions as required by OSEP.

The board is seeking comment and participation, as well as announcing a public comment period on the proposed changes.

A summary of the board action and a redline version of the proposed regulatory changes can be found on the board webpage at <https://www.doe.virginia.gov/home/> for the March 27, 2024, and March 28, 2024, meetings.

Public comment period: April 18, 2024, to June 6, 2024.

How to comment: The Board of Education will accept comments through the Virginia Regulatory Town Hall public comment forum.

Contact Information: Jim Chapman, Director of Board Relations, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 750-8750, or email jim.chapman@doe.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Prospect Power LLC Notice of Intent for a Small Renewable Energy Project (Energy Storage) Permit by Rule - Rockingham County

Prospect Power LLC has provided the Department of Environmental Quality (DEQ) a notice of intent to submit the necessary documents for a permit by rule for a small renewable energy project (energy storage) located in Rockingham County pursuant to 9VAC15-100. The project name is Prospect Power; the DEQ project number is RE0000312.

The project location is south of Craney Island Road and east of North Valley Pike (Route 11) with a centroid of Latitude 38.615896, Longitude -78.686224. The proposed project will have a maximum storage capacity of 150 megawatts alternating current across approximately 26 acres. The project includes the utilization of approximately 200 battery cell

module containers. The project developer is Swift Current Energy.

Contact Information: Amber Foster, Department of Environmental Quality, 111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 774-8474, or email amber.foster@deq.virginia.gov.

Proposed Enforcement Action for Brunswick Waste Management Facility LLC - Brunswick County

The Department of Environmental Quality (DEQ) is proposing an enforcement action for the Brunswick Waste Management Facility LLC for alleged violation of the State Water Control Law at 107 Mallard Crossing Road, Lawrenceville, Virginia. A description of the proposed action is available from the DEQ contact listed or online at www.deq.virginia.gov/permits/public-notices/enforcement-orders. The DEQ contact will accept comments by email or postal mail from May 6, 2024, to June 5, 2024.

Contact Information: Cara Witte, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Glen Allen, Virginia 23060, telephone (804) 712-4192, or email cara.witte@deq.virginia.gov.

Proposed Enforcement Action for the Town of Cleveland

The Department of Environmental Quality (DEQ) is proposing an enforcement action for the Town of Cleveland for violations of the State Water Control Law and regulations at the Cleveland Sewage Treatment Plant in Russell County. The proposed order is available from the DEQ contact listed or at <https://www.deq.virginia.gov/permits/public-notices/enforcement-orders>. The DEQ contact will accept comments by email or postal mail from May 6, 2024, through June 5, 2024.

Contact Information: Jonathan Chapman, Enforcement Specialist, Department of Environmental Quality, Southwest Regional Office, 355-A Deadmore Street, Abingdon, VA 24210, or email jonathan.chapman@deq.virginia.gov.

Proposed Enforcement Action for the Town of Middletown

The Department of Environmental Quality (DEQ) is proposing an enforcement action for the Town of Middletown for violations of the State Water Control Law and regulations at the Middletown sewage treatment plant in Frederick County. The proposed order is available from the DEQ contact listed or at <https://www.deq.virginia.gov/permits/public-notices/enforcement-orders>. The DEQ contact will accept comments by email or postal mail from May 6, 2024, through June 5, 2024.

Contact Information: Jonathan Chapman, Enforcement Specialist, Department of Environmental Quality, Southwest

Regional Office, 355-A Deadmore Street, Abingdon, VA, or email jonathan.chapman@deq.virginia.gov.

Extension of Comment Period - TMDL Development for Roanoke River, Tinker Creek, and Wolf Creek in the City of Roanoke and Roanoke County

The comment period for the development of the total maximum daily loads (TMDLs) for Roanoke River, Tinker Creek, and Wolf Creek in the City of Roanoke and Roanoke County has been extended. The comment period began on April 10, 2024, and was initially set to end on May 10, 2024. The public comment period has been extended until June 10, 2024.

Purpose of notice: The Department of Environmental Quality (DEQ) seeks public comment on the development of a cleanup study, also known as a TDML report, for the Roanoke River, Tinker Creek, and Wolf Creek in the City of Roanoke and Roanoke County. These streams are listed as impaired waters and require a cleanup study since monitoring data indicates that the waters do not meet Virginia's water quality standards for aquatic life. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the State Water Control Law require DEQ to develop cleanup studies to address pollutants responsible for causing waters to be on Virginia's § 303(d) list of impaired waters. A component of a cleanup study is the wasteload allocation (WLA); therefore, this notice is provided pursuant to § 2.2-4006 A 14 of the Administrative Process Act for any future adoption of the WLA into the Water Quality Management Planning Regulation (9VAC25-720) after completion of the study. The adoption of the WLA may require new or additional requirements for entities holding a Virginia Pollutant Discharge Elimination System (VPDES) permit in these Roanoke River, Tinker Creek, and Wolf Creek watersheds.

Cleanup study location: The cleanup study addresses the following impaired stream segments. The study area totals 19.53 river miles in the City of Roanoke and Roanoke County and includes three watersheds: Roanoke River (from Niagara Dam downstream to the mouth of Back Creek), Tinker Creek (from the confluence of Buffalo Creek downstream to the Roanoke River), and Wolf Creek.

TMDL advisory group (TAG): DEQ invites public comment on the establishment of a TAG to assist in development of this cleanup study. A TAG is a standing group of interested parties established by the department for the purpose of advising the department during developing of the cleanup study. Any member of the public may attend and observe proceedings. However, only group members who have been invited by the department to serve on the TAG may actively participate in the group's discussions. Persons requesting the department use a TAG and those interested in participating should notify the DEQ contact person by the end of the comment period and provide their name, address, telephone number, email address,

and organization being represented (if any). If DEQ convenes a TAG, all individuals who wish to participate on the TAG will be considered on a case-by-case basis. TAG members will be expected to attend all TAG meetings. Notification of the composition of the panel will be sent to all individuals who requested participation.

If DEQ receives no requests to establish a TAG, the department will not establish a standing group but will still solicit public feedback by conducting community engagement meetings during cleanup study development. At these community meetings, which are open to the public and at which any person may participate, DEQ will present its progress on the cleanup study and solicit feedback from those present.

Public meeting: The first public meeting on the development of the cleanup study was held at Department of Environmental Quality, Blue Ridge Regional Office, 901 Russell Drive, Salem, VA 24153, Training Room on April 10, 2024, at 5:30 p.m.

Public comment period: April 10, 2024, to June 10, 2024.

How to comment: DEQ accepts written comments by email or postal mail. All comments must be received by DEQ during the comment period. Submittals must include the name, organization represented (if any), mailing address, and telephone number of the commenter or requestor.

For public comments, document requests, and additional information, contact the DEQ staff member listed.

Contact Information: Aerin Doughty, Department of Environmental Quality, Blue Ridge Regional Office, 901 Russell Drive, Salem, VA 24153, telephone (540) 988-3684, or email aerin.doughty@deq.virginia.gov.

DEPARTMENT OF EMERGENCY MANAGEMENT

Intended Use Plan - Safeguarding Tomorrow through Ongoing Risk Mitigation Revolving Loan Fund Program

Notice of action: The Department of Emergency Management (VDEM) is seeking comments and announcing a public comment period on the proposed intended use plan for the Virginia Safeguarding Tomorrow through Ongoing Risk Mitigation Revolving Loan Fund Program. The Virginia Intended Use Plan (VIUP) provides information to potential loan recipients and other interested parties about goals for the Resilient Virginia Revolving Loan Fund (RVRLF), an overview of eligible project types, the criteria for the distribution of loans, and the process for management of the loan fund. The VIUP is effective for Federal Fiscal Year 2024 Safeguarding Tomorrow Revolving Loan Fund (STRLF) Program.

General Notices

The RVRLF was established in 2022. See §§ 10.1-603.28 through 10.1-603.40 and 62.1-199 and 62.1-203 of the Code of Virginia.

Public comment period: April 10, 2024, to April 20, 2024.

Federal information: This notice is being given to satisfy the public participation requirements of federal regulations.

How to comment: VDEM accepts written comments by email and postal mail. In order to be considered, comments must include the full name, address, and telephone number of the person commenting and be received by VDEM no later than the last day of the comment period. VDEM prefers comments be provided in writing, along with any supporting documents or exhibits. Comments must be submitted to the VDEM contact listed. All materials received are part of the public record.

The plan and any supporting documents are available on the VDEM Grants website at <https://www.vaemergency.gov/aem/Grants/va-intended-use-plan-fy24-strlf-final.pdf>. The documents may also be obtained by contacting the following VDEM staff member:

Contact Information: Robert Coates, Grant Management and Recovery Division Director, Department of Emergency Management, 9711 Farrar Court, Richmond, VA 23236, telephone (804) 267-7730, or email robert.coates@vdem.virginia.gov.

BOARD OF MEDICAL ASSISTANCE SERVICES

Renewal of § 1115 Demonstration Waiver- Available for Public Review

The Department of Medical Assistance Services (DMAS) is planning to submit the § 1115 waiver renewal application for the "Building and Transforming Coverage, Services, and Supports for a Healthier Virginia" 1115 Demonstration to the Centers for Medicare and Medicaid Services in June 2024. The current waiver is set to expire on December 31, 2024. For more information and to view the draft application, please visit <https://www.dmas.virginia.gov/media/sxinsnrj/draft-1115-sud-and-ffcy-waiver-application-va-03252024-webposting.pdf>.

Contact Information: Emily McClellan, Regulatory Manager, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, TDD (800) 343-0634, or email emily.mcclellan@dmas.virginia.gov.

BOARD OF PHARMACY

Public Hearing to Review Scheduling Chemicals in Schedule I Pursuant to § 54.1-3443 of the Code of Virginia

Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy is giving notice of a public hearing to consider placement of chemical substances in Schedule I of the Drug Control Act. The public hearing will be conducted at 9:05 a.m. on June 25, 2024. Instructions will be included in the agenda for the board meeting, also on June 25, 2024. Public comment may be submitted electronically or in writing prior to June 25, 2024 to the contact listed.

Pursuant to article § 54.1-3443 D, the Virginia Department of Forensic Science (DFS) has identified four compounds for recommended inclusion into the Code of Virginia.

Based on their chemical structures, the following compounds are expected to have hallucinogenic properties. Compounds of this type have been placed in Schedule I (subdivision 3 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

1-[(4-fluorophenyl)methyl]-4-methylpiperazine (other names: 4-fluoro-MBZP, 4-fluoro methylbenzylpiperazine), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

4-fluoro-alpha-pyrrolidinoisohexiophenone (other name: 4-fluoro-alpha-PiHP), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

8-bromo-1-methyl-6-pyridin-2-yl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine (other name: pyrazolam), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

The following compound is classified as a cannabimimetic agent. Compounds of this type have been placed in Schedule I (subdivision 6 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

Methyl-2-(1-butyl-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (other name: MDMB-BUTINACA), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

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