



COMMONWEALTH of VIRGINIA

Patricia I. Wright, Ed.D.
Superintendent of Public Instruction

DEPARTMENT OF EDUCATION
P.O. BOX 2120
Richmond, Virginia 23218-2120

Office: (804) 225-2023
Fax: (804) 371-2099

November 5, 2009

The Honorable Charles J. Colgan
Chairman, Senate Finance
Committee
Virginia General Assembly
10677 Aviation Lane
Manassas, VA 20110-2701

The Honorable Lacey E. Putney
Chairman, House Appropriations
Committee
Virginia General Assembly
P.O. Box 127
Bedford, VA 24523

Dear Sirs:

I am pleased to present to you the Department of Education's review of the state laws, regulations, and procedures, pursuant to Item 140, paragraph C.5.d.4, of the Appropriation Act (Chapter 781, 2009 Acts of Assembly), which states the following:

The Department of Education shall review state laws, regulations, and procedures that could be modified, reduced, or eliminated in an effort to minimize the administrative burden on local school divisions and the Department of Education. The findings from this review shall be submitted to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2009.

Since the beginning of 2009, the Department has been reviewing all reports submitted by school divisions to determine the need for each report and whether opportunities for consolidation or elimination exist. As a result of its review, the Department has examined a total of 99 reports and has determined that:

- eight reports can be eliminated;
- 34 reports could be or have been consolidated into existing data collections; and
- 57 reports must be retained because of state and/or federal reporting and funding requirements.

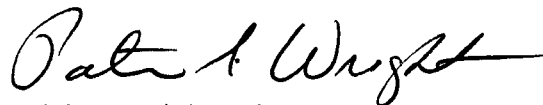
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The Department will continue to

- modify or eliminate unnecessary or out-of-date reporting requirements;
- consolidate other reporting requirements to permit local school divisions to submit one, rather than multiple reports;
- examine Board regulations for additional opportunities that will reduce regulatory burden and streamline existing processes; and
- examine new federal reporting requirements and changes to existing requirements so that existing reports and processes can be used to meet federal reporting.

If you have questions or require additional information, please do not hesitate to contact me or Anne D. Wescott, assistant superintendent for policy and communications, at (804) 225-2403 or Anne.Wescott@doe.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia I. Wright". The signature is fluid and cursive, with a long horizontal stroke at the end.

Patricia I. Wright, Ed.D.
Superintendent of Public Instruction

MEE/MMV/kfg
Enclosure



Report

**REVIEW OF POSSIBLE CHANGES
IN STATE POLICIES TO REDUCE
THE ADMINISTRATIVE BURDEN
ON SCHOOL DIVISIONS AND THE
DEPARTMENT OF EDUCATION**

PRESENTED TO

**THE HONORABLE TIMOTHY M. KAINÉ
GOVERNOR OF VIRGINIA
AND
THE CHAIRMEN OF THE SENATE FINANCE AND
HOUSE APPROPRIATIONS COMMITTEES**

November 2009

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Authority for the Report

The 2009 General Assembly added language to Item 140 of the Appropriation Act requiring the Department of Education to review state laws, regulations, and procedures and submit a report by November 1, 2009. Specifically, Item 140.C.5.d. 4) states:

The Department of Education shall review state laws, regulations, and procedures that could be modified, reduced, or eliminated in an effort to minimize the administrative burden on local school divisions and the Department of Education. The findings from this review shall be submitted to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2009.

In response to this mandate, the Department held a number of meetings to review each school division reporting requirement and its associated law, regulation, and/or procedure. Each requirement was reviewed to determine:

- whether the reporting requirement was needed for state and/or federal reporting or funding purposes;
- whether the reporting requirement needed to continue in its current form in order to meet certain timelines for reporting or funding;
- whether the reporting requirement could be consolidated with an existing report; and
- whether the reporting requirement could be eliminated with an understanding that relevant information would still be available to stakeholders upon request.

Reports for Elimination

The following chart details eight reports that could be considered for elimination. Four of the reports are required by the *Code of Virginia* and their elimination would require a *Code* change. Four other reports are required by the Appropriation Act and would also require General Assembly action.

Report Name	Required by	School Division Data Collection Eliminated (Yes/No)	Justification for Elimination
Acceptable Use Policy (AUP) Report	Section 22.1-70.2 of the <i>Code of Virginia</i>	Yes. Instead of submitting AUPs to the Department, school divisions would be required to post AUP policies on their Web sites and annually certify compliance with this requirement to the Department, through an existing report.	The <i>Code</i> does not require approval of AUPs by the Department.
Evaluation of Adult Education Programs	Section 22.1-226 of the <i>Code of Virginia</i>	No. The state report is prepared using a student-level data collection required by the U.S. Department of Education.	State funds for adult education programs are fixed by the Appropriation Act and allocated by an established formula that is not tied to this report. In addition, this report is duplicative, as federal law requires that school divisions complete a report that is more extensive than this <i>Code</i> requirement. As an alternative, the federal report or a summary of it could be made available on the Department's Web site.

Report Name	Required by	School Division Data Collection Eliminated (Yes/No)	Justification for Elimination
Individual Student Alternative Education Plan Report	Appropriation Act - Item 140.C.25 Chapter 781, 2009 Acts of Assembly	Yes. Most of the program elements in this data collection have been incorporated into the Student Record Collection. The remaining data elements will be incorporated by the 2010-2011 academic year.	Funding for Individual Student Alternative Education program has been included in the Appropriation Act for many years and the level of funding has not changed. This report is not tied to funding. Information on the program would continue to be made available as needed.
Plan and Report for Programs of Prevention, Intervention and Remediation	Appropriation Act - Item 140.C.11.e.3).b Chapter 781, 2009 Acts of Assembly	Yes. Information regarding the effectiveness of instruction delivered to at-risk students could be provided using existing reports. The Department also annually provides information on all at-risk programs to the General Assembly and would continue to do so using existing data collections.	Currently, school divisions must certify that funding from the At-Risk program is used to support approved programs and school divisions must also submit information to the Department on strategies for intervention, prevention, and remediation.
Regional Alternative Education Program Report	Section 22.1- 209.1:2 of the <i>Code of Virginia</i>	Yes. The Department's student record data collection already contains an indicator to identify students assigned to alternative education programs.	This program was established in 1993. Since that time, funding has been included in the Appropriation Act for this program. This reporting requirement, the original intent of which was to report on programs that were in the pilot phase, is out-of-date.

Report Name	Required by	School Division Data Collection Eliminated (Yes/No)	Justification for Elimination
Standards of Learning Web-Based Technology Initiative: Capacity for certain student/computer ratios, for Local Area Network capabilities, and for high speed internet access	Appropriation Act - Item 140.C.14.g.8 .h Chapter 781, 2009 Acts of Assembly	No. State funding for the Web-based technology initiative is based upon data and certifications reported by school divisions.	The Department posts an extensive amount of information on its Web site about this initiative, including the number of high schools, middle schools, and elementary schools that have certified that the requirements for funding have been met. This information is available at: http://www.doe.virginia.gov/VDOE/Technology/soltech/soltech.html .
State Funded Remedial Plans	Section 22.1-199.2 of the <i>Code of Virginia</i> (Virginia Board of Education regulations would also be revised and streamlined.)	Yes. Data to evaluate the effectiveness of remedial programs are available through existing reports (the Student Record Collection as well as test data.)	Funding for remedial programs has been included in the Appropriation Act. This reporting requirement pertains to remedial summer school, which is funded based upon the number of students school divisions served. This report is not tied to funding levels for remedial summer school.

Report Name	Required by	School Division Data Collection Eliminated (Yes/No)	Justification for Elimination
<p>Status of Regional Alternative Education Placements</p>	<p>Appropriation Act - Item 140.C.11.f.3).b.3 Chapter 781, 2009 Acts of Assembly</p>	<p>No. The report would be eliminated but data would continue to be collected for funding purposes.</p>	<p>This program is funded in the Appropriation Act and school divisions must request from the Department the availability and possible use of any unused student slots. Currently, the Department reports annually the number of available student slots, students placed, the request of unused slots, and the number of unused slots. School divisions would still have to work with the Department regarding the use of unused program slots, but the need to annually report data to the General Assembly would be removed. Information on the program would continue to be made available upon request.</p>

Reports for Consolidation

The following chart details 14 reports that could be consolidated with other reports, thus reducing the number of individual reports that must be completed and submitted by local school divisions. Four of the reports are required by the *Code of Virginia*; however, their consolidation with other reports would not require any action by the General Assembly. The other reports proposed for consolidation are needed for other state or federal reporting purposes. The Department of Education plans to combine these reports in time for the next reporting cycle.

Report Name	Purpose	Action To Be Taken by Department
Career and Technical Education (CTE) Adult Class Enrollment Report	Needed to verify information	Combine with CTE Financial Report
Career Switcher Program (Mentor Support) Data	Needed for state funding purposes	Consolidate with another report (Instructional Personnel Data Report)
Certification of Self Insurance for School Buses	Sections 22.1-188 through 198 ; 46.2-472 ; 38.2-2206 of the <i>Code of Virginia</i>	Consolidate with another report (certification of school bus insurance)
Charter School Evaluation Report	Section 22.1-212.15 of the <i>Code of Virginia</i>	Consolidate with another report (Virginia Board of Education Annual Report)
Early Intervention Reading Initiative (certification for funding)	Needed for state funding purposes	Consolidate with another report (SOQ Compliance Report)
Hard-to-Staff Mentor Teacher Program Data	Needed for state funding purposes	Consolidate with another report (Instructional Personnel Data Report)
Instructional Personnel Survey Data	Federal reporting purposes (No Child Left Behind)	Consolidate with another report (Instructional Personnel Data Report)
Instructional Personnel Data: Special Education and Central Office	Federal reporting purposes (No Child Left Behind)	Consolidate with another report (Instructional Personnel Data Report)

Report Name	Purpose	Action To Be Taken by Department
Local Wellness Policy Status Report	Federal reporting purposes	Consolidate with another report (School Health Advisory Board Annual Report)
Mentor Teacher Program Data	Needed for state funding purposes	Consolidate with another report (Instructional Personnel Data Report)
Private School Participation in Federal Programs	Federal reporting purposes	Consolidate with existing federal program application in spring of 2010
Survey of Instructional Personnel	Federal and state reporting purposes	Consolidate with another report (Instructional Personnel Data Report)
Supply and Demand Report for School Personnel	Section 22.1-23 of the <i>Code of Virginia</i>	Consolidate with another report (Instructional Personnel Data Report)
Certification of Teaching Hours	Section 22.1-98 of the <i>Code of Virginia</i>	Consolidate with another report (Standards of Quality and Other Reporting)

In addition, the Department has consolidated the following 20 reports needed for state and federal reporting purposes into existing data collections:

Reporting Name	Purpose and Action Taken by the Department
Completer Demographics Collection	Needed for federal reporting – consolidated with the Student Record Collection
Distance Learning Participation	Needed for state reporting – consolidated with the Student Record Collection
Early College/Commonwealth Scholar Program Enrollment and Completion	Needed for state reporting – consolidated with the Student Record Collection
Event Dropout Rate	Needed for state/federal reporting - consolidated with the Student Record Collection
Gifted Education Enrollment	Needed for state reporting – consolidated with the Student Record Collection

Reporting Name	Purpose and Action Taken by the Department
Homeless Enrollment, Residency	Needed for state and federal reporting – consolidated with the Student Record Collection
Immigrant and Youth Enrollment	Needed for federal funding - consolidated with the Student Record Collection
K-3 Class Size Reduction	Needed for state funding purposes - consolidated with the Student Record Collection
Limited English Proficient student enrollment	State funding; state and federal reporting – consolidated with the Student Record Collection
On-Time Graduates	Needed for state reporting – consolidated with the Student Record Collection
Other Academic Indicator	Needed for federal reporting - consolidated with another report (Educational Registry Application)
Percent of Attendance for Adequate Yearly Progress (AYP)	Needed for federal reporting – consolidated with the Student Record Collection
School Choice Participation	Needed for federal reporting – consolidated with the Student Record Collection
Secondary Enrollment Demographic Form Spring Report	Needed for federal reporting – consolidated with the Student Record Collection
Secondary Student Enrollment Report	Needed for federal reporting – consolidated with the Student Record Collection
Special Education Exit Report	Needed for federal reporting – consolidated with the Student Record Collection
Student lists for National Assessment of Educational Progress (NAEP) Testing	Needed for state and federal reporting - consolidated with the Student Record Collection
Supplemental Services Participation	Needed for federal reporting – consolidated with the Student Record Collection
Regular and Summer Term Graduates	Needed for state and federal reporting – consolidated with the Student Record Collection
Virginia High School League reporting	Needed for state reporting - consolidated with the Student Record Collection

Reports for Retention

The following chart details 57 reports that would be retained in their present form. These reports are required by the *Code of Virginia*, the Appropriation Act, federal law or regulation, or internal administrative procedures. These reports continue to be necessary in their present form and cannot be consolidated or eliminated.

Report Name	Rationale for Retention
Adult Basic Education, English Literacy, & Adult Secondary Programs Accountability Report	Requirement related to federal Workforce Investment Act (Title II)
Advanced Placement Fee Payment Program	Federal requirement - necessary for reimbursement of expenditures
American Reinvestment and Recovery Act (ARRA)	Federal requirement - breadth of reporting requirements not yet known
American Reinvestment and Recovery Act (ARRA) - school-by-school listing of per pupil expenditures from state and local sources	Federal requirement related to the State Fiscal Stabilization Fund
Annual Request for Waivers for Pre-Labor Day Opening	Required by Section 22.1-79.1 of the <i>Code of Virginia</i>
Annual Report - Programs for the Gifted	Required by Virginia Board of Education regulations
Annual Report for Discipline, Crime and Violence	Required by Section 22.1-279.3:1 of the <i>Code of Virginia</i> and a federal requirement related to the No Child Left Behind (NCLB) and the Gun Free Schools Act

Report Name	Rationale for Retention
Annual Report: Compliance with Standards of Quality and Other Reporting	Required by Sections 22.1-18 and 22.1-253.13:8 of the <i>Code of Virginia</i>
Annual Report of the Virginia Board of Education	Required by Section 22.1-18 of the <i>Code of Virginia</i>
Annual School Report - Financial Section	Required by Section 22.1-81 of the <i>Code of Virginia</i> . Information also needed for budget calculations and federal reporting (Impact Aid, Title I, Census). Data also used for the re-benchmarking of the Standards of Quality.
Annual Wage & Hour Report	Needed for Career and Technical Education Financial Report and for documentation in accordance with Board regulations
Application for Federal Perkins Funding	Requirement related to federal Carl D. Perkins Career and Technical Education Act
Application for School Program Approval for Driver Education	Required by Section 46.2-334 of the <i>Code of Virginia</i> (The Department of Education is responsible for approving public and private school driver education programs. Public and private schools seeking program approval must submit an application prior to beginning instruction.)
Authorized Signatures in Lieu of Division Superintendent	Needed for administrative procedures/internal controls
Career and Technical Education Completer Follow-up Survey	Requirement related to federal Carl D. Perkins Act (to identify the status of individuals who completed a CTE program including their current employment information and continuing education)

Report Name	Rationale for Retention
Career and Technical Education Credential Data Collection System	Needed to collect industry certification information used in the School Report Card, the Virginia Index of Performance, and for reporting related to the federal Carl D. Perkins Act (to identify technical skills attainment)
Career and Technical Education Financial Report	Needed for state funding purposes
Career and Technical Education Industry Certification Reimbursement Reports	Needed for state funding purposes
Career and Technical Education Self-Assessment	Requirement related to federal and state program monitoring (Carl D. Perkins Act); the federal Individuals with Disabilities Education Act (IDEA) Act; the Workforce Investment Act (WIA); Title I; and the <i>Code of Virginia</i>
Career and Technical Education State Equipment Reimbursement Request	Needed for state funding purposes
Certification of Adequate Funds Budgeted to Meet Required Local Effort for the Standards of Quality and Local Match Requirements for Certain State Funds	Required by Section 22.1-97 of the <i>Code of Virginia</i> ; Item 140 A.5. , Chapter 781, 2009 Acts of Assembly
Certification of Pre-Accreditation Eligibility (Accrediting Standards)	Required by Virginia Board of Education regulations
Certification of School Bus Insurance	Required by Sections 22.1-188 thru 22.1-198 , 46.2-472 , 38.2-2206 of the <i>Code of Virginia</i>
Course Enrollment Data Collection	Needed for federal reporting purposes (State Fiscal Stabilization Fund)

Report Name	Rationale for Retention
Crash/Incident Report (for School Buses)	Required by Virginia Board of Education regulations
Driver Education Status Questionnaire (Needed to determine what school divisions are offering behind-the-wheel training and whether a fee can be charged.)	Required by Section 22.1-205 of the <i>Code of Virginia</i>
Educational Registry Application (School identification information, designated contact information for school divisions, and central office staff updates)	Needed for administrative procedures/internal controls and for federal reporting
Educational Technology Status Survey	Requirement related to federal Title II program
English Language Proficiency Results	Requirement related to the federal No Child Left Behind Act (NCLB)
English Literacy/Civics Education Program Report	Requirement related to federal Workforce Investment Act (Title II)
Federal No Child Left Behind (NCLB) Title II, Part D Education Technology Competitive Grant Year Six Data Collection	Requirement related to the federal No Child Left Behind Act (NCLB)
Instructional Personnel (IPAL) Report	Requirement related to the federal No Child Left Behind Act (NCLB)
National Board Certification Bonuses	Needed for state funding purposes

Report Name	Rationale for Retention
NCLB Applications (consolidated and individual)	Requirement related to federal NCLB Act
Notification Process Concerning Driver Education Teachers Who Receive Traffic Citations	Required by Section 46.2-340 of the <i>Code of Virginia</i>
Pupil Transportation Report	Needed for state funding purposes and for federal reporting (U.S. Department of Transportation)
Remedial Summer School Enrollment	Needed for state funding purposes
Report of Verification of Free/Reduced Meal Applications	Needed for federal reporting purposes
School Health Advisory Board Annual Report	Needed for federal reporting purposes
School Nutrition Programs Annual Agreement	Needed for federal reporting purposes
School Nutrition Programs Annual Financial Report	Needed for federal reporting purposes
School Nutrition Programs Local Accountability Review for School Lunch and After School Snack	Needed for federal reporting purposes
School Nutrition Programs Semi-Annual Financial Report	Needed for federal reporting purposes
Secondary Enrollment Demographics Fall Report	Needed for federal reporting (Carl D. Perkins Act) - Report is being considered for consolidation with another data collection.
Special Education Annual Plan/Part B Flow-Through Application	Requirement related to federal Individuals with Disabilities Education Act (IDEA)
Special Education Child Count	Needed for state and federal reporting purposes and for budget calculations

Report Name	Rationale for Retention
Special Education State Performance Report Indicator Data	Requirement related to federal Individuals with Disabilities Education Act (IDEA)
Student Data Collection for Homeless Children & Youth For Subgrantees	Requirement related to federal McKinney-Vento Act
Student Record Data Collection (Fall, Spring, Summer and End of Year)	Needed for state and federal reporting purposes and for budget calculations
Substitute Tests	Needed for state and federal reporting purposes - Accreditation and Adequate Yearly Progress (AYP)
Title I, Part A, Comparability Report	Requirement related to federal Title I program
Title I, Part D, Subpart 2, Count of Children Who Are Neglected or Delinquent	Requirement related to federal Title I program
Title IV: Safe & Drug-Free Schools & Communities Act Progress Report	Requirement related to federal Safe and Drug-Free Schools Act – This may change depending upon continued funding for the federal Act.
Tuition Certification for Governor's Schools and Foreign Language Academies	Needed for state reporting purposes - Appropriation Act - Item 140.C.30.a and b - Chapter 781, 2009 Acts of Assembly
Virginia Preschool Initiative Application	Needed for state reporting purposes - Appropriation Act - Item 140.C.15.b.1 , Chapter 781, 2009 Acts of Assembly
Virginia Preschool Initiative Interim Report	Needed for state reporting purposes (Appropriation Act)
Wellness Related Fitness Report	Needed for state reporting purposes (Section 22.1-16.4 , <i>Code of Virginia</i>)

Regulations

The Board of Education currently has a total of 59 regulations and has approved a Notice of Intended Regulatory Action (NOIRA) for one additional regulation, governing unexcused absences and truancy, in response to a petition from the public. Over the last several years, the Board has undertaken a comprehensive review of its regulations to identify opportunities for streamlining and simplification. In the past four years, the Board has repealed 11 regulations. The Board is currently in the process of reducing regulatory requirements by streamlining, updating, and consolidating 18 regulations into one regulation.

The regulations to be consolidated into this one regulation are as follows:

<u>8 VAC 20-150-10 et seq.</u>	Regulations Governing Management of the Student's Scholastic Record in the Public Schools of Virginia
<u>8 VAC20-170-10</u>	Regulations Governing Instructional Materials – Selection and Utilization by Local School Boards
<u>8 VAC 20-180-10</u>	Regulations Governing School Community Programs
<u>8 VAC 20-210-10</u>	Classification of Expenditures
<u>8 VAC 20-220-10 et seq.</u>	Regulations Governing Textbook Adoption State Level
<u>8 VAC 20-230-10 et seq.</u>	Regulations Governing Textbook Adoption Local Level
<u>8 VAC 20-240-10 et seq.</u>	Regulations Governing School Activity Funds
<u>8 VAC 20-250-10</u>	Regulations Governing Testing Sight and Hearing of Pupils
<u>8 VAC 20-270-10 et seq.</u>	Regulations Governing Textbook Fund Management and Handling Local Level
<u>8 VAC 20-310-10</u>	Rules Governing Instruction Concerning Drugs and Substance Abuse
<u>8 VAC 20-320-10</u>	Regulations Governing Physical and Health Education
<u>8 VAC 20-370-10</u>	Rules Governing Fees and Charges
<u>8 VAC 20-390-10 et seq.</u>	Rules Governing Division Superintendent of Schools
<u>8 VAC 20-410-10</u>	Rules Governing Allowable Credit for Teaching Experience

<u>8 VAC 20-420-10</u>	Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards
<u>8 VAC 20-460-10 et seq.</u>	Regulations Governing Sick Leave Plan for Teachers
<u>8 VAC 20-490-10 et seq.</u>	Regulations Governing School Boards Local
<u>8 VAC 20-565-10 et seq.</u>	Regulations for the Protection of Students as Participants in Human Research

When these regulations have been consolidated into one regulation, *Regulation Governing Local School Boards and School Divisions*, the current individual regulations will be repealed simultaneously with the promulgation of the new regulation. The proposed consolidated regulations are currently advancing through the Administrative Process Act.

The consolidation of the regulations is beneficial to local school divisions in that the provisions will be up-to-date and will, in some cases, provide local school divisions with more flexibility without having a negative impact on the provision of educational services. The new regulation will also provide local school boards and superintendents with one regulation that incorporates the current regulatory requirements that are now in 18 different regulations, thus making it easier for school boards and superintendents to determine the necessary requirements.

In addition, the Board has taken action to amend its regulations *Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Teaching Hours* to permit the Department to consolidate a certification associated with these regulations in an existing report, again to reduce the burden placed upon school divisions.

Next Steps

In order to relieve the administrative burden on local school divisions and the Department or Board of Education and to permit these entities to focus more time on the instruction of Virginia's students, the Virginia Department of Education plans to continue examining opportunities to:

- modify or eliminate unnecessary or out-of-date reporting requirements;
- consolidate other reporting requirements to permit local school divisions to submit one, rather than multiple, reports; (Twenty reporting requirements have already been incorporated into existing reports while 14 reports have been targeted for other consolidation opportunities.)
- review Board regulations for additional opportunities that will reduce regulatory burden and streamline existing processes; and
- review new federal reporting requirements and changes to existing requirements so that existing reports and processes can be used to meet federal reporting.