

Board of Education Agenda Item

Item: B.

Date: October 25, 2006

Topic: Final Review of the Proposed Revisions to the Guidance Document Governing Certain Provisions of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-05 et seq.)

Presenter: Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications

Telephone Number: (804) 225-2403 E-Mail Address: Anne.Wescott@doe.virginia.gov

Origin:

Topic presented for information only (no board action required)

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

Action requested at this meeting

Action requested at future meeting: _____

Previous Review/Action:

No previous board review/action

Previous review/action
date September 27, 2006
action Accepted for first review

Background Information: From January 12, 2005 through May 24, 2006, the Board examined changes to its regulations accrediting Virginia's K-12 public schools. Proposed changes have been made in accordance with the Administrative Process Act, which included the examination and incorporation of numerous public comments. On September 7, 2006, these proposed regulations, which the Board approved at its May 24 meeting, became effective. These newly-adopted changes supersede regulations that had been in effect since September 28, 2000.

On November 30, 2000, the Board approved a guidance document, which provides additional detail concerning the interpretation and implementation of certain provisions in the accreditation standards. From time to time since then, the Board has approved additional guidance. Now that the revised regulations are in effect, the need exists to update this guidance and to compile it into one document. The update is needed to address:

- 1) Obsolete language in the current guidance documents;
- 2) Updates needed because Virginia's accountability system has matured; and
- 3) Technical assistance in the areas of consequences for those schools that fail to meet the accountability requirements.

In addition, the guidance document has also been edited for clarity and consolidates all guidance related to the accrediting standards into one comprehensive package.

Summary of Major Elements: The following table provides information concerning what sections of the current guidelines are being retained in the proposed revisions:

Title of Section in Proposed Guidelines	Relationship to Current Guidelines (New Section or Update to Current Section)
Student Achievement Expectations (8 VAC 20-131-30)	<i>Update to current section</i> - addresses Remediation Recovery in grades 4, 6, and 7 (page 1)
Requirements for Graduation (8 VAC 20-131-50)	
✓ General Provisions	<i>Update to current section</i> - courses to satisfy graduation requirements for Standard, Advanced Studies, and Modified Standard Diplomas (page 3)
✓ Additional Graduation Credit Requirements	<i>Update to current section</i> - language in current guidelines has been updated (page 3)
✓ Sequential Electives for Graduation with a Standard or Modified Standard Diploma	<i>New section</i> – defines sequential electives (page 5)
✓ Awarding Differentiated Numbers of Verified Credit For Career and Technical Education Certification and Licensure Examinations	<i>New section</i> - addresses the option to substitute in the career and technical track either the student selected verified credit or verified credit in science or history/social science (page 7)
✓ Literacy and Numeracy Requirements for the Modified Standard Diploma	<i>Update to current section</i> - removes reference to Literacy Passport Test and now addresses Standards of Learning tests (page 8)
✓ Diploma Seals	<i>Update to current section</i> – for Governor’s Seal requirements (page 8)
Transfer for Students (8 VAC 20-131-60)	
✓ Transfer from a Nonpublic School	<i>New section</i> - addresses transfer students from schools accredited by members of Virginia Council for Private Education and other schools (page 10)
✓ First-time Transfer Students	<i>New section</i> - defines first-time transfer student (page 11)
✓ Waiver of Verified Credit	<i>Update to current section</i> - includes Web site link to waiver application form (page 12)
Instructional Program in Elementary and Middle Schools (8 VAC 20-131-80 and 8 VAC 20-131-90)	
✓ Physical Fitness	<i>New section</i> - provides broad parameters for school divisions to incorporate physical fitness (page 14)
✓ Foreign Language and Algebra I	<i>New section</i> - states that school boards shall offer foreign language and Algebra I (page 15)

Standard and Verified Units of Credit (8 VAC 20-131-110)	
✓ Locally-Awarded Verified Credit	<i>Update to current section</i> - applies to students beginning with those students entering ninth-grade class in 2003-2004 (page 17)
✓ Mastery of Course Content and Objectives	<i>Update to current section</i> - new title to replace title in the Current Guidelines: “Alternative Provisions for Awarding Verified Credit” (page 18)
✓ Expedited Retake	<i>Update to current section</i> - new title to replace title in the current guidelines: “Alternative Provisions for Awarding Verified Credit” (page 18)
✓ Alternative Provisions for Awarding Verified Credit	<i>Update to current section</i> - addresses other states’ tests (page 19)
Standard School Year and School Day (8 VAC 20-131-150)	<i>Update to current section</i> - addresses alternative school schedules as outlined in the <i>Code of Virginia</i> (page 20)
Administrative and Staff Support; Staffing Requirements (8 VAC 20-131-240)	<i>New section</i> - addresses the secondary planning period (page 21)
Expectations for School Accountability (8 VAC 20-131-280)	
✓ Calculating Accreditation Ratings of Schools	<i>Update to current section</i> - for testing at grades 4, 6, and 7 and for the increase in benchmarks (page 22)
✓ Waivers for Special Purpose Schools	<i>Update to current section</i> - now incorporates alternative accreditation criteria (page 24)
Procedures for Certifying Accreditation Eligibility (8 VAC 20-131-290)	
✓ Experimental or Innovative Programs	<i>New section</i> – includes 1998 Board-approved definitions (page 26)
Action Requirements for Schools That Are Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation (8 VAC 20-131-310)	<i>Update to current section</i> - incorporates the academic review process and the school improvement plan (page 27)
Action Requirements for Schools That Are Denied Accreditation (8 VAC 20-131-315)	
✓ School Division Requirements	<i>New section</i> – outlines notification process for schools (page 30)
✓ Memorandum of Understanding	<i>New section</i> – outlines parameters for <u>and</u> preparation and approval of MOU (page 30)
✓ Reconstitution	<i>New section</i> – outlines parameters for Board approval of this action (page 32)
✓ Closing a School	<i>New section</i> – references current procedures within the Department for changing a school’s status (page 33)
✓ Annual Reports	<i>New section</i> – general reporting requirements (page 33)

One change is proposed in response to public comment. The guidance for sequential electives, in 8 VAC 20-131-50, found on page 6, is modified to provide additional information on all sequential electives, not just those associated with Career and Technical Education courses. The amended language, underlined and in brackets, would say:

5. “A sequence that includes an exploratory course followed by an introductory course cannot be used to satisfy this requirement; however, an introductory course followed by another level of the same course of study [in any content area] can be used. [Such courses may include any sequence identified in the assignment codes document accompanying the Instructional Personnel Data Collection on the Department's Web site at http://www.doe.virginia.gov/VDOE/Publications/TCHCount/datacoll/assign_codes.xls (formerly known as the *School Administrators Handbook of Course Codes: Position Codes and Licensure Endorsement Codes*).]”

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education adopt the revisions to the guidance document for the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

Impact on Resources: The impact on resources for the revision of this guidance is not expected to be significant.

Timetable for Further Review/Action: **Upon adoption by the Board,** the Department of Education will disseminate the guidance document to school divisions and post it on the department's Web site. In addition, as required by § 2.2-4001 of the *Code of Virginia* and Executive Order 36 (2006), the document will be posed on the Virginia Regulatory Town Hall Web site and included on the list of guidance documents filed with the Register of Regulations.

**Guidance Document Governing Certain Provisions of the
Regulations Establishing Standards for Accrediting Public Schools in Virginia
(8 VAC 20-131-05 et seq.)**

STANDARD: 8 VAC 20-131-30. Student Achievement Expectations

Remediation Recovery

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.

Guidance:

Remediation recovery is a voluntary program that schools may implement to encourage successful remediation of students who do not pass certain Standards of Learning tests in grades K-8 and high school English and mathematics. Students in grades K-8 are not required to retake Standards of Learning tests unless they are retained in grade and have not previously passed the test or they are placed in a remediation recovery program developed by the local school board. Students in high school are not required to retake end-of-course Standards of Learning tests unless the student previously failed the course and the test, or the student needs to earn verified credit for graduation.

Placing a child in a remediation recovery program in English (Reading, Literature, and Research) and/or mathematics does not penalize a school if the student is not successful on the retake of a Standards of Learning test. Schools shall maintain evidence of a student's participation in a remediation recovery program along with the scores of any Standards of Learning tests taken following remediation in the student's record.

Remediation recovery scores will count at the school where the student was tested as a remediation recovery student. Students may be counted in remediation recovery only once for each grade or test.

The following students may not be included in remediation recovery programs:

- Students in grade 8 who are retested because they are retained and had not passed the grade 8 test in reading or mathematics; and
- Students who retake an end-of-course test as a result of failing and retaking an English or mathematics course at the high school.

For ratings beginning in the 2007-2008 school year, based on tests administered in the 2006-2007 school year, the following guidance applies:

Students who fail the grades 3 through 7 reading and/or mathematics tests and participate in a remediation recovery program after being promoted to the next grade will not retake the failed test or tests.

Instead, if these remediation recovery students pass the tests at the next grade, their scores will be counted twice in the school's accreditation pass rate—once as part of the pass rate for the grade in which they are currently enrolled and a second time under remediation recovery. If a remediation recovery student fails the test, then the student's score is counted only once for the school's accreditation rating.

Students who fail either the grade 8 reading or mathematics test, or an end-of-course English or mathematics test, and participate in a remediation recovery program will continue to retake the applicable Standards of Learning (SOL) test at the next regularly scheduled administration.

The score of a remediation recovery student who passes the grade 8 or end-of-course reading or mathematics test will be counted in the school's pass rate for the purposes of accreditation. If a student retakes and passes the grade 8 or an end-of-course English or mathematics test under remediation recovery, the student's score will be counted twice, once for the purposes of accreditation and a second time as part of remediation recovery. If a remediation recovery student fails the retake of the grade 8 or end-of-course test, then the student's score is not counted for the school's accreditation rating.

STANDARD: 8 VAC 20-131-50. Requirements for Graduation

General Provisions

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.

When students below the ninth grade successfully complete courses offered for credit in grades 9 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 8 VAC 20-131-110.

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 of Education. All additional requirements prescribed by local school boards that have been approved by the Board of Education, remain in effect until such time as the local school board submits a request to amend or discontinue them.

Guidance:

Standard 8 VAC 20-131-50 addresses the graduation requirements for students to earn the Standard, Advanced Studies, and Modified Standard diplomas. This regulation provides that the Board of Education's 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 of Education.

In accordance with the standards, the Board has approved a list of courses to satisfy graduation requirements for the Standard, Advanced Studies, and Modified Standard Diplomas. The list may be found at: <http://www.doe.virginia.gov/VDOE/Instruction/webcrses.html#top>

Additional Graduation Credit Requirements

A. 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 of Education. All additional requirements prescribed by local school boards that have been approved by the Board of Education, remain in effect until such time as the local school board submits a request to amend or discontinue them.

Code of Virginia Requirements:

The Standards of Quality ([§ 22.1-253.13:4 of the Code of Virginia](#)) state the following:

“A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made for students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.”

Guidance:

Standard Diploma: Generally, the Board will approve requests from local school divisions to require up to two additional local credits to obtain the Standard Diploma, up to a maximum of 24 required credits.

Generally, the Board will approve local requests for additional graduation credit requirements in the core discipline areas of the Standards of Learning (English, mathematics, science or history/social science). For example, a local request to add one additional credit requirement in history and one in science would generally be approved, because that would not exceed a total graduation credit requirement of 24 and those credits are in the core disciplines.

Requests for additional local credits in disciplines outside the core discipline areas will be considered on a case-by-case basis. In evaluating requests for additional local graduation credits outside the core discipline areas, the Board generally may consider, among other criteria, a local school division's graduation and drop-out rates and its students' performance on the Standards of Learning tests.

Advanced Studies Diploma: Generally, the Board will approve requests from local school divisions for local additional credits required for the Advanced Studies Diploma above the 24 contained in the standards if the credits are in the discipline areas of English, mathematics, science, history/social sciences, fine arts (including performing arts), career and technical education, or foreign language. The Board will consider credits outside these disciplines on a case-by-case basis.

Transfer Students: Any local school division receiving approval to increase its course credit requirements may not deny either the Standard or Advanced Studies Diploma to any transfer student who has otherwise met the requirements contained in the standards, if the transfer student can only meet the division's requirements by taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he or she otherwise would have graduated.

Prospective Application / Advance Notice: A local school division's additional credit requirements should apply only to students who have not yet entered ninth grade at the time the additional credits are approved.

Allocation of Electives: Generally the Board will approve requests from local school divisions to allocate elective credits for local prescribed course requirements, while reducing the number of electives by an equal amount so that the total number of graduation credit requirements remains unchanged.

For the Standard Diploma, generally the Board will approve allocations of electives to prescribed credits in the core discipline areas of English, mathematics, science, or history/social sciences. Requests to allocate electives for prescribed credits outside of the core disciplines will be considered on a case-by-case basis.

For the Advanced Studies Diploma, generally the Board will approve allocations of electives to prescribed credits in the discipline areas of English, mathematics, science, history/social sciences, fine arts (including performing arts) or career and technical education, or foreign language. Requests to allocate electives for prescribed credits outside of these disciplines will be considered on a case-by-case basis.

Generally, in addition, a local school division may offer, as an option to students, the opportunity to pursue concentrated courses of study by taking related courses in a specialty area (for example, career and technical education, fine or performing arts), or to choose to take a variety of elective courses. Offering such options shall not require Board approval so long as choosing a particular concentration of elective courses is not mandatory for graduation.

Sequential Electives Required for Graduation with a Standard or Modified Standard Diploma

Code of Virginia Requirements:

The Standards of Quality ([§ 22.1-253.13:4.D.2 of the Code of Virginia](#)) require students who are pursuing the Standard Diploma or Modified Standard Diploma to complete at least two sequential electives. The statute states:

“The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Students may take such focused sequence of elective courses in consecutive years or any two years of high school. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment and shall be developed by the school division, consistent with Board of Education guidelines and as approved by the local school board....”

Guidance:

“*Sequential electives*” means any series of courses that are used to fulfill the elective requirements for a Standard or Modified Standard Diploma in which the content increases or

expands in scope and sequence as students move through the various levels of the courses. To further assist local school divisions to ensure that students comply with the requirement, the following guidance is provided:

1. The requirement for students to complete two sequential electives became effective with the graduating class of 2003.
2. The two sequential electives may be in any discipline in as long as the courses are not specifically required for graduation in 8 VAC 20-131-50 of the standards.
3. Notwithstanding item 2 above, courses used to satisfy the one unit of credit in a fine or practical art required for the Standard or Modified Standard Diploma may be used to partially satisfy this requirement.
4. Guidance for sequential electives in career and technical education programs are available from the Department and can be found at:
<http://www.doe.virginia.gov/VDOE/Instruction/CTE/apg/>. Sequential elective information is available for the following programs of study:
 - ✓ Agricultural Education
 - ✓ Business and Information Technology
 - ✓ Family and Consumer Sciences Courses
 - ✓ Health and Medical Science Courses
 - ✓ Marketing Courses
 - ✓ Technology Education Courses
 - ✓ Trade and Industrial Education Courses
 - ✓ Career Connections Courses
5. A sequence that includes an exploratory course followed by an introductory course cannot be used to satisfy this requirement; however, an introductory course followed by another level of the same course of study [in any content area] can be used. [Such courses may include any sequence identified in the assignment codes document accompanying the Instructional Personnel Data Collection on the Department's Web site at http://www.doe.virginia.gov/VDOE/Publications/TCHCount/datacoll/assign_codes.xls (formerly known as the *School Administrators Handbook of Course Codes, Position Codes and Licensure Endorsement Codes*).]
6. Students may take the focused sequence of elective courses in consecutive years or any two years of high school.

Awarding Differentiated Numbers of Verified Credit for Career and Technical Education Certification and Licensure Examinations

Requirements for both the Standard and Advanced Studies Diplomas:

FN5 A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education or other areas as prescribed by the board in 8 VAC 20-131-110.

Requirement for the Standard Diploma only:

FN6 Students 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 acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for (1) the student selected verified credit and (2) 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 of Education as an additional test to verify student achievement.

Guidance:

All additional tests used for this purpose must be approved by the Board of Education. This guidance shall be retroactive to students who first entered the ninth grade in 2003-2004.

Criteria for Awarding Student-Selected Verified Credit: Student-selected verified credit will be awarded for certification or licensure examinations that meet all of the following criteria:

- Industry certification or licensure examinations that are approved to satisfy the requirements for the Board of Education's Career and Technical Education Seal or the Board of Education's Seal of Advanced Mathematics and Technology will satisfy requirements for student-selected verified credits.
- The teacher and/or the career and technical education program must be certified by the issuing organization relative to the industry certification or license.
- A standard credit may not be verified more than once.

Earning Student-Selected Verified Credit: One student-selected verified credit will be awarded for passing each certification or licensure examination that meets all of the above criteria and the student earns one standard unit of credit only in the career and technical education concentration or specialization.

Two student-selected verified credits will be awarded for passing each certification or licensure examination that meets all of the above criteria; and

- The student meets the career and technical education concentration or specialization course requirements for program completer.
- The student earns at least two standard units of credit in the career and technical education concentration or specialization.
- The student may substitute one of these verified credits for a verified credit in either science or history/social science.

A list of credentials approved for this purpose may be found at:

<http://www.doe.virginia.gov/VDOE/suptsmemos/2005/inf236.html> and
<http://www.doe.virginia.gov/VDOE/Instruction/CTE/certification/list.pdf>

Literacy and Numeracy Requirements for the Modified Standard Diploma

Students pursuing the Modified Standard Diploma shall pass literacy and numeracy competency assessments prescribed by the Board.

Guidance:

Students who pursue the Modified Standard Diploma shall be required to attain a minimum score approved by the Board on the 8th grade Standards of Learning (SOL) tests in both English (Reading) and mathematics to meet the literacy and numeracy requirements for this diploma. Students may substitute a higher-level Standards of Learning test (i.e., end-of-course English [reading], Algebra I, Algebra II, or Geometry) for the 8th grade Standards of Learning (SOL) tests in English (Reading) and mathematics or other substitute tests approved by the Board. In addition, students pursuing the Modified Standard Diploma shall have opportunities for an expedited retest on the 8th grade (or higher level) tests in the same manner as prescribed in this guidance for students earning verified credit.

Diploma Seals

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 9 transferable college credits in Advanced Placement (AP), International Baccalaureate (IB), Cambridge, or dual enrollment courses shall receive the Governor's Seal on the diploma.

Guidance:

The requirements for the Governor's Seal have been revised to require a higher level of academic achievement. The standards stipulate that the requirements for graduation shall be

those in effect the first time a student enters the ninth grade. The requirements for diploma seals are included as part of the standards that outline the requirements for graduation. Thus, they become effective at the same time as the graduation requirements. The new requirements for the Governor's Seal are effective with the ninth-grade class of 2006-2007.

Information regarding requirements for the various seals may be found at:
<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/adm009.html>

STANDARD: 8 VAC 20-131-60. Transfer of Students

Transfer from a Nonpublic School

A. The provisions of this section pertain generally to students who transfer into Virginia high schools. Students transferring in grades K-8 from Virginia public schools or nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education 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.

D. A secondary school shall accept credits toward graduation received from Virginia nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education (VCPE). The Board of Education will 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 8 VAC 20-131-110 A.

Guidance:

The Standards of Quality, in § 22.1-253.13:4 of the *Code of Virginia*, require local school boards to make provisions for students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the standards for accreditation. Each local school board shall develop a policy for the transfer of students consistent with these standards.

Any student transferring to a Virginia public school from a nonpublic school accredited by a constituent member of the Virginia Council for Private Education (VCPE) shall receive credit for all grade level work completed in the nonpublic school. Information regarding constituent members of the VCPE can be found on this organization's Web site at: <http://www.vcpe.org/>. This guidance applies to grades K through 12.

When a student transfers from a nonpublic school that is not accredited by a constituent member of the VCPE, the receiving school shall make every reasonable effort to determine the level of achievement of students transferring in grades K through 8. If the receiving school is unable to determine the acceptability of prior work for the student to be placed in accordance with local school board policy, the school may consider using the results of any nationally-normed standardized test as a guide for grade placement.

At the secondary level, when a student transfers from a nonpublic school that is not accredited by a constituent member of the VCPE, if the receiving school staff is unable to determine that the courses for which the student has been awarded credit or, in the case of some students who have been home-schooled, or no credit was awarded, the receiving school may use the results of any nationally-normed standardized content specific test already taken by the student as a basis for awarding credit. Schools should refrain from using teacher-made tests because the transferring student has not been provided with the specific instruction for these tests that was made available at the receiving school. Schools may review course descriptions, lesson plans, tests, or other appropriate documentation from the student's previous school in making decisions regarding the acceptability of the standard units of credit.

The receiving school is not required to award a letter or numeric grade when accepting courses in transfer.

First-Time Transfer Students

G. Students entering a Virginia public high school for the first time after the tenth grade shall earn as many credits as possible toward the graduation requirements prescribed in 8 VAC 20-131-50. 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 8 VAC 20-131-50 without taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated. In any event, no such student shall earn fewer than the following number of verified units, nor shall such students be required to take SOL tests or additional tests as defined in 8 VAC 20-131-110 for verified units of credit in courses previously completed at another school or program of study, unless necessary to meet the requirements listed in subdivisions 1 and 2 of this subsection:

1. For a Standard Diploma:

a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8 VAC 20-131-50;

b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of four verified units of credit: one each in English, mathematics, history, and science. Students who complete a career and technical education program sequence may substitute a certificate, occupational competency credential or license for either a science or history and social science verified credit pursuant to 8 VAC 20-131-50; and

c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of two verified units of credit: one in English and one of the student's own choosing.

2. For an Advanced Studies Diploma:

a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8 VAC 20-131-50;

b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall 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; and

c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of four verified units of credit: one in English and three of the student's own choosing.

Guidance:

Graduation requirements for students entering a Virginia public high school for the first time are stated in 8 VAC 20-131-60 G. Students entering a Virginia high school for the first time during the tenth grade or later may benefit by having to earn a minimum number of verified credits for the Standard or Advanced Studies Diploma. The “first time” refers to the first time in a Virginia public high school in that grade regardless of where the student attended school in the ninth grade. Therefore, a student who entered a Virginia public high school in the ninth grade, transferred to another state, and returned to a Virginia public high school during those grades may be allowed to earn the Standard or Advanced Studies Diploma by meeting the criteria of 8 VAC 20-131-60 G.

Waiver of Verified Credit

H. Students entering a Virginia high school for the first time after the first semester of their eleventh grade year must meet the requirements of subdivision G1 c or G 2 c of this section. Students transferring after 20 instructional hours per course of their senior or twelfth grade year shall be given every opportunity to earn a Standard, Advanced Studies, or Modified Standard Diploma. 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 of Education.

Guidance:

Local school boards, through the division superintendent, may request waivers of the verified credit requirement for students who may be eligible for such a waiver by providing a written request to the Department of Education no more than 90 calendar days prior to the student’s anticipated graduation date. The request for a waiver shall be submitted on forms provided by the Department of Education and shall include documentation that the student transferred from

outside the state within a time frame that would not allow the student to meet the reduced verified credit provisions of 8 VAC 20-131-60.G. of the standards and what efforts had been made to comply with the standards. An application form has been developed for this purpose which can be found at:

http://www.doe.virginia.gov/VDOE/Accountability/verified_credit_waiver_app.doc

STANDARD: 8 VAC 20-131-80. Instructional Program in Elementary Schools and STANDARD: 8 VAC 20-131-90. Instructional Program in Middle Schools

Physical Fitness

Instructional program in elementary schools

A. The elementary school shall provide each student a program of instruction which corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, 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 of Education.

Instructional program in middle schools

A. The middle school shall provide each student a program of instruction which corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, foreign 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 of Education.

Guidance:

Every school division should develop a local policy to ensure that each student participates in a program of physical fitness, whether it be through a physical education program offering at the school or another type of activity. It shall be up to each local school division to determine in its policy how to ensure student participation in such a program during the regular school year and to establish minimum time amounts for student participation. In their local policies, school divisions should establish a process for verifying and documenting student participation.

The goals for elementary students should focus on the achievement of a health-enhancing level of physical fitness. Elementary students become aware of health-related fitness components (cardio-respiratory endurance, muscular endurance, muscular strength, flexibility, and body composition) while engaging in a variety of physical activities. Middle school students continue to learn more about the components of fitness, how they are developed and improved, how they interrelate, and how they contribute to overall fitness.

Meeting the physical fitness requirements may be accomplished by either of the following:

- Requiring all students to take a sequential program of physical education that involves moderate to vigorous physical activity based on Virginia's Standards of Learning (SOL) as required by 8 VAC 20-131-80 and 8 VAC 20-131-90; or

- Requiring those students who do not take physical education to participate in:
 - ✓ Before- and after-school physical activity programs, such as intramurals, clubs, dance programs, community sports programs, and interscholastic athletics;
 - ✓ Other opportunities outside of the school such as an individual physical activity, which could include: 1) a student walking or bike riding outside of the school day; 2) student participation in a physical activity with a parent; 3) individual lessons in activities such as ballet; or 4) a student participating in a local fitness facility program; or
 - ✓ Joint school and community recreation activities that require physical activity.

The local policy should provide for the effective use of school and community resources and equitably serve the needs and interests of all students, taking into consideration age appropriateness, differences of gender, cultural norms, physical and cognitive abilities, students with disabilities, and fitness levels. Students who participate in effective physical fitness programs during the regular school year develop lifelong habits necessary to promote health and learning. Systemic, sustainable changes to fitness programs occur when schools, families, and communities engage to create health-promoting school environments.

The following information is provided to school divisions as resources available for use in developing a policy for physical fitness:

Virginia Department of Education Health Education, Physical Education, and Driver Education
Web site: <http://www.doe.virginia.gov/VDOE/Instruction/PE/>

Joint Committee of the Board of Education and Board of Health Final Report, September 2004:
http://www.doe.virginia.gov/VDOE/VA_Board/BOE-BOH-Report.pdf

Governor's Healthy Virginians Web site: <http://www.healthyvirginians.virginia.gov/index.cfm>

Scorecard for the Governor's Nutrition and Physical Activity and Program:
<http://www.virginia.gov/doe/login.html>

Superintendent's Memo No. 7, May 20, 2005, Local Wellness Policy Requirement:
<http://www.doe.virginia.gov/VDOE/suptsmemos/2005/reg007.html>

Foreign Language and Algebra I

C. Level one of a foreign language and an Algebra I course shall be available to all eighth grade students. For any high school credit-bearing course taken in middle school, parents may request that grades be omitted from the student's transcript and the student not earn 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 these regulations shall be construed to prevent a middle school from offering any other credit-bearing courses for graduation.

Guidance:

Local school boards shall offer foreign language and Algebra I courses to students in the eighth grade. Nothing in the standards prevents schools from offering these courses to other grades in that school. The standards require that when students below the ninth grade successfully complete courses offered for credit in grades 9 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.

STANDARD: 8 VAC 20-131-110. Standard and Verified Units of Credit

Locally-Awarded Verified Credit

3. Beginning with the ninth grade class of 2003-2004 and beyond students who do not pass Standards of Learning tests in 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 of Education.

Also, students must have taken a Standards of Learning test in a subject area twice before being able to access this process.

Guidance:

The awarding of verified credit using this process applies only for the Standard Diploma retroactive to the ninth-grade class of 2003-2004. This process does not apply to awarding verified credit for an Advanced Studies Diploma.

No more than four verified credits may be awarded through this process and these may not be used to award verified credits for the Advanced Studies Diploma.

The award of verified credits under this guidance will not be used to recalculate a school's accreditation rating.

To be eligible to earn locally awarded verified credits in science, or history/social science under this guidance, a student must:

- Pass the high school course,
- Score within a 375-399 scale score range on any administration of the Standards of Learning test after taking the test at least twice, and
- Demonstrate achievement in the academic content through an appeal process administered at the local level.

The Board of Education requires that local school boards adopt policies to govern procedures used to award local verified credit. The appeal process will include:

- The appointment by the local school board of a local review panel comprised of at least three educators. Different panels may be appointed for individual schools or groups of schools, at the local school board's discretion.
- The local review panel will review information that provides evidence of the student's achievement of adequate knowledge of the Standards of Learning content. The panel shall have discretion in determining the information to be considered and may include, but not be limited to, results of classroom assessments, divisionwide exams, course grades, and additional academic assignments (e.g., papers, projects, essay or written questions) as deemed appropriate.

- Based on the evidence reviewed, the local review panel may award the verified credit, deny the verified credit, suggest participation in a remedial program and retesting, or make additional academic assignments as deemed appropriate prior to determining whether to award the verified credit.

Mastery of Course Content and Objectives

2. Upon the recommendation of the division superintendent and demonstration of mastery of course content and objectives, qualified students may receive a standard unit of credit and be permitted to sit for the relevant SOL test to earn a verified credit without having to meet the 140-clock-hour requirement.

Guidance:

The division superintendent shall be responsible for identifying the manner in which students demonstrate mastery of course content and objectives for the purposes of this standard. Documentation of such mastery shall be maintained in the student's permanent record.

Expedited Retake

The Board will provide opportunities for students who meet criteria adopted by the Board to have an expedited retake of an end-of-course SOL test to earn verified credit.

Guidance:

The Board of Education has approved the following criteria for students eligible for an expedited retake of an end-of-course Standards of Learning test:

The student must: need the test for verified credit, have passed the course associated with the test, and have met one of the following:

- Failed the test by a narrow margin, or
- Failed the test by any margin and have extenuating circumstances that would warrant retesting, or
- Did not sit for the regularly scheduled test for legitimate reasons.

The “narrow margin” criterion shall be defined as a scaled score of 375-399. The division superintendent will be responsible for making the determination of what constitutes “extenuating circumstances” and “legitimate reasons” for the purposes of establishing eligibility for an expedited retest of an end-of-course Standards of Learning test.

Students pursuing the Modified Standard Diploma shall have opportunities for an expedited retest on the 8th grade (or higher level) tests in the same manner as prescribed in this guidance for students earning verified credit.

Alternative Provisions for Awarding Verified Credit

C. The Board of Education 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 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 SOL content in the course for which verified credit is given.*

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

Guidance:

The Board of Education will accept content-based high school end-of-course tests administered as a part of another state's accountability system for the purpose of awarding verified credit to students who transfer to Virginia public schools. When students transfer to a Virginia public school from a state that requires such high school end-of-course tests, the local school division may automatically accept the student's passing score on the test and the corresponding course for the purposes of awarding verified credit.

When students transfer to a Virginia public school from a state that requires a comprehensive subject area examination as a prerequisite for graduation from high school, the Department of Education, at the request of the division superintendent, will review the examination to determine its suitability for use to award verified credit in the same manner as other substitute tests have been reviewed and recommended for approval. In order for a test to be deemed suitable for use, the test must be approved as part of another state's accountability system and approved through the federal standards and assessment peer review process. Such requests shall be submitted by the division superintendent within 30 days of receipt of the student's record.

The Board of Education may delegate the authority for final approval of these tests to the Superintendent of Public Instruction.

The Board of Education has approved a list of tests acceptable as substitutes for end-of-course Standards of Learning tests and passing scores for those tests. Substitute Tests for Verified Credit may be found at:

<http://www.doe.virginia.gov/VDOE/suptsmemos/2002/inf079a.pdf>

STANDARD: 8 VAC 20-131-150. Standard School Year and School Day

A. The standard school year shall be 180 instructional days. The standard school day for students in grades 1 through 12 shall average at least 5-1/2 instructional hours, excluding breaks for meals and recess, and a minimum of three hours for kindergarten.

Guidance:

Section 22.1-79.1 of the *Code of Virginia* states the following: “C. Individual schools may propose, and local school boards may approve, pursuant to guidelines developed by the Board of Education, alternative school schedule plans providing for the operation of schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is provided for grades one through twelve and 540 hours for kindergarten. No alternative plan that reduces the instructional time in the core academics of English, mathematics, social studies, and science shall be approved.”

The Board of Education is not required to approve an alternative schedule. Local school boards shall ensure that the minimum instructional day shall be at least five and one half instructional hours for grades one through twelve and a minimum instructional day of three hours for kindergarten. In addition, the instructional hour requirements in the four academic areas as outlined in 8 VAC 20-131-80, 8 VAC 20-131-90 and 8 VAC 20-131-110 must be met.

STANDARD: 8 VAC 20-131-240. Administrative and Staff Support; Staffing Requirements

E. The middle school classroom teacher's standard load shall be based on teaching no more than 5/6 (five-sixths) of the instructional day with no more than 150 student periods per day or 30 class periods per week. Beginning with the academic year 2008-2009 a middle school classroom teacher's standard load shall be based on teaching no more than 5/6 (five-sixths) of the instructional day with no more than 150 student periods per day or 25 class periods per week.

F. The secondary classroom teacher's standard load shall be based on teaching no more than 5/6 (five-sixths) of the instructional day with no more than 150 student periods per day or 25 class periods per week. Teachers of block programs that encompass more than one class period with no more than 120 student periods per day may teach 30 class periods per week. Teachers who teach very small classes may teach 30 class periods per week, provided the teaching load does not exceed 75 student periods per day. If a classroom teacher teaches 30 class periods per week with more than 75 student periods per day, an appropriate contractual arrangement and compensation shall be provided.

G. Middle or secondary school teachers shall teach no more than 750 student periods per week; however, physical education and music teachers may teach 1,000 student periods per week.

H. Notwithstanding the provisions of subsections E, F, and G each full-time middle and secondary classroom teacher shall be provided one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

The standards noted above were established based on the funding formula in the Standards of Quality. The Standards of Quality, in § 22.1-253.13:2.C. require that “school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.” Language in this section of the standards reflects the intent of the Standards of Quality.

Guidance:

The amount of time allocated for the unencumbered planning period should be based on the length of an instructional day in minutes regardless of the scheduling configuration used by the school.

STANDARD: 8 VAC 20-131-280. Expectations for School Accountability

Calculating Accreditation Ratings of Schools

B. Each school shall be accredited based, primarily, on achievement of the criteria established in 8 VAC 20-131-30 as specified below:

1. The percentage of students passing the Virginia assessment program tests in the four core academic areas administered in the school, with the accreditation rating calculated on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or on the current year's scores, whichever is higher.

2. The number of students who successfully complete a remediation recovery program.

3. Schools, with grade configurations that do not house a grade or offer courses for which SOL tests or additional tests approved by the Board of Education as outlined in 8 VAC 20-131-110 are administered, will 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 will be made upon the recommendation of the local superintendent. The schools should have a "feeder" relationship and the grades should be contiguous.

Guidance:

Accreditation ratings awarded in an academic year are based upon test scores from the academic year immediately prior to the year to which the rating applies. A school's accreditation rating reflects overall achievement in English, mathematics, science, and history/social science. Schools in which students meet or exceed achievement benchmarks established by the Board of Education in these four major content areas are eligible to be rated as fully accredited.

In calculating accreditation ratings, allowances are made for certain transfer students, students who speak little or no English, and students who pass retakes of tests after receiving remedial instruction. These allowances result in adjusted pass rates, which are used to determine accreditation ratings. In some cases, all of the tests given in a subject area at different grade levels in a school may be combined to calculate one overall pass rate in the subject for the entire school.

Accreditation Ratings Awarded in 2006-2007 Based Upon Tests Administered in 2005-2006:

High schools and middle schools are eligible to be rated fully accredited if students achieve adjusted pass rates of 70 percent or above in all four content areas. A combined adjusted pass rate of at least 75 percent on English tests in grades 3 and 5 is required for full accreditation eligibility at the elementary school level, and for other schools with students in these grades. For grade 4, the adjusted pass rate for English tests is at least 70 percent for 2006-2007 only.

Elementary schools also must achieve an adjusted pass rate of at least 70 percent in mathematics and in grade 5 science and grade 5 history, and pass rates of at least 50 percent in grade 3 science and grade 3 history. The following table illustrates the benchmarks for 2006-2007 ratings:

<u>Subject</u>	<u>Grade 3</u>	<u>Grade 4 (2006-2007 Ratings only)</u>	<u>Grade 5</u>	<u>Grades 6-12</u>
English	75%	70%	75%	70%
Mathematics	70%	70%	70%	70%
Science	50%	-	70%	70%
History/Social Science	50%	-	70%	70%

For those schools with grade configurations where multiple pass rates apply, the test results may be combined in each of the four core areas provided the school chooses to meet the higher pass rate.

Superintendent’s memo regarding pass rates for reading and mathematics for the 2006-2007 school year may be accessed at:

<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/inf048.html>

Accreditation Ratings Awarded in 2007-2008, 2008-2009, and 2009-2010 Based Upon Tests Administered in 2006-2007, 2007-2008, and 2008-2009: High schools and middle schools are eligible to be rated fully accredited if students achieve adjusted pass rates of 70 percent or above in all four content areas. A combined adjusted pass rate of at least 75 percent on English tests in grades 3 through 5 is required for full accreditation eligibility at the elementary school level, and for other schools with students in these grades. Elementary schools also must achieve an adjusted pass rate of at least 70 percent in mathematics and in grade 5 science and grade 5 history, and pass rates of at least 50 percent in grade 3 science and grade 3 history. The following table illustrates these benchmarks for ratings awarded in 2007-2008 through 2009-2010:

<u>Subject</u>	<u>Grade 3 & 4</u>	<u>Grade 5</u>	<u>Grades 6-12</u>
English	75%	75%	70%
Mathematics	70%	70%	70%
Science	50%	70%	70%
History/Social Science	50%	70%	70%

For those schools with grade configurations where multiple pass rates apply, the test results may be combined in each of the four core areas provided the school chooses to meet the higher pass rate.

Accreditation Ratings Awarded Beginning in 2010-2011 Based Upon Tests Administered Beginning in 2009-2010: For all grades (K through 12), the pass rates shall be at least 75 percent in English and 70 percent in mathematics, science, and history/social science.

The following table illustrates these benchmarks for ratings awarded in 2010-2011 and beyond:

<i>Subject</i>	<i>All Grades</i>
English	75%
Mathematics	70%
Science	70%
History/Social Science	70%

Waivers for Special Purpose Schools

- A. Subject to the provisions of 8 VAC 20-131-330, the governing school board of special purpose schools such as those provided for in § 22.1-26 of the Code, 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 of Education. 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, Advanced Studies, or Modified Standard Diploma must meet the requirements prescribed in 8 VAC 20-131-50.*

Guidance:

Schools described in this standard are those that serve as a student’s school of principal enrollment and where students are reported in fall membership for the school. Fall membership determines whether or not these schools are subject to the provisions of these standards; therefore, schools reporting fall membership are subject to the provisions of the standards.

In accordance with the provisions of 8 VAC 20-131-330 of the standards, local school boards may seek waivers of provisions of the standards to address the unique needs of special purpose schools. Such requests may include an alternative accreditation plan. Applications must be submitted to the Board for consideration at least ninety days prior to August 1 of the school year. Requests for consideration must be accompanied by information that documents the need for approval of the request. The chair of the local school board and the division superintendent are expected to be in attendance at the Board of Education meeting when the proposal is considered.

As part of the approval process, the Board of Education will consider the following criteria:

Alternative Accreditation Accountability Criteria

1. The mission, purpose, and target population of the school justify its categorization as a “special purpose” school and, therefore, the school is eligible to request an alternative accreditation plan.

2. The characteristics and special needs of the student population are clearly defined, and the criteria for student placement require parental consultation and agreement.
3. The program of instruction provides all students with opportunities to study a comprehensive curriculum that is customized to support the mission of the school and the student population's success in achieving the Standards of Learning.
4. The school provides transition planning to help students be successful when they return to a regular school setting.
5. Strategies used to evaluate student progress are aligned to the mission/purpose of the school and include standards-based academic achievement measures.
6. Convincing evidence has been provided that students who are enrolled in the school have not been successful in other schools subject to all the accrediting standards.
7. Students will be taught by highly qualified teachers who meet the Board of Education's licensure requirements for instructional personnel.
8. Rationale and documentation provide convincing evidence that the "special purpose" nature of the school precludes its being able to reach and maintain full accreditation status as defined in these standards.
9. Alternative accreditation criteria described in the plan include academic achievement measures that are objective, measurable, and directly related to the mission and purpose of the school.
10. The plan includes use of statewide assessment student achievement results of English and mathematics.
11. The plan meets the testing requirements of these standards.
12. The plan meets the testing requirements of the federal *No Child Left Behind Act of 2001* (NCLB) and describes how the school plans to meet "adequate yearly progress" requirements of the federal law.
13. The plan provides convincing evidence that all pre-accreditation eligibility criteria are met for standards in which waivers have not been requested.
14. Waivers have been requested for accrediting standards that are not being met, and the rationale for the waivers are clear and appropriate for the mission/purpose of the school.

STANDARD 8 VAC 20-131-290. Procedures for Certifying Accreditation Eligibility

Experimental or Innovative Programs

D. With the approval of the local school board, local schools seeking to implement experimental or innovative programs, or both, that are not consistent with these standards shall submit a waiver request, on forms provided, to the board for evaluation and approval prior to implementation. The request must include the following:

- 1. Purpose and objectives of the experimental/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.*

Except as specified below, the board may grant, for a period up to five years, a waiver of these regulations 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. Waivers of requirements in 8 VAC 20-131-30, 8 VAC 20-131-50, 8 VAC 20-131-70, and 8 VAC 20-131-280 through 8 VAC 20-131-340 shall not be granted, and no waiver may be approved for a program which would violate the provisions of the Standards of Quality.

Guidance:

This standard allows school boards to apply for approval of experimental or innovative programs that are not consistent with these standards. The Board may grant approval of such programs for up to five years; however, the regulations prohibit the Board from granting waivers to requests that do not meet the requirements of 8 VAC-20-131-30 - Student Achievement Expectations, 8 VAC 20-131-50 - Requirements for Graduation, 8 VAC 20-131-70 - Program of Instruction and Learning Objectives, and/or 8 VAC 20-131-280 through 340 - School Accreditation.

In 1998, the Board adopted the following definitions for experimental and innovative programs:

"An experimental program shall be a program which is operated under controlled circumstances and which is designed to test and to establish, by objective measures, the positive cognitive effect of an educational theory."

"An innovative program shall be a program shown to produce a positive educational effect but which does not meet standard operating or procedural requirements."

STANDARD: 8 VAC 20-131-310. Action Requirements for Schools That Are Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation

Academic Review

A. With such funds as are appropriated by the General Assembly, the Department of Education shall develop a school academic review process and monitoring plan designed to assist schools rated as Accredited with Warning. All procedures and operations for the academic review process shall be approved and adopted by the board.

Guidance:

Schools rated Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation must undergo an academic review in accordance with guidelines adopted by the Board and prepare a school improvement plan as required by 8 VAC 20-131-310 F. The school-level academic review is designed to help schools identify and analyze instructional and organizational factors affecting student achievement. The focus of the review process is on the systems, processes, and practices that are being implemented at the school and division levels.

The school-level academic review process is tailored to meet the unique needs and circumstances presented by the school. The first year that a school is rated “accredited with warning” an academic review team conducts a comprehensive review of the areas related to the systems, processes, and practices that are being implemented at the school and division levels as indicated above. Throughout the school’s continued status in warning, the academic review process is designed to monitor the implementation of the school improvement plan and provide technical assistance to support the school’s improvement efforts.

The division superintendent may request that the school division be allowed to conduct their own academic review process of schools accredited with warning, using their own established processes. Such requests must be sent to the Superintendent of Public Instruction for approval. The request must show that the proposed process and areas of review address the components of the school-level academic review process approved by the Board of Education.

School Improvement Plan

Schools rated Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation must undergo an academic review in accordance with guidelines adopted by the board and prepare a school improvement plan as required by 8 VAC 20-131-310 F.

B. Any school that is rated Accredited with Warning in English or mathematics shall adopt a research based instructional intervention that has a proven track record of success at raising student achievement in those areas as appropriate.

C. The superintendent and principal shall certify in writing to the Board of Education that such an intervention has been adopted and implemented.

D. The board shall publish a list of recommended instructional interventions, which may be amended from time to time.

E. Adoption of instructional interventions referenced in subsections B and D of this section shall be funded by eligible local, state, and federal funds.

F. A three-year School Improvement Plan must be developed and implemented, based on the results of an academic review of each school that is rated Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation upon receipt of notification of the awarding of this rating and receipt of the results of the academic review. The plan:

1. Shall be developed with the assistance of parents and teachers and made available to the public;

2. Must include the components outlined in subsection G of this section; and

3. Must be approved by the division superintendent and the local school board and be designed to assist the school in meeting the student achievement standard to be Fully Accredited as outlined in 8 VAC 20-131-300.

G. The improvement plan shall include the following:

1. A description of how the school will meet the requirements to be Fully Accredited, for each of the years covered by the plan;

2. Specific measures for achieving and documenting student academic improvement;

3. A description of the amount of time in the school day devoted to instruction in the core academic areas;

4. Instructional practices designed to remediate students who have not been successful on SOL tests;

5. Intervention strategies designed to prevent further declines in student performance;

6. Staff development needed;

7. Strategies to involve and assist parents in raising their child's academic performance;

8. The need for flexibility or waivers to state or local regulations to meet the objectives of the plan; and

9. A description of the manner in which local, state, and federal funds are used to support the implementation of the components of this plan.

As part of its approval of the school improvement plan, the board may grant a local school board a waiver from the requirements of any regulations promulgated by the board when such a waiver is available.

H. The school improvement plan and related annual reports submitted to the board shall provide documentation of the continuous efforts of the school to achieve the requirements to become rated Fully Accredited. The board shall adopt and approve all policies and formats for the submission of annual reports under this section. The reports shall be due no later than October 1 of the school year.

Guidance:

In accordance with these standards, three-year school improvement plans developed by schools Accredited with Warning must be submitted to the Department no later than October 1 of the school year. If a local school board determines that waivers of state or local regulations are necessary to meet the goals and objectives of the plan, an application for a waiver must be submitted no later than June 1. This will allow the Board of Education to consider the waiver prior to the local school board's final approval and submission of the improvement plan to the Department.

Additional information can be found on the Department's Web site under School Improvement at: <http://www.doe.virginia.gov/VDOE/SchoolImprovement/>, including two links on this Web page titled: "Suggested format for three-year school improvement plans (Word document)" and "October 1 Status Report directions and suggested format (Word document)."

STANDARD: 8 VAC 20-131-315. Action Requirements for Schools That Are Denied Accreditation

School Division Requirements

A. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and shall provide parents of enrolled students and other interested parties with the following:

1. Written notice of the school's accreditation rating within 30 calendar days of the notification of the rating from the Department of Education;

2. A copy of the school division's proposed corrective action plan, including a timeline for implementation, to improve the school's accreditation rating; and

3. An opportunity to comment on the division's proposed corrective action plan. Such public comment shall be received and considered by the school division prior to finalizing the school's corrective action plan and a Board of Education memorandum of understanding with the local school board.

Guidance:

Interested parties are stakeholders that are identified by the local school board and should include the local governing body.

The Department shall notify the school division of its accreditation rating. If the division determines that the rating may be inaccurate, the division superintendent shall notify the Department. The process of notifying students, parents, and interested parties of the "Accreditation Denied" rating as well as the development of a corrective action plan should begin when ratings are released.

In the corrective action plan submitted to the Board of Education, the division/school must provide evidence that the three requirements in 8 VAC 20-131-315 A have been met. Evidence includes, but is not limited to: 1) a copy of the written notice provided to parents, students, and interested parties of the school's rating to include the date of the release of the notice; 2) information regarding the prominent posting on a school division's Web site of the corrective action plan and evidence that this plan is available in hard-copy form upon request; and 3) a description of the public comment process along with a summary of public comments received.

Memorandum of Understanding

B. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school

board. The local school board shall submit a corrective action plan to the Board of Education for its consideration in prescribing actions in the memorandum of understanding within 45 days of the notification of the rating. The memorandum of understanding shall be entered into no later than November 1 of the academic year in which the rating is awarded.

The local board shall submit status reports detailing implementation of actions prescribed by the memorandum of understanding to the Board of Education. The status reports shall be signed by the school principal, division superintendent, and the chair of the local school board. The school principal, division superintendent, and the chair of the local school board may be required to appear before the Board of Education to present status reports.

The memorandum of understanding may also include but not be limited to:

- 1. Undergoing an educational service delivery and management review. The Board of Education shall prescribe the content of such review and approve the reviewing authority retained by the school division.*
- 2. Employing a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success.*

Guidance:

Memorandum of Understanding (MOU) Preparation: The Memorandum of Understanding (MOU) is signed by the President of the state Board of Education, the chairman of the local school board, the division superintendent, and the Superintendent of Public Instruction. The Board of Education’s review and approval process for each MOU may include a review by a committee of the Board, approval by the full Board and signatures of the President of the Board of Education and the Superintendent of Public Instruction on each MOU. The Board may also delegate the review and final approval of each MOU to the President of the Board of Education and the Superintendent of Public Instruction.

The contents of the MOU will vary depending upon: 1) the unique characteristics of the school; 2) the causes for its “Accreditation Denied” rating; 3) the goals to improve student achievement for the particular school; and 4) the goals to reach full accreditation.

The corrective action plan should address the following:

- ✓ What is the current status of the school and what are the areas of deficiency?
- ✓ What is the long-range vision for the school?
- ✓ What goals, objectives, and strategies will be used to get the school to full accreditation?
- ✓ What is the projected timeline to accomplish the goal of full accreditation? Why was this particular timeline chosen?
- ✓ How will the school maintain full accreditation status once obtained?

The Department's School Improvement Office offers technical assistance documents to assist schools and school divisions with the development and evaluation of corrective action plans submitted to the Board that would become the basis for the MOU.

Status Reports Prescribed by the MOU: The local board shall submit status reports detailing implementation of actions prescribed by the MOU to the Board of Education. The status reports shall be signed by the school principal, division superintendent, and the chair of the local school board. The school principal, division superintendent, and the chair of the local school board may be required to appear before the Board of Education to present these status reports.

Each status report provided needs to outline school progress in accordance with the goals and objectives outlined in the MOU. These reports shall be submitted to the Board of Education on a quarterly basis from the date of approval of the MOU unless otherwise specified.

Other Elements for Inclusion in the MOU: The MOU may also include but not be limited to:

1. Provisions for the school undergoing an educational service delivery and management review. The Board of Education shall prescribe the content of such review and approve the reviewing authority retained by the school division.
2. Employment of a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success.

Reconstitution

C. As an alternative to the memorandum of understanding outlined in subsection B, a local school board may choose to reconstitute a school rated Accreditation Denied and apply to the Board of Education for a rating of Conditionally Accredited. The application shall outline specific responses that address all areas of deficiency that resulted in the Accreditation Denied rating and may include any of the provisions of subsection B.

“Reconstitution” means a process that may be used to initiate a range of accountability actions to improve pupil performance, curriculum, and instruction to address deficiencies that caused a school to be rated Accreditation Denied which may include, but not be limited to, restructuring a school’s governance, instructional program, staff or student population.

Guidance:

Any local school board applying for a “Conditionally Accredited” rating must appear before the Board to make this request and present evidence that such reconstitution is designed to improve student achievement and result in a “Fully Accredited” rating. Evidence must, at a minimum,

include, but not be limited to, outlining the specific target areas within the reconstituted school structure and how these areas in the reconstituted structure address the deficiencies that caused the school to be rated “Accreditation Denied.” The Board expects that such requests will be received within 45 days of the notification of the rating.

If a local school board chooses to reconstitute a school, it may annually apply for an accreditation rating of “Conditionally Accredited” as provided for in 8 VAC 20-131-300.D.6. The “Conditionally Accredited” rating may be granted for a period not to exceed three years if the school is making progress toward a rating of “Fully Accredited” in accordance with the terms of the Board’s approval of the reconstitution application. The school shall revert to a status of “Accreditation Denied” if it fails to meet the requirements to be rated “Fully Accredited” by the end of the three-year term or if it fails to have its annual application for such rating renewed.

Closing a School

D. The local school board may choose to close a school rated Accreditation Denied or to combine such school with a higher performing school in the division.

Guidance:

The Office of Data Administration within the Department of Education has procedures already in place for closing or combining schools. Additional information may be found at: <http://www.doe.virginia.gov/VDOE/suptsmemos/2006/adm021.html>.

Annual Reports

E. A local school board that has any school with the status of Accreditation Denied shall annually report each school’s progress toward meeting the requirements to be rated Fully Accredited to the Board of Education. The local board shall submit such report in a manner prescribed by the Board of Education no later than October 1 of each year. Such reports on each school’s progress shall be included in the Board of Education’s annual report on the condition and needs of public education to the Governor and the General Assembly...

Guidance:

The annual progress report should be a summary of progress for the previous school year that provides information on the school’s efforts toward meeting the goals and objectives of the MOU. The chairman of the local school board may be asked to appear before the Board should this report not be submitted by the October 1 deadline.