

# Board of Education Agenda Item

Item: D.

Date: March 22, 2006

Topic: Second Review of the Proposed Revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.)

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

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## 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: May 24, 2006

## Previous Review/Action:

No previous board review/action

Previous review/action  
date June 22, 2005 and October 26, 2005  
action June 22, 2005: First Review of the Proposed Revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.) and October 22, 2005: First Review of Additional Revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.)

**Background Information:** Section 22.1-253.13:3 of the Code of Virginia requires the Board of Education to promulgate Standards of Accreditation for Virginia's K-12 public schools. The Code states:

The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ [2.2-4000](#) et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The current regulations were adopted by the Board of Education on July 29, 2000, and became effective September 28, 2000. Those regulations included provisions that served as a transition to the current more rigorous requirements for school accountability and student achievement. Those transitional provisions are now obsolete or outdated. Furthermore, Virginia's accountability system has matured, and it is time to undertake a comprehensive review of the accrediting standards, especially in the areas of consequences for those schools that fail to meet the accountability requirements, and incentives for schools that are achieving success.

A Notice of Intended Regulatory Action (NOIRA) required by the Virginia Administrative Process Act (APA) was published in the *Virginia Register* on March 21, 2005, to advise the public of the Board's intent to conduct a comprehensive review of the regulations. No comments from the public were received.

The first review of the proposed changes to these regulations was presented to the Board on June 22, 2005. On October 26, 2005, the Board accepted Governor Warner's recommendation to add language requiring students in elementary and middle schools to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the Board of Education.

The 60 day public comment period began on November 28, 2005, and ended on January 31, 2006. However, staff accepted public comments on behalf of the Board beginning June 22, through March 7, 2006, when the latest comment was received. On January 17, the Board held five public hearings in Chesapeake, Leesburg, Highland Springs, Waynesboro, and Wytheville. A total of 49 people spoke at the five hearings: four in Chesapeake, 18 in Highland Springs, 11 in Leesburg, seven in Waynesboro, and nine in Wytheville. In addition, 351 individuals and organizations submitted written comments during the public comment period. A summary of the comments is attached.

**Summary of Major Elements:** The following changes are proposed:

8 VAC 20-131-05. Definitions.

- The definitions of "class period," "planning period," and "student periods" are added to clarify the references to 8 VAC 20-131-240 regarding the middle and secondary classroom teacher's standard load and planning period.
- The definition of "recess" is added to clarify that it is a segment of time in which students are given a break from instruction.
- The definition of "reconstitution" is added, in reference to 8 VAC 20-131-315 regarding a school that is denied accreditation.

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

- Language regarding the Modified Standard Diploma that was stricken in the proposed revisions has been restored. This language specifies that:
  1. The informed, written consent of the parent is required,
  2. The student who has chosen to pursue a Modified Standard Diploma shall be allowed to pursue a Standard or Advanced Studies Diploma at any time in the student's high school career, and
  3. The student must not be excluded from courses or tests required for a Standard or Advanced Studies Diploma.
- Language about the diploma seals clarifies that a student may earn more than one seal.

- Language further clarifies that the licenses and examinations for the Board of Education's Career and Technical Education Seal and Advanced Mathematics and Technology Seal must be approved by the Board.

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

- Language was revised to clarify that students transferring from Virginia public schools and nonpublic schools accredited by one of the constituent members of the Virginia Council for Private Education shall be recognized for all grade-level work completed in grades K-8. The academic records of students from all other schools shall be evaluated to determine appropriate grade placement.
- Language specifies that all secondary schools shall accept credits toward graduation from nonpublic schools accredited by one of the constituent members of the Virginia Council for Private Education.
- Additional language specifies that nothing in the regulations prohibits public schools from accepting standard credits towards graduation from all other schools when the course generally matches the course for which the receiving school gives standard credit and the school from which the student transfers certifies that the course meets the requirements for a standard credit, as specified in these regulations.
- A provision is added to allow a student who transfers to a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade, who is pursuing a Standard Diploma, and who completes a career and technical education program sequence to substitute the certificate, occupational competency credential, or license for either a science or a history or social science verified credit.

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

- Language simply clarifies that students who were in the ninth-grade class of 2003-2004 and beyond may be eligible to earn locally awarded verified credits from the local school board.

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

- A revision is made to specify that guidance counselors for elementary schools shall provide a minimum of 60 percent of the time devoted to counseling of students. This provision currently applies to guidance counselors in middle and secondary schools,
- Language clarifies that 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. It also clarifies that middle and secondary teachers' standard load shall be based on teaching no more than 5/6 of the instructional day, with no more than 150 student periods per day or 25 class periods per week.

8 VAC 20-131-300. Application of the Standards.

- The accreditation rating, Accreditation Withheld/Improving School Near Accreditation, is restored for school year 2006-2007, based on the assessments taken in school year 2005-2006. The accreditation rating expires at the end of school year 2006-2007.
- Language clarifies that accreditation ratings awarded in an academic year are based upon Virginia assessment program scores from the academic year immediately prior to the year to which the accreditation rating applies.
- Language further clarifies that the provisions of the current Standards of Accreditation apply to accreditation ratings awarded for academic year 2006-2007, based on assessments taken in 2005-2006.

- Additional language clarifies that a school that is reconstituted and is Conditionally Accredited may have its accreditation rating revert to Accreditation Denied if it fails to be Fully Accredited or fails to have its annual application for such rating renewed.

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

- Language is moved from 8 VAC 20-310-40 to this section. The language says that schools rated Accredited with Warning must undergo an academic review and prepare and implement a school improvement plan.
- Language also specifies that schools rated Accreditation Withheld/Improving School Near Accreditation must also undergo an academic review and prepare and implement a school improvement plan.

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

- A new section is added for clarity. Language about the requirements for schools denied accreditation is moved from 8 VAC 20-131-340 to this section.
- The sequence and timing of these provisions has been modified:
  - ✓ Any school rated Accreditation Denied must notify the parents and other interested parties of the accreditation rating within 30 calendar days of receiving the notification, and must provide them with a copy of the proposed corrective action plan and an opportunity to comment on the corrective action plan.
  - ✓ The school is 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 must submit a corrective action plan to the Board of Education within 45 days of the notification of the rating, for consideration in the memorandum of understanding.
  - ✓ The memorandum between the Board of Education and the local school board shall be entered into no later than November 1 of the year in which the accreditation rating is awarded.
  - ✓ The local school board must submit status reports to the Board of Education, and the principal, division superintendent, and chair of the school board may be required to appear before the Board of Education to present the status reports.
- The option for reconstituting a school has been modified. If the local school board chooses to reconstitute a school, it must apply annually for an accreditation rating of Conditionally Accredited. The Conditionally Accredited rating may be granted for up to three years if the school is making progress toward a rating of Full Accreditation in accordance with the terms of the approval of the application.
- The provisions about replacing staff, hiring a management firm, or converting to a charter school are no longer included as examples of reconstitution.

8 VAC 20-131-330. Waivers.

- This section is moved to 8 VAC 20-131-350.

8 VAC 20-131-340. Academic Reviews, Special Provisions, and Sanctions.

- The provisions relating to academic reviews and Accreditation Denied are moved to 8 VAC 20-131-310 and 8 VAC 20-131-315. The section is renamed “Special Provisions and Sanctions.”

- A provision is added to specify that withholding of a school's accreditation rating shall not be considered an interruption of the three consecutive year period for purposes of receiving an Accreditation Denied status.

8 VAC 20-131-350. Waivers.

- This section is moved from 8 VAC 20-131-330.

8 VAC 20-131-360. Effective Date.

- Unless otherwise specified, these regulations are effective for the 2006-2007 school year.

Minor editorial changes are recommended for clarity and consistency.

There were a number of comments received with recommendations that would result in a fiscal impact on local school divisions or a major change in policy. Those recommendations were not included in this draft because they represented significant changes from the original proposal; however, the Board may wish to consider these recommendations further at a later date.

**Superintendent's Recommendation:** The Acting Superintendent of Public Instruction recommends that the Board of Education accept the proposed revisions for second review, and authorize an additional 30 days of public comment.

**Impact on Resources:** The impact on resources for revision of these regulations is not expected to be significant.

**Timetable for Further Review/Action:** The proposed revisions to the regulations will be presented to the Board of Education for approval on May 24, 2006.

**Proposed Revisions to the  
Regulations Establishing Standards  
for Accrediting Public Schools in Virginia**

**Summary of Public Comment**

**8 VAC 20-131-05. Definitions.**

- A definitions section is proposed to consolidate and clarify terms used in these regulations.

**Public Comment:**

- Superintendents in Regions VI and VII applauded this clarification.
- The Parents Across Virginia United to Reform SOLs (PAVURSOL) commented that the standards should define “graduation rates” as the percentage of ninth graders who leave with a diploma four years later, taking into account transfers into and out of schools and divisions.
- Two comments supported including a definition of graduation rate in the standards.
- One comment requested that the standards clarify the definition of “school” to include language about corrective action when schools do not meet pre-accreditation requirements such as “...and/or has developed and implemented corrective action plans for those requirements it does not meet...”

**8 VAC 20-131-10. Purpose.**

- Language would clarify that these regulations do not apply to schools licensed under other state regulations (such as state-operated programs licensed under the Standards for Interdepartmental Regulation of Children’s Residential Facilities).

**Public Comment: None**

**8 VAC 20-131-20. Philosophy, Goals, and Objectives.**

- A new objective, to increase graduation rates, would be added to the goals and objectives.

**Public Comment:**

- PAVURSOL commented that the definition of “graduation rates” as it proposes in 8 VAC 20-131-05 should be cross-referenced here.

**8 VAC 20-131-30. Student Achievement.**

- Students who are accelerated would take the tests for the grade level of the content received in instruction.
- Remediation recovery would be expanded from K-8 to K-12 in English (reading) and mathematics. The retesting provision would no longer be needed with annual testing in grades three through eight. The application of remediation recovery to a school’s accreditation ratings would continue to be defined in Board guidelines.

- Language would be added to reference § 504 plans, as well as Individualized Education Programs (IEP) for students with disabilities.
- Foreign exchange students would be required to take Standards of Learning (SOL) tests when taking courses for credit, but would not be required to take the tests for courses if they audit the course.

**Public Comment:**

- PAVURSOL commented that in subsection B the proposed revisions regarding eighth graders implies that they should be retained or promoted based solely on SOL test scores equating passing the tests with “basic mastery” of the SOL and failing the tests with lack of mastery. The organization states that for all students, not just K-8 students, SOL and other test scores should be used “as part of a set of multiple criteria for determining the promotion or retention of students.”
- PAVURSOL commented that in subsection C remediation recovery “bonus points” should be set out in the SOA and no longer explained in Board of Education guidelines.
- PAVURSOL opposes taking away Limited English proficiency (LEP) students’ one-time exemption from K-8 testing in each of the four core areas and replacing it with an exemption only from science and history/social science testing. PAVURSOL believes that this will force these students to attend summer or other remedial classes solely for failing SOL tests causing such students to lose parts of their summers, afternoons, or elective or other classes, based on scores on tests given in English.
- Three comments opposed taking away the one-time exemption in reading and math SOL tests for LEP students.
- Alleghany County advocates for the Standard English Language Proficiency (SELP) test to continue to be a one-time substitute for the reading SOL assessment if the standards eliminate the one-time exemption for LEP students on the reading SOL tests.
- Two comments support continuing remediation recovery in general.
- Eight comments support remediation recovery as it currently exists.
- The Virginia Mathematics and Science Coalition supports expanding remediation recovery to high school math. The Region 7 superintendents also support the provision.
- The Virginia Mathematics and Science Coalition supports language to require additional math instruction similar to the requirement for additional reading instruction at all levels.
- Loudoun County expressed concern about the growth of LEP students and the need to get them up to speed for SOL tests. Is seeking any assistance they can get with staffing and time to get these students up to speed.
- The Virginia Education Association (VEA) supports the addition of students with § 504 plans for special dispensations in the accountability system. The Region VII superintendents and one additional comment are in support of this measure.
- The Virginia Education Association (VEA) supports adding the reference to § 504 plans since both the IEP and the § 504 Plan should prescribe appropriate assessments for students with disabilities.

**8 VAC 20-131-40. Literacy Passport Tests.**

- The section would be repealed, as it is obsolete and the tests are no longer administered.

**Public Comment: None**

**8 VAC 20-131-50. Requirements for Graduation.**

- The Board's current policy that allows students to earn a verified credit for the student-selected test if they complete a career and technical program sequence and earn an industry certification, state license, or occupational competency credential would be added to the regulations.
- For a standard diploma, when the certification, license, or credential confers more than one verified credit, a second verified credit could be substituted for a verified unit of credit in science or history and social science.
- Language would clarify that every student would pursue a Standard or Advanced Studies Diploma, but the Modified Standard Diploma would still be an option for students with disabilities, if determined appropriate by the IEP team.
- The requirements for the Governor's Seal would be revised. Students would be able to receive the seal if they earn an Advanced Studies Diploma with a B average or better, and successfully complete college-level coursework in three Advanced Placement, International Baccalaureate, Cambridge, or dual enrollment courses.
- The requirements for the Board of Education Seal would be revised. Students would receive the seal if they have an A average, whether they earn a Standard or an Advanced Studies Diploma.
- The requirements for the Board of Education's Career and Technical Education Seal would be revised to clarify that the student may pass an occupational competency exam, or earn an industry certification or state license approved by the Board of Education.
- The requirements for the Board of Education's Seal for Excellence in Civics Education would be added. (These requirements are currently in guidelines; the seal itself is established in § 22.1-253.13:4 of the Code of Virginia).

**Public Comment:**

- Five comments supported a three-year of one foreign language requirement for the Standard Diploma.
- Ten comments supported a four-year of one foreign language requirement for the Advanced Studies Diploma, and the elimination of the options to take two years of two foreign languages for the Advanced Studies Diploma.
- One comment supported three years of two foreign languages or four years of one foreign language as graduation requirements.
- VEA, Virginia Parent Teacher Association (PTA), Region VII superintendents, Virginia Beach General Advisory Council for Technical and Career Education, Hampton Roads Workforce Development Board for Area XVI, and seven other comments supported the revisions regarding the use of Career and Technical Education (CTE) courses to fulfill the student selected verified credit and to substitute for a verified credit in history and social science or science.
- One comment supported mandating two years of a foreign language for the Standard Diploma.
- Just Children commented that the revisions to the requirements for the Modified Standard Diploma present what it perceives to be as a threat of decreasing access to the general

curriculum for students with disabilities. Just Children viewed the revised language as not preserving the requirements that schools obtain informed written consent of both students and parents before assigning students with disabilities to the Modified Standard Diploma track; and by not preserving the requirement that students with disabilities not be excluded from certain courses and tests once the IEP team chooses the Modified Standard Diploma option.

- PAVURSOL supports allowing a second verified credit in science or history/social science for Standard Diplomas to be satisfied by certification, license or credential conferring more than one verified credit. PAVURSOL believes this same opportunity should be extended to students pursuing an Advanced Studies Diploma, students in special visual or performing arts programs.
- PAVURSOL opposes what it perceives as eliminating requirements to obtain informed written consent of both students and parents before assigning students with disabilities to the Modified Standard Diploma track; to ensure that students may pursue a Standard or Advanced Studies Diploma at any time; and that students with disabilities not be excluded from certain courses and tests needed to earn a Standard or Advanced Studies Diploma.
- PAVURSOL opposes basing the “Governor’s Seal” (or any other seal or award) on a specified number of college credits earned via AP or IB exam scores. Virginia students do not need another layer of standardized-test-based evaluation or distinction, and not all students can afford to pay for these exams and not all school divisions pay for those who cannot afford them.
- Eight additional comments opposed the revisions that they perceived as eliminating the requirements to ensure students with disabilities are not excluded from certain courses and tests needed to earn a Standard or Advanced Studies Diploma.
- Eight additional comments opposed the revisions that they perceived as eliminating the requirement to obtain informed written consent of both students and parents before assigning students with disabilities to the Modified Standard Diploma track.
- Alleghany County public schools anticipate problems with industry certifications at high school because none of its teachers have the credentials to teach those certifications. The industry certifications revisions will require additional training for teachers.
- Two comments proposed expanding the list of electives available for students to graduate with a standard or other diploma to incorporate international perspectives including two sequential electives on Contemporary World Regions (NAFTA, Europeans Union, China, etc.) and Contemporary World Religions or Contemporary World Environments.
- The Virginia Credit Union, the Virginia State Corporation Division of Securities and Retail Franchising, Virginia Society of Certified Public Accountants and Senate Majority Leader Walter A. Stosch and Senator Russell Potts advocated for requiring a personal finance course as a requirement for high school graduation.
- Seven additional comments (including the Virginia Jump \$tart Coalition on Personal Financial Literacy and the Financial Literacy Committee for Virginia Credit Unions) advocated for requiring a personal finance course as a requirement for high school graduation.
- Region VII superintendents are concerned that special diplomas and certificates of program completion are no longer available.

- Region VII superintendents support the addition of the Civics Education Seal to the regulations. One teacher voiced support as well.
- One comment stated striking “or certificate” on line 224 may conflict with other language in the section relating to graduation from high school.
- Voices for Virginia’s Children commended the department for making locality graduation rates available on its Web site.
- One comment urged the Board not to adopt a graduation rate target.

**8 VAC 20-131-60. Transfer Students.**

- Language would be added to clarify that for students entering Virginia public schools below the secondary school level, the placement in grade is the responsibility of the local school board. At the secondary school level, language clarifies that credits earned in schools accredited by agencies recognized by the U. S. Department of Education are automatically acceptable for transfer credit, in addition to those credits earned in schools that are members of Virginia Council for Private Education (VCPE), as currently specified in the regulations. Coursework earned in schools accredited by a non-recognized agency would be evaluated by the local school division.

**Public Comment:**

- Ten comments support Old Dominion Association of Church Schools (ODACS) proposal to add language specifically addressing transfer of credit from non-accredited private schools.
- The Virginia Council for Private Education (VCPE) is concerned about the proposed changes to the language in the transfer section related to other accrediting agencies.
- The VEA supports the idea of evaluating students’ prior work when they transfer from schools that are not accredited by a recognized agency. If provisions are necessary in the SOA, it is hoped they would be procedural only and that the final accountability rests with the local school division.
- One comment from Department of Defense Education Activity supports changes in transfer section, especially the proposal that would allow the BOE to accept other states’ end-of-course tests.
- One comment stated it is unreasonable to discriminate against students who previously attended private schools when they want to return to public schools. They must take a teacher-made test if they want to transfer the credits.
- The VEA supports clarification that coursework earned in schools accredited by a non-recognized agency should be evaluated by the local school division.

**8 VAC 20-131-70. School Instructional Program.**

- A technical change clarifies that students with disabilities may be those identified under IDEA or § 504.

**Public Comment: None**

**8 VAC 20-131-80. Instructional Program in Elementary Schools.**

- The requirement for a daily recess in elementary schools would be moved from this section to 8 VAC 20-131-200. There is no change in the requirement, but it clarifies that recess is not part of the instructional program and is not counted as instructional time.
- Language would be added to 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.
- The requirement that each school shall ensure that students who are unable to read with comprehension receive additional instruction in reading is set out in this section, as well as the sections relating to middle school and secondary school (8 VAC 20-131-90 and 8 VAC 20-131-100) to emphasize the importance of reading in the school curriculum at all levels.

**Public Comment:**

- Two comments supported foreign language requirements for elementary students.

**8 VAC 20-131-90. Instructional Program in Middle Schools.**

- Language would be added to 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.
- Middle schools would be required to offer Algebra I to all students in the eighth grade.

**Public Comment:**

- One comment supported offering an additional year of foreign language at the seventh grade.
- Virginia PTA supports the proposal to offer Algebra I to all students in the eighth grade.

**8 VAC 20-131-100. Instructional Program in Secondary Schools.**

- All secondary schools would be required to offer at least three Advanced Placement courses, International Baccalaureate courses, or college-level courses for degree credit, or any combination thereof. Current language requires secondary schools to offer at least two Advanced Placement or college-level courses.

**Public Comment:**

- The Virginia PTA supports this proposal.

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

- Language would be modified to allow school divisions to award credit for both core and non-core academic courses on a basis other than the 140 clock-hour requirement to provide flexibility for dual enrollment, virtual AP school, and other initiatives. However, local school boards would still be required to develop a written policy to ensure that the course is comparable to 140 clock hours of instruction.
- Language would clarify that students seeking a Modified Standard Diploma could use an expedited retake of a Standards of Learning test to meet the literacy and numeracy requirements for the Modified Standard Diploma.

- Provisions for a locally awarded verified unit of credit in science or history/social science, subject to Board guidelines, would be added to the regulations. (Currently the provisions are in a § 1 statute and apply to the ninth grade classes of 2000-01, 2001-02, and 2002-03.)
- The criteria for Board approval of substitute tests would be modified to permit tests administered as a part of another state's accountability program to be approved as substitute tests. Such tests would be held to the same standard of review and approval by the Board as all other substitute tests.

**Public Comment:**

- PAVURSOL supports adding the locally awarded verified credit option for science and history/social science to the standards. PAVURSOL believes this option should be extended to English and math. Students should be able to have their achievement verified by measures other than standardized test scores.
- PAVURSOL believes that adding other states' tests while maintaining all the rest of the existing criteria does not make sense if the purpose of the SOL program is to ensure that students have mastered the knowledge and skills which the state deems essential as defined by the SOL. Committees of educators appointed by the Department of Education should be able to review classroom tests and exams on which Virginia students' passing grades are based to ensure that those tests measure content incorporating or exceeding SOL content for courses in question.
- One comment supports the change to allow students seeking a Modified Standard Diploma to use an expedited retake of a Standards of Learning test to meet the literacy and numeracy requirements for the Modified Standard Diploma.
- Four comments support adding the locally awarded verified credit option to the SOA.
- The Department of Defense Education Activity and the Office of the Under Secretary of Defense applauds Virginia's efforts to help students who transfer into the Commonwealth from out-of-state by allowing the Board of Education to accept other states' end-of-course tests as substitutes for the Standards of Learning tests; and by increasing flexibility in graduation requirements for transfer students in grades 9-12. This will help a number of students of military families.
- One comment supported permitting transfer students to use other states' tests for verified credit which may permit some students to graduate without taking any Virginia assessments.
- Region four key instructional leaders want to ensure that lifting the 140 clock-hour requirement will not compromise the authority to deny high school credit under the following conditions: 1) for coursework completed that falls significantly below the 140 clock-hour standard [for instance, courses taken in one semester through a higher education institution that may provide only 45 instructional contact hours]; and 2) for coursework completed with institutions or individuals where little information, if any, is available about course content, length, or instructor credentials.

**8 VAC 20-131-120. Summer School.**

- No changes are proposed.

**Public Comment: None**

**8 VAC 20-131-130. Elective Courses.**

- No changes are proposed.

**Public Comment: None**

**8 VAC 20-131-140. College Preparation Programs and Opportunities for Postsecondary Credit.**

- Language would be added to require counseling of students in obtaining industry certifications, occupational competency credentials, or professional licenses in career and technical education fields.
- Language would be added to require students to have access to at least three AP courses or college-level courses for degree credit.

**Public Comment:**

- VEA, Virginia Beach General Advisory Council for Technical and Career Education, Hampton Roads Workforce Development Board for Area XVI, and two additional comments support the revisions regarding the counseling of students in obtaining industry certifications, occupational competency credentials, or professional licenses.
- Alleghany County public schools states there will be an increased need for counseling services at the middle and high schools with regard to the industry certification awareness and the transition to new requirements for diploma seals. The school system feels that the additional time would necessitate additional personnel; therefore, they recommend that the Standards of Quality related to guidance services be reviewed to ensure that this revision does not amount to an unfunded mandate.

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

- Language is revised for clarity. Section 22.1-98 of the Code of Virginia requires school terms to be at least 180 teaching days or 990 teaching hours.

**Public Comment:**

- One comment suggested that school divisions not have the authority to waive the requirement of a full day of attendance unless such waivers were for one year only and approved following a public hearing on the request. The person was concerned about the number of early dismissals per school year in Fairfax and Arlington counties.
- One comment raised question regarding the 540-hour requirement for kindergarten and whether or not it includes (or should include) breaks and/or lunch.
- One comment stated that the Board should prohibit early dismissals from school. Students who are dismissed early are being shortchanged in their opportunities for learning. The Board should insist on a full day schedule five days a week for all students. The minimum length of a school day should be six hours.
- The proposed amendment would add the words “and recess” after the phrase “excluding breaks for meals.” The words “and recess” should be deleted.
- One comment stated that paragraph B of 8 VAC 20-131-150 allows local school boards

to do whatever they want and should be changed to read: “All students in grades 1 through 12 shall maintain a full day schedule of classes (six hours), with up to four exceptions allowed per year for scheduled early dismissals. Temporary waivers of this standard may be requested after a public hearing and approved for only one year at a time.

**8 VAC 20-131-160. Additional Reading Instruction.**

- The language in this section is moved to 8 VAC 20-131-80, 8 VAC 20-131-90, and 8 VAC 20-131-100.

**Public Comment: None**

**8 VAC 20-131-170. Family Life Education.**

- No changes are proposed.

**Public Comment:**

- One comment asked that Family Life Education be required.
- One comment asked that Family Life Education be partially included within the elementary and intermediate levels with a stronger focus starting at the intermediate and continuing through high school.

**8 VAC 20-131-180. Off-site Instruction.**

- Language would clarify that for homebound instruction, the instructional time requirements or alternative means of awarding credit, as adopted by the local school board, have been met.

**Public Comment: None**

**8 VAC 20-131-190. Library Media, Materials and Equipment.**

- No changes are proposed.

**Public Comment:**

- The Virginia Educational Media Association (VEMA) and the VEA supports a revision to this standard to require a minimum number of print materials of 10 current titles per student (copyrights averaging within the last 15 years.)
- 37 comments supported VEMA.
- Associated School Librarians of Fairfax County supported VEMA’s recommendations.
- One comment stated that funding of libraries should be mandated funding and not discretionary funding for the individual principal to use as allowed by site-based management.
- One comment stated there should be someone to check to ensure that revisions are followed.
- One comment stated that school division staff has cited concerns that school libraries are underfunded, and that there should be a minimum number of books in school libraries and the average copyright age of a collection. Library staff should also be increased to

two full-time librarians at 750 and one additional full-time librarian for every 500 additional students. There should also be one full-time clerical position for all libraries with enrollments of 200 or more students.

- Seven comments expressed concern regarding brevity of the SOA regarding the role of the librarian in student learning. Information literacy skills and information science should be integrated into curriculum standards and incorporated into the accreditation process.

#### **8 VAC 20-131-200. Extracurricular and Other School Activities, Recess.**

- The provision about recess in the elementary school is moved from 8 VAC 20-131-80 to this section.

#### **Public Comment:**

- The Frederick County Public Schools requested an exemption to this requirement for school divisions that offer only half-day kindergarten programs because students only attend three hours per day. Complying with this requirement is cost prohibitive due to the need to increase the length of the day, contract time and salaries for teachers, bus drivers, etc. Loudoun County expressed the same concerns.
- Two comments generally supported recess.
- One comment stated that their school only has recess on the days physical education is not offered.
- Five comments requested that recess be included as instructional time.
- One comment expressed a fear that this change will require lengthening the school day and that it is too long already.
- Healthy Pathways Coalition and ten other comments supported designating a minimum amount of time for recess.
- Virginia Association for Health, Physical Education, Recreation, and Dance (VAHPERD) and eight other comments supported requiring 30 minutes of recess per day that requires students to be physically active.
- Prince William Health Partnership Authority supported requiring at least 20 minutes of recess per day.
- One comment stated that recess should not be included as instructional time.
- Virginia PTA and three other comments supported forbidding using the prohibition of recess as a disciplinary tool and to prohibit recess from being taken away for any other reason.
- One comment requested an increase in recess time.
- The Virginia Action for Healthy Kids supports the Healthy Pathways Coalition's recommendations including designating a minimum amount of time for recess in elementary schools and that time be used to promote physical activity.
- Region IV key instructional leaders cited concern that "extending the instructional day to accommodate recess for a half-day" kindergarten program might have significant financial implications in such areas as transportation (more school buses and bus drivers) and extended contracts for teachers. In Region IV, the following school divisions offer half-day kindergarten: 1) Fairfax; 2) Frederick; 3) Loudoun; and 4) Prince William. Region IV is requested that the recess requirement for half-day kindergarten be waived

and instead allow optional recess for divisions with half-day kindergarten where there is enough time for recess outside of the three-hour instructional day.

- Two comments stressed the importance of recess in the physical and mental wellness of children.

**8 VAC 20-131-210. Role of the Principal.**

- Language would specify that the principal must notify parents of rising 11<sup>th</sup> and 12<sup>th</sup> graders of the number of standard and verified credits required for graduation, and the number of such credits the student must earn in order to graduate. (§ 22.1-253.13:4 of the Code of Virginia)

**Public Comment:**

- PAVURSOL and one additional comment believes that the SOA should require notifying parents of credits needed for graduation starting with rising ninth graders instead of waiting until students are about to start eleventh grade.

**8 VAC 20-131-220. Role of Professional Teaching Staff**

- No changes are proposed.

**Public Comment: None**

**8 VAC 20-131-230. Role of Support Staff**

- No changes are proposed.

**Public Comment: None**

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

- Staffing requirements that are prescribed in the Standards of Quality for principals, assistant principals, librarians, guidance counselors, and clerical staff would be deleted from the regulations because it is duplicative of language in § 22.1-253.13:2 of the Code of Virginia. Reference is made to the Standards of Quality.
- Language about planning period for teachers in middle and secondary schools would be revised to provide for equivalent time for teachers in schools with block schedules. (This is consistent with language in § 22.1-253.13:2 of the Code of Virginia.)
- Language is deleted that requires schools to report the extent to which unencumbered lunch is provided. There is no state requirement for an unencumbered lunch.

**Public Comment:**

- VEMA and VEA support a revision to the staffing requirements for library-media specialists to require:
  - The number of library staff professionals in schools with 1500 plus students to be specified,
  - One full-time librarian at the elementary school regardless of enrollment,
  - An additional librarian for every 500 students above 300 in elementary,
  - An additional librarian for every 500 students over 1000 in middle and high

- schools,
  - A library assistant/clerk at 350 students for elementary schools,
  - An additional clerk for every additional 600 students,
  - An additional clerk for every 750 students beyond 750 students for middle and high schools, and
  - Clerical staff assigned exclusively to the library according to specific enrollment levels.
- 27 comments supported the VEMA and VEA positions.
- One comment suggested that the standards should exceed the Southern Association of Colleges and Schools staffing standards for libraries including:
  - Every public school should have at least one fully certified full-time librarian.
  - Any school with over 500 students should have a library secretary in addition to librarian staff.
  - Schools with over 800 students should have two librarians.
  - Schools with over 1300 students should have three librarians.
  - Schools with ethnic and linguistic diversity or large populations of students with disabilities should have the flexibility to have more librarians.
- One comment stated the standards should include a realistic annual per student expenditure for library materials with funding adjusted for inflationary costs and new technologies and the Commonwealth should establish a measurable ratio of books to students based on budgetary realities.
- The VEA opposes the elimination of language requiring schools to report the extent to which unencumbered lunch is provided.
- Two comments from Spotsylvania suggested:
  - A full-time teacher is assigned 25 instructional periods in five days, five periods per day. According to section D, a full-time teacher assigned 25 instructional periods is not entitled to even one planning period per week.
  - In section E an alternating A/B day block schedule requires two calendar days to complete five instructional periods by a teacher. Some school divisions assign teachers six instructional blocks in two days. In both scenarios, no teacher is assigned more than 15 instructional periods per week, and only 20 instructional blocks are available per week. In the seven-period day, a full-time teacher assigned five instructional periods per day and who teaches 150 student periods per day will teach 750 students per week. By comparison, the alternating A/B day block full-time teacher assigned three instructional periods per day and who teaches 120 student periods per day will teach 600 students per week. In the seven period day, the class period average load is 30 students. In the alternating A/B day block schedule, the daily class period average load is 40 students.
  - In section F. In an alternating A/B day block schedule with full-time teachers assigned 15 instructional periods per week, 750 student periods per week equates to a per class average load of 50 students. This is inconsistent with the language in section E. The language in sections D, E, and F is inconsistent across sections when attempting to address both traditional and block schedules. To eliminate confusion, please rethink the language pertaining to block schedules and don't combine it with standard schedules.
- Three comments object to Spotsylvania's block scheduling and requested that the staffing

issues for teachers with block schedules be resolved to allow time for teachers to have breaks during the day to address issues other than instruction.

- One comment requested that Spotsylvania and state policy state that a planning duty period is for each CALENDAR day so that Spotsylvania may not define an instructional day as two calendar days if on A/B block schedules.
- One comment objected to Spotsylvania's requirement that special education teachers give up planning period time and instead use planning periods to attend IEP meetings and for benchmark testing.
- PAVURSOL opposes deleting staffing requirements and replacing it with references to the Standards of Quality because school personnel and parents should not have to go to other sources to find requirements. The Code requires that the SOA shall include administrative and instructional staffing levels and positions (§ 22.1-253.13:3.A)
- One comment stated language should be added for teachers that teach 4 X 4 block schedule so that they teach no more than 75 students per semester making a total of 150 students per year.
- The Virginia School Counselor Association (VSCA) commented that in 2002 elementary school counselors were once again mandated in the Commonwealth and the SOA language regarding 60 percent of guidance staff time being spent on counseling was not changed to address elementary counselors. VSCA feels that without specifically addressing elementary counselors in the 60/40 rule has negative implications for elementary counselors. The language as written implies that elementary counselors may not spend the majority of their time providing counseling services to students but may be involved in noncounseling activities.
- The Associated School Librarians of Fairfax County and two other comments also support VEMA's proposal.
- One comment supported the requirement of one full-time librarian in each school regardless of size.
- VAHPERD and eight other comments supported reducing the maximum student period load for health and physical education teachers.
- Four comments stated the SOA should make pupil-teacher ratios for health and physical education consistent with other ratios at the elementary level.
- Virginia Association of School Nurses and four other comments advocated for adding staffing requirements for school nurses at 1:1000.
- The VEA urges the Board to reduce teaching loads to 600 student periods per week with 800 for physical education and music.
- The Region VII superintendents support a requirement of planning time for elementary teachers.
- One comment supported a revision to language in 240.E to ensure that every teacher has a planning period everyday.
- Seventeen comments stated the number of library staff professionals in schools with 1500+ students should be specified.
- Eight comments supported an additional librarian for every 500 students with three at 1500 and four at 2000 in middle and high schools.
- The VEA urges the Board to revise further this section by deleting subsection D and changing subsection E to read, "The middle and secondary classroom teacher's standard

load shall be no more than 25 class periods per week. One class period each day or the equivalent, unencumbered by supervisory or teaching duties, shall be provided to every full-time classroom teacher for instructional planning....” Subsection F should be revised to reflect the following limits to class loads; 600 student periods per week, with 800 for physical education and music, making that subsection consistent with subsection E.

- One comment indicated that the proposed standard is flawed: a full-time teacher is assigned 25 instructional periods in five days, five periods per day. According to section D, a full-time teacher assigned 25 instructional periods is not entitled to even one planning period per week. As to section E, an alternating A/B block schedule requires two calendar days to complete five instructional periods by a teacher. Some schools divisions assign teachers six instructional blocks in two days. In both scenarios, no teacher is assigned more than 15 instructional periods per week, and only 20 instructional blocks are available during the week. As to subsection F, in an alternating A/B day block schedule with full-time teachers assigned 15 instructional periods per week, 750 student periods per week equates to a per class average load of 50 students. This is inconsistent with the language in subsection E. The language in subsections D, E, and F is inconsistent across sections when attempting to address both traditional and block schedules. To eliminate confusion, rethink the language pertaining to block schedules and don’t combine with standard schedules.

**8 VAC 20-131-260. Facilities and Safety.**

- Language related to regulations of the Board of Education pertaining to facilities would be stricken. The Board of Education does not have regulations pertaining to requirements of the Uniform Statewide Building Code.
- Language would be added to provide for adequate and safe administration and storage of student medications.
- Language would also be added to require that written procedures for emergencies include procedures to follow in the event of an allergic reaction.
- Language would be added to require written procedures for the safe evacuation of persons with special physical, medical, or language needs who may need assistance to exit a building.

**Public Comment:**

- The Virginia PTA supports the requirement for facilities for adequate and safe administration and storage of student medications.

**8 VAC 20-131-270. School and Community Communications.**

- A requirement would be added to provide information on the School Report Card on the number of students obtaining industry certifications and passing state licensure assessments and occupational competency assessments while still in high school. (This is consistent with language in SB 1045 passed by the 2005 General Assembly.)

**Public Comment:**

- Virginia Beach General Advisory Council for Technical and Career Education, the Hampton Roads Workforce Development Board for Area XVI, and one additional comment supported including information on the School Report Card regarding the number of students obtaining industry certifications and passing state licensure assessments and occupational competency assessments while in high school.
- One comment suggested the report card reflect retention rates for grades 9 through 12.
- Eighty comments including those from Healthy Pathways Coalition and its affiliates, Virginia Association of School Nurses, and the Prince William Health Partnership Authority requested that the Board require the reporting of health/fitness data including Body Mass Index (BMI) and an analysis of student needs on the School Report Card.
- One comment requested that the Board add the reporting requirement in 8 VAC 20-131-280.B.3 to 8 VAC 20-131-290.F.

**8 VAC 20-131-280 School Accreditation.**

- Changes would be made for clarity and brevity.

**Public Comment:** See graduation rates section

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

- Changes would be made for clarity.

**Public Comment:** None

**8 VAC 20-131-300. Application of the Standards.**

- The requirement that the pass rate for accreditation is 75 percent in English in grades 3 and 5 would be revised to grades 3 through 5 to reflect annual testing in English and mathematics.
- Beginning with ratings earned in 2010-2011 and beyond (based on assessments in 2009-2010 and beyond), the pass rate for accreditation would be raised to 75 percent in English and 70 percent in mathematics, science, and history and social science.
- In any school division in which one-third or more of the schools are rated Accreditation Denied (beginning in 2006-2007), language is added to specify action that the Board of Education may take in accordance with the Standards of Quality (§ 22.1-253.13:8 of the Code of Virginia).

**Public Comment:**

- See graduation rates section
- PAVURSOL opposes corrective action plans, mandated instructional methods, reconstitution, memoranda of understanding and all the rest because they are all based on virtually nothing but the SOL scores.

**8 VAC 20-131-310. Action Requirements for Schools that Are Accredited with Warning.**

- Language is revised to clarify that the school is to adopt a research-based instructional intervention with a proven track record of success.

**Public Comment:**

- The VEA and one other comment opposes adding the language, “research-based instructional intervention” in this section because it believes the existing language is clearer, better language. The words “research-based” adds no value as “research-based” can be defined either too narrowly or too broadly to have any legitimate meaning.

**8 VAC 20-131-320. Provisional Accreditation Benchmarks.**

- The section would be repealed. It is obsolete and the benchmarks are no longer in effect.

**Public Comment: None**

**8 VAC 20-131-325. Recognitions and Rewards for School Accountability Performance.**

- A school that maintains a pass rate of 95 percent or above for two consecutive years may receive a waiver from annual accreditation, and would be accredited for three years. However, the school must continue to submit documentation that it is in compliance with the regulations.
- The waiver provisions currently in the regulations would be deleted, as no school has requested such waivers.
- The provisions for the Governor’s Award for Outstanding Achievement Language is revised to require that the school be Fully Accredited, and that it has significantly increased student achievement in student subgroups to close the achievement gap.

**Public Comment:**

- The VEA supports allowing schools that maintain a pass rate of 95 percent or above for two consecutive years to be accredited for three years, waiving the annual requirement.

**8 VAC 20-131-330. Waivers.**

- Minor editorial changes are proposed.

**Public Comment: None**

**8 VAC 20-131-340. Academic Reviews, Special Provisions, and Sanctions.**

- A school rated Accreditation Denied would be subject to sanctions prescribed by the Board and affirmed through a memorandum of understanding between the Board and the local school board within 30 days following the opening of school.
- The memorandum of understanding could include, but not be limited to, provisions to:
  1. Submit status report to the Board or a committee of the Board detailing the implementation of corrective action;
  2. Undergo a management and educational service delivery review. This review would be modeled on the division-level efficiency review; or
  3. Employ a turnaround specialist to address those conditions at the school that may impede educational progress and effectiveness and academic success.

- Any school rated Accreditation Denied would be required to provide parents and the community with a written notice of the school's accreditation rating, a copy of the school's corrective action plan, and an opportunity to comment on the corrective action plan. Such public comment shall be received and considered by the school division prior to establishing the memorandum of understanding with the Board of Education.
- As an alternative to the memorandum of understanding, a local school board may choose to enter into an agreement with the Board of Education to reconstitute a school rated Accreditation Denied. The reconstitution agreement may include any of the provisions above along with one or more of the following actions:
  1. Replacing all or a majority of the administrative staff and a substantial percent of the instructional staff;
  2. Hiring a private or nonprofit management firm from a Board of Education approved list;
  3. Converting the school to a charter school (§22.1-212.16 of the Code of Virginia).
- If a local school board chooses to reconstitute a school, it could apply for an accreditation rating of Conditionally Accredited. The Conditionally Accredited rating could be extended for up to three years if the school is making progress toward a rating of Fully Accredited in accordance with the terms of the agreement with the Board of Education. The school would revert to a status of Accreditation Denied if it fails to meet the requirements to be rated Fully Accredited by the end of the term of the agreement.
- The local school board may choose to close a school rated Accreditation Denied or to combine such school with another higher performing school in the division.
- Schools that receive the status of Accreditation Denied would annually report their progress toward meeting the requirements to be rated Fully Accredited to the Board of Education. The status reports would be relayed to the Governor and members of the General Assembly by November 15, as part of the Board's annual report.
- Language would specify that a school's accreditation could be withheld for test security violations.
- Language would be added, consistent with the Standards of Quality (§ 22.1-253.13:8 of the Code of Virginia), to specify that the Board may take action against the local school board due to failure of the local school board to maintain accredited schools.

**Public Comment:**

- The VEA and 11 other comments objected to the language requiring the “replacing all or a majority of the administrative staff and a substantial percentage of the instructional staff.”
- PAVURSOL opposes reconstitution based solely on standardized test pass rates. If adopted, it should be limited to instructional staff for the tested subjects in question and to the administrators who supervise them.
- PAVURSOL opposes authorizing school boards to close schools or combine them with higher performing schools based only on standardized test pass rates, forcing children and parents to lose their neighborhood schools and community.
- PAVURSOL believes any withholding of accreditation for test security violations should require evidence that the violations in question would result in conferring an accreditation rating which otherwise would be denied.

- PAVURSOL believes the Board of Education's authority to seek school division compliance with the school laws should not be limited to relevant provisions of the Code when any school within a division is rated Accreditation Denied. PAVURSOL believes laws regarding corrective action plans and other sanctions triggered by nothing but standardized test pass rate requirements should not be the only school laws considered serious and critical enough for the Board to actively enforce.
- One school board stated it opposes what it perceived to be a takeover by the Board if a school board fails to maintain fully accredited schools.
- The Region VII superintendents oppose sanctions for low-performing schools.
- The Virginia PTA opposes punitive actions against schools or school personnel and suggests that the goal should be to offer positive change that will result in student success.
- One comment suggested that the Board review these provisions to ensure it is not limiting the authority given in the Standards of Quality (SOQ) unintentionally and that the Board consider the impact of the 50 percent requirement where schools may lose accreditation based on low performance in one content area over a period of years.
- One comment expressed concern about the option to reconstitute a school. She indicated that the current sanction provisions of the SOA are acceptable and that the reconstitution option presents problems for rural areas. She also indicated that professional support and adequate funding make a bigger difference than massive restructuring.
- The VEA strongly urges the Board not to move in a punitive direction regarding sanctions for low-performing schools. Instead the VEA urges the Board to maintain the path it has chosen to date and to enhance those efforts of support, assistance, and resources based on assessments of needs. VEA said that we have seen success with that approach through Governor Warner's PASS Initiative and through VEA's own Priority School Initiative. Rather than impose punishments, the VEA recommends that the Board pursue a plan of action to increase the state's role in providing guidance, training, and professional development, beginning with low performing schools.

## **OTHER**

### **Public Comment:**

- Overall comment supporting state board's work in public school administrators. Requested that the Board continue to require schools to be accountable and evaluate divisions that are not accredited before making major changes.
- One comment expressed concern over the broad implications and effects of the SOA on students with learning difficulties and environmental challenges.
- One comment advocated spending more money on students with disabilities, students of color, students with limited English proficiency, and students in rural areas to help them graduate.
- PAVURSOL commented that standardized test scores are estimates - not definitive measures - of student achievement and major educational decisions should not be based on test scores alone. PAVURSOL states that it is time Virginia starts heeding testing standards and test experts' consensus on appropriate and inappropriate uses of test scores, to conduct SOL effectiveness studies, and to consider all research on the effects of high-stakes testing.

- One comment requested that the SOL be eliminated and replaced with a more authentic assessment.
- Speech-Language-Hearing Association of Virginia (SHAV) has concerns about caseloads and licensure issues.

## **HEALTH AND PHYSICAL EDUCATION**

### **Public Comment:**

- The Virginia PTA supports programs of physical fitness not just physical education in elementary and middle schools.
- VAHPERD and seven additional comments support a requirement of physical education for all grade levels K-12.
- One comment supported requiring four years of physical education in high school.
- Two comments supported mandatory health education separate from physical education in grades K-10.
- One comment supported mandatory physical education in grades K-10.
- One comment stated all students in K-8 need at least 30 minutes of physical education per day.
- One comment supported requiring 150 minutes of physical education instruction per week in grades 6-10.
- One comment supported requiring physical education daily in elementary schools and at least three days per week in middle and high schools.
- VAHPERD and 19 other comments supported requiring SOL testing in health and physical education.
- Seventy-seven comments including those from Healthy Pathways Coalition and affiliates and Virginia Association of School Nurses supported requiring a health and physical education test once in elementary, once in middle and once in high school.
- Two comments generally supported assessments in health and physical education.
- One comment generally supports quality physical education in schools.
- The Health and Physical Education County and City Supervisors of Virginia support former Governor Warner's proposal but suggest the following language:
  - 8 VAC 20-131-80. Elementary students are required to participate in health and physical education program that aligns with the Virginia Health and Physical Education Standards of Learning which is delivered by a Virginia licensed health and physical education teacher.
  - 8 VAC 20-131-90. Middle school students are required to participate in health and physical education program that aligns with the Virginia Health and Physical Education Standards of Learning which is delivered by a Virginia licensed health and physical education teacher.
- One comment stated that physical education classes should not be graded, body mass indices should not be noted on student report cards, and schools should create walking programs or other healthy competitions so that kids do not fear participating in physical education.
- Two comments supported recommendations of the Healthy Pathways Coalition by increasing the opportunity for physical activity for children.
- One comment supported the intent of the Healthy Pathways Coalition but felt the

coalition's report should not be fully adopted and that a school report card should not include aerobic capacity, muscular strength, endurance, flexibility and body composition, or body mass index.

- One comment supported efforts to improve fitness levels in students, but objected to a school report card including body mass composition, and to students participating in the Youth Risk Behavior Surveillance System.
- Sixteen comments supported requiring schools to participate in the Youth Risk Behavior Surveillance Survey
- Twenty comments objected to the use of the term “physical fitness” instead of the term “physical education.” There is a distinction between physical fitness and physical education. Physical fitness involves the ability to perform daily tasks without becoming tired and physical education is having the knowledge about skills necessary for activities and their benefits. Students’ participation in physical activity daily will hopefully increase their health, mobility, and attitudes toward physical education.
- Sixteen comments advocated for physical education five times per week for grades K-12.
- Healthy Pathways Coalition and affiliates’ comments support requiring a minimum of 225 minutes per week in physical education.
- The Virginia Action for Healthy Kids supports the Healthy Pathways Coalition’s recommendations including requiring an end of course test in health and physical education.
- Virginia PTA and two other comments generally support physical activity for children including recess and physical education.
- One comment advocated requiring health and physical education at the elementary level with a minimum of two 30 minute periods per week.
- VAHPERD and two additional comments advocated for requiring daily physical education.
- Sixty-five comments from Healthy Pathways Coalition and affiliates advocated for a minimum of 150 minutes per week of physical education.
- Three comments advocated for 30 minutes per day of physical activity.
- A Buckingham County school board member is opposed to incorporating the language requiring students to participate in a program of physical fitness during the regular school year in accordance with guidelines. He cited the following: 1) concern that guidelines have not yet been established and it is “not clear whether the proposed additional requirements will create a net benefit”; 2) the costs in facilities and personnel is not known and could be an unfunded mandate; and 3) school boards could lose control over more of the time that students have for education. He offered other suggestions for encouraging health and academic achievement, including the dissemination of research-backed information, reform of the Literary Fund, additional funding for personnel, and an evaluation process related to AYP.
- One comment stated the goal of any physical education professional is to promote a healthy lifestyle.
- Four comments stated that physical education is important to include in all schools, and through physical education, one can become physically fit and learn how to gain a healthy lifestyle.
- One comment stated the goal should be to make sure students have at least one activity

that they can enjoy for a lifetime.

- The Virginia Action for Healthy Kids supports the Healthy Pathways Coalition’s recommendations including requiring an end-of-course test in health and physical education.
- Four comments supported requiring daily instruction in health and physical education for all students in grades 6-8.
- One comment supported requiring health and physical education for 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> grade.
- Eleven comments supported requiring health and physical education in the 8<sup>th</sup> grade.

## **GRADUATION RATES**

### **Public Comment:**

- Mid-Atlantic Juvenile Defender Center, Just Children, and nine additional comments advocated using disaggregated data by subgroup as a component of school accreditation.
- Two comments stated that data from school divisions indicates an alarming number of African-American males and other minorities dropped out of school before graduating.
- The Virginia PTA, Mid-Atlantic Juvenile Defender Center, Virginia Coalition of Latino Organizations, Restorative Community Foundation, Just Children, chair of the Charlottesville City School Board, Charlottesville Public Housing Association of Residents and eleven additional comments urged the department to include graduation rate standards, including reasonable graduation rate targets for full accreditation and extending graduation rates and test-score accountability to NCLB subgroups. The standards should also require significant and steady progress toward meeting those targets over a reasonable period of time.
- The Virginia Coalition of Latino Organizations expressed concern about the number of Latino students dropping out of school.
- Mid-Atlantic Juvenile Defender Center, Virginia Coalition of Latino Organizations, Restorative Community Foundation, Virginia Organizing Project, and twelve additional comments advocated for incentives for all schools to close the graduation and achievement gaps.
- The Restorative Community Foundation expressed concern about low graduation rates in Virginia and the impact lack of a diploma has on minorities. It suggested that SOL tests be used for school accountability and noted that the Board should grant accreditation only if a reasonable percentage of the freshman class receives a diploma. It also suggested that the SOA should include graduation and SOL test pass rates for No Child Left Behind subgroups.
- The VEA applauds the Board’s attention to graduation rates and encourages the Board to work with other states, the United States Department of Education, the Southern Regional Education Board and others to develop uniform reporting standards of graduation rates. 13 additional comments including those from the Law Center for Children supported the VEA with schools only being accredited if a certain percentage of the freshman class completes high school with a diploma.
- One comment supports new standards to encourage high schools to promote higher graduation rates in those areas where the rate is below average for the state. She cited programs such as the Rappahannock County “Farm to Table” program that provides

opportunities to rural youth. She recommended that the department support such programs and provide incentives.

- One comment cited the following needs: 1) a consistent methodology for accounting for dropouts; 2) ways to improve graduation rates; and 3) the inclusion of graduation rates in accreditation criteria.
- One comment stated that accreditation should be based on a portfolio system, which recognizes that test scores alone cannot tell an individual's knowledge-story, much less an institution's teaching-story.
- PAVURSOL commented that the definition of "graduation rates" it proposes in 8 VAC 20-131-05 should be included as criteria in arriving at an acceptable on time graduation percentage after consultation with relevant professional and parent groups. Graduation rates should be part of all accreditation calculations and definitions as should externally verified compliance with, at least all current pre-accreditation requirements, all laws and regulations pertaining to education and services for students with disabilities, and students identified as gifted.

**Public Comment:**

- One comment expressed concern about the SOL program generally stating that all students do not learn the same way or have the same future. The concern is not to lower the standards but to reach those students who don't benefit from standardized methods.

**Public Comment:**

- One comment expressed concern about potential conflicts in the language throughout the standards such as "additional tests" instead of "other tests"

**Public Comment:**

- One comment cited the following concerns: 1) applying standard goals to a group assuming that all in the group are the same; 2) reaching students (particularly those at-risk) who do not benefit from standardized methods; and 3) providing quality vocational training with SOL that test vocational skills as an alternative to a pure academic track of study.

1 8 VAC 20-131-05. Definitions.

2 The following words and terms apply only to these regulations and do not supersede  
3 those definitions used for federal reporting purposes or for the calculation of costs related  
4 to the Standards of Quality (§§ 22- 253.13:1 through 22.1-253.13:8). When used in these  
5 regulations, these words shall have the following meanings, unless the context clearly  
6 indicates otherwise:

7  
8 “Accreditation” means a process used by the Virginia Department of Education  
9 (hereinafter “department”) to evaluate the educational performance of public schools in  
10 accordance with these regulations.

11

12 “Additional test” means a test, including substitute tests approved by the Board of  
13 Education that students may use in lieu of a Standards of Learning test to obtain verified  
14 credit.

15

16 “Class period” means a segment of time in the school day that is approximately one-  
17 sixth (1/6) of the instructional day.]

18

19 “Combined school” means a public school that contains any combination of or all of the  
20 grade levels from kindergarten through 12. This definition does not include those schools  
21 defined as elementary, middle, or secondary schools.

22

23 “Elementary school” means a public school with any grades kindergarten through five.

24

25 “Eligible students” means the total number of students of school age enrolled in the  
26 school at a grade or course for which a Standards of Learning test is required unless  
27 excluded under the provisions of 8 VAC 20-131-30 F and 8 VAC 20-131-280 D relative  
28 to limited English proficient (LEP) students.

29

30 “Enrollment” means the act of complying with state and local requirements relative to the  
31 registration or admission of a child for attendance in a school within a local school  
32 division. This term also means registration for courses within the student’s home school  
33 or within related schools or programs.

34

35 “First time” means the student has not been enrolled in the school at any time during the  
36 current school year (for purposes of 8 VAC 20-131-60 with reference to students who  
37 transfer in during the school year).

38

39 “Four core areas” or “four core academic areas” means English, mathematics, science,  
40 and history and social science for purposes of testing for the Standards of Learning.

41

42 “Homebound instruction” means academic instruction provided to students who are  
43 confined at home or in a health care facility for periods that would prevent normal school  
44 attendance based upon certification of need by a licensed physician or a licensed clinical  
45 psychologist.

46

47 “Locally awarded verified credit” means a verified unit of credit awarded by a local  
48 school board in accordance with 8 VAC 20-131-110.

49

50 “Middle school” means a public school with any grades six through eight.

51

52 [“Planning period” means one class period per day or the equivalent unencumbered of  
53 any teaching or supervisory duties.]

54

55 [“Recess” means a segment of free time exclusive of time provided for meals during the  
56 standard school day in which students are given a break from instruction.]

57

58 [“Reconstitution” means a process that may be used to initiate a range of accountability  
59 actions to improve pupil performance, curriculum, and instruction to address deficiencies

60 that caused a school to be rated Accreditation Denied which may include, but not be  
61 limited to, restructuring a school's governance, instructional program, staff or student  
62 population.]

63

64 "School" means a publicly funded institution where students are enrolled for all or a  
65 majority of the instructional day and:

- 66 1. Those students are reported in fall membership at the institution; and  
67 2. At a minimum, the institution meets the pre-accreditation eligibility requirements  
68 of the *Regulations Establishing Standards for Accrediting Public Schools in*  
69 *Virginia* adopted by the Board of Education.

70

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

72

73 "Standard school day" means a day that averages at least five and one-half instructional  
74 hours for students in grades one through 12, [excluding breaks for meals and recess,] and  
75 a minimum of three instructional hours for students in kindergarten [excluding breaks for  
76 meals and recess].

77

78 "Standard school year" means a school year of at least 180 teaching days or a total of at  
79 least 990 teaching hours per year.

80

81 “Standard unit of credit” or “standard credit” means credit awarded for a course in which  
82 the student successfully completes 140 clock hours of instruction and the requirements of  
83 the course. Local school boards may develop alternatives to the requirement for 140  
84 clock hours of instruction as provided for in these regulations at 8 VAC 20-131-110.

85

86 “Standards of Learning” (SOL) tests means those criterion referenced assessments  
87 approved by the Board of Education for use in the Virginia assessment program that  
88 measure attainment of knowledge and skills required by the Standards of Learning.

89

90 “Student” means a person of school age as defined by § 22.1-1 of the Code of Virginia, a  
91 child with disabilities as defined in § 22.1-213 of the Code of Virginia, and [a] person  
92 with limited English proficiency in accordance with § 22.1-5 of the Code of Virginia.

93

94 [“Student periods” means the number of students a teacher instructs per class period  
95 multiplied by the number of class periods taught.]

96

97 “Verified unit of credit” or “verified credit” means credit awarded for a course in which a  
98 student earns a standard unit of credit and achieves a passing score on a corresponding  
99 end-of-course SOL test or an additional test approved by the Board of Education as part  
100 of the Virginia assessment program.

101

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- 102 “Virginia assessment program” means a system used to evaluate student achievement that  
103 includes Standards of Learning tests and additional tests which may be approved from  
104 time to time by the Board of Education.

105 Part I

106 Purpose

107 8 VAC 20-131-10. Purpose.

108 The foremost purpose of public education in Virginia is to provide children with a quality  
109 education giving them opportunities to meet their fullest potential in life. The standards  
110 for the accreditation of public schools in Virginia are designed to ensure that an effective  
111 educational program is established and maintained in Virginia's public schools. The  
112 mission of the public education system is to educate students in the essential academic  
113 knowledge and skills in order that they may be equipped for citizenship, work, and a  
114 private life that is informed and free. The accreditation standards:

115 1. Provide an essential foundation of educational programs of high quality in all schools  
116 for all students.

117 2. Encourage continuous appraisal and improvement of the school program for the  
118 purpose of raising student achievement.

119 3. Foster public confidence.

120 4. Assure recognition of Virginia's public schools by other institutions of learning.

121 5. Establish a means of determining the effectiveness of schools.

122 Section 22.1-253.13:3 B of the Code of Virginia requires the Virginia Board of Education  
123 (hereinafter "board") promulgate regulations establishing standards for accreditation.

124 The statutory authority for these regulations is delineated in §22.1-19 of the Code of

125 Virginia, which includes the requirement that the board shall provide for the accreditation

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126 of public elementary, middle and secondary schools in accordance with regulations

127 prescribed by it.

128 These regulations govern public schools operated by local school boards providing

129 instruction to students as defined in 8 VAC 20-131-05. Other schools licensed under

130 other state statutes are exempt from these requirements.

131 Part II

132 Philosophy, Goals, and Objectives

133 8 VAC 20-131-20. Philosophy, goals, and objectives.

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

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

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

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

149 4. The school staff and community representatives shall review annually the extent to  
150 which the school has met its prior goals and objectives, analyze the school's student  
151 performance data including data by grade level or academic department as necessary, and

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152 report these outcomes to the division superintendent and the community in accordance  
153 with local school board policy. This report shall be in addition to the school report card  
154 required by 8 VAC 20-131-270 B.

155

156 B. Copies of the school's philosophy, goals and objectives shall be available upon  
157 request.

158 Part III

159 Student Achievement

160 8 VAC 20-131-30. Student achievement expectations.

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

168

169 B. In kindergarten through eighth grade, where [the administration of Virginia  
170 Assessment Program SOL] tests are [administered required by the Board of Education],  
171 each student shall be expected to take the SOL tests; students who are accelerated should  
172 take the tests for the grade level of the content received in instruction. Schools shall use  
173 the [SOL Virginia Assessment Program] test results in kindergarten through eighth grade  
174 as part of a set of multiple criteria for determining the promotion or retention of students.  
175 Students promoted to high school from eighth grade should have attained basic mastery  
176 of the Standards of Learning in English, history and social science, mathematics, and  
177 science and should be prepared for high school work. Students shall not be required to  
178 retake the [SOL Virginia Assessment Program] tests unless they are retained in grade and

179 have not previously passed the related [SOL] tests, ~~or they participate in a remediation~~  
180 ~~recovery program established by the board in English (Reading, Literature, and Research)~~  
181 ~~or mathematics or both.~~

182

183 C. In kindergarten through grade ~~8~~ 12, students may participate in a remediation recovery  
184 program as established by the board in English (Reading, ~~Literature and Research~~) or  
185 mathematics or both. ~~In grades 9 through 12, the remediation recovery program shall~~  
186 ~~include all retakes of end-of-course SOL mathematics tests only. However, students in~~  
187 ~~the ninth grade who are participants in a remediation recovery program may be retested~~  
188 ~~on the eighth grade English (Reading, Literature and Research) and mathematics SOL~~  
189 ~~tests.~~

190

191 D. The board recommends that students in kindergarten through grade 8 not be required  
192 to attend summer school or weekend remediation classes solely based on failing a SOL  
193 test in science or history/social science.

194

195 E. Each student in middle and secondary schools shall take all applicable end-of-course  
196 SOL tests following course instruction. Students who achieve a passing score on an end-  
197 of-course SOL test shall be awarded a verified unit of credit in that course in accordance  
198 with the provisions of 8 VAC 20-131-110 ~~B~~. Students may earn verified units of credit in  
199 any courses for which end-of-course SOL tests are available. Middle and secondary

200 schools may consider the student's end-of-course SOL test score in determining the  
201 student's final course grade. However, no student who has failed an end-of-course SOL  
202 test but passed the related course shall be prevented from taking any other course in a  
203 content area and from taking the applicable end-of-course SOL test. The board may  
204 approve ~~other~~ additional tests to verify student achievement in accordance with  
205 guidelines adopted for verified units of credit described in 8 VAC 20-131-110 B.

206

207 F. Participation in the Virginia assessment program ~~SOL testing~~ by students with  
208 disabilities ~~will~~ shall be prescribed by provisions of their Individualized Education  
209 Program (IEP) or 504 Plan. All students with disabilities shall be assessed with  
210 appropriate accommodations and alternate assessments where necessary.  
211 ~~Beginning with the school year 2000-01, students with disabilities for whom participation~~  
212 ~~in an alternate assessment is prescribed in their IEP shall demonstrate proficiency on that~~  
213 ~~assessment.~~

214

215 G. All students identified as limited English proficient (LEP) shall participate in the  
216 Virginia assessment program. A school based committee shall convene and make  
217 determinations regarding the Participation participation ~~level~~ of LEP students in SOL  
218 the Virginia assessment program ~~testing by students identified as limited English~~  
219 ~~proficient (LEP) shall be guided by a school based committee convened to make such~~  
220 ~~determinations.~~ In kindergarten through eighth grade, LEP students may be granted a

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- 221 one-time exemption from SOL testing in ~~each of the four core areas~~ the core academic  
222 areas of science and history and social science.
- 223
- 224 H. Students identified as foreign exchange students taking courses for credit shall be  
225 required to take the relevant ~~Standards of Learning~~ Virginia assessment program tests.
- 226 Foreign exchange students who are auditing courses and who will not receive a standard  
227 unit of credit for such courses shall not be required to take the Standards of Learning tests  
228 for those courses.

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229 ~~8 VAC 20-131-40. Literacy Passport Tests. (Repealed)~~

230 ~~Students who were in the eighth grade or above in the 1998-99 school year shall be~~

231 ~~required to pass the Literacy Passport Tests in order to receive a Standard or Advanced~~

232 ~~Studies Diploma from a Virginia public school.~~

233 ~~In order to receive a graded status, such students must pass the Literacy Passport Tests,~~

234 ~~except for students with disabilities who progress according to the goals of their~~

235 ~~Individualized Education Program (IEP).~~

236 ~~Students who are not eligible for graded status shall be enrolled in appropriate programs~~

237 ~~leading to passing of the Literacy Passport Tests and one or more of the following:~~

238 ~~1. High school diploma;~~

239 ~~2. General Educational Development (GED) credential;~~

240 ~~3. Certificate of Program Completion; and~~

241 ~~4. Job entry skills.~~

242 8 VAC 20-131-50. Requirements for graduation.

243 A. The requirements for a student to earn a diploma and graduate from a Virginia high

244 school shall be those in effect when that student enters the ninth grade for the first time.

245 Students ~~may~~ shall be awarded a diploma ~~or certificate~~ upon graduation from a Virginia

246 high school.

247 When students below the ninth grade successfully complete courses offered for credit in

248 grades 9 through 12, credit shall be counted toward meeting the standard units required

249 for graduation provided the courses ~~meet SOL content requirements or~~ are equivalent in

250 content and academic rigor as those courses offered at the secondary level. To earn a

251 verified unit of credit for these courses, students must meet the requirements of 8 VAC

252 20-131-110 ~~B~~.

253 The following requirements shall be the only requirements for a diploma, unless a local

254 school board has prescribed additional requirements ~~which~~ that have been approved by

255 the ~~board~~ Board of Education. All additional requirements prescribed by local school

256 boards [, and in effect as of June 30, 1997,] ~~are approved to continue those requirements~~

257 ~~pending further action by the board~~ that have been approved by the Board of Education,

258 remain in effect until such time as the local school board submits a request to amend or

259 discontinue them. ~~The requirements for Certificates of Program Completion are~~

260 ~~developed by local school boards in accordance with the Standards of Quality.~~

261

262 B. Requirements for a Standard Diploma.

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263

264 ~~1. Beginning with the ninth grade class of 1998-99, students shall earn the standard units~~  
265 ~~of credit outlined in subdivision 4 of this subsection.~~

266 ~~2. During a transition period applicable only to the ninth grade classes of 2000-01, 2001-~~  
267 ~~02, and 2002-03, students shall earn the standard units of credit described in subdivision~~  
268 ~~4 of this subsection and the following number of verified units of credit (8VAC 20-131-~~  
269 ~~110):~~

270 ~~a. English—two;~~

271 ~~b. Four additional verified units of credit of the student's own choosing.~~

272 ~~3~~ 1. Beginning with the [~~ninth-grade~~ ninth-grade] classes of 2003-04 and beyond,  
273 students shall earn the required standard and verified units of credit described in  
274 subdivision ~~4-2~~ 2 of this subsection.

275 ~~4-2.~~ Credits required for graduation with a Standard Diploma.

Discipline Area	Standard Units of Credit	
	Required	Verified Credits Required
English	4	2
Mathematics <sup>1</sup>	3	1
Laboratory Science <sup>2, 6</sup>	3	1
History and Social Sciences <sup>3, 6</sup>	3	1
Health and Physical Education	2	
Fine Arts or <del>Practical Arts</del> <u>Career and Technical Education</u>	1	
Electives <sup>4</sup>	6	
Student Selected Test <sup>5</sup>		1
Total	22	6

276 FN1 Courses completed to satisfy this requirement shall be at or above the level of algebra and shall  
 277 include at least two course selections from among: Algebra I, Geometry, Algebra II, or other mathematics  
 278 courses above the level of algebra and geometry. The board may approve additional courses to satisfy this  
 279 requirement.

280 FN2 Courses completed to satisfy this requirement shall include course selections from at least two  
 281 different science disciplines: earth sciences, biology, chemistry, or physics. The board may approve  
 282 additional courses to satisfy this requirement.

283 FN3 Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and  
 284 Virginia Government, and one ~~world history/geography~~ course in either world history or geography or  
 285 both ~~course. Courses which satisfy the world history/geography requirement are: (i) World History, (ii)~~  
 286 ~~World Geography, (iii) World History and Geography Part I, (iv) World History and Geography Part II, or~~  
 287 ~~(v) a semester course of World History Part I and a semester course of World Geography.~~ The board may  
 288 approve additional courses to satisfy this requirement.

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289 FN4 ~~Beginning with the graduating class of 2003, courses~~ Courses to satisfy this requirement shall include  
290 at least two sequential electives as required by the Standards of Quality.

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

293 FN6 Students who complete a career and technical [education] program sequence and pass an examination  
294 or occupational competency assessment in a career and technical education field that confers certification  
295 or an occupational competency credential from a recognized industry, or trade or professional association  
296 or acquires a professional license in a career and technical education field from the Commonwealth of  
297 Virginia may substitute the certification, competency credential, or license for (1) the student selected  
298 verified credit and (2) either a science or history and social science verified credit when the certification,  
299 license, or credential confers more than one verified credit. The examination or occupational competency  
300 assessment must be approved by the Board of Education as an additional test to verify student achievement.

301

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

305

306 C. Requirements for an Advanced Studies Diploma.

307 ~~1. Beginning with the ninth grade class of 1998-99, students shall earn the standard units~~  
308 ~~of credit outlined in subdivision 2 of this subsection. Beginning with the ninth grade class~~  
309 ~~of 2000-01, students shall earn the standard and verified units of credit outlined in~~  
310 ~~subdivision 2 of this subsection.~~

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

312 FN1 Courses completed to satisfy this requirement shall be at or above the level of algebra and shall

Discipline Area	Standard Units of Credit	
	Required	Verified Credits Required
English	4	2
Mathematics <sup>1</sup>	4	2
Laboratory Science <sup>2</sup>	4	2
History and Social Sciences <sup>3</sup>	4	2
Foreign Language <sup>4</sup>	3	
Health and Physical Education	2	
Fine Arts or <del>Practical Arts</del> <u>Career and Technical Education</u>	1	
Electives	2	
Student Selected Test <sup>5</sup>		1
Total	24	9

313 include at least three different course selections from among: Algebra I, Geometry, Algebra II, or other  
 314 mathematics courses above the level of Algebra II. The board may approve additional courses to satisfy this  
 315 requirement.

316 FN2 Courses completed to satisfy this requirement shall include course selections from at least three  
 317 different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of  
 318 the sequence of science courses required for the International Baccalaureate Diploma. The board may  
 319 approve additional courses to satisfy this requirement.

320 FN3 Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and  
 321 Virginia Government, and two ~~world history/geography courses in either world history or geography or~~  
 322 ~~both.~~ Acceptable courses to satisfy the world history/geography requirements include: (i) World  
 323 History and World Geography; (ii) World History and Geography Part I, and World History and

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324 ~~Geography Part II; or (iii) a semester course of World Geography, a semester course of World History Part~~  
325 ~~I, and a year long course of World History Part II.~~ The board may approve additional courses to satisfy this  
326 requirement.

327 FN4 Courses completed to satisfy this requirement shall include ~~Three~~ three years of one language or two  
328 years of two languages.

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

331

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

335

336 D. Requirements for the Modified Standard Diploma.

337

338 1. Every student shall be expected to pursue a Standard Diploma or Advanced Studies  
339 Diploma. The Modified Standard Diploma program is intended for certain students at the  
340 secondary level who have a disability and are unlikely to meet the credit requirements for  
341 a Standard Diploma. Eligibility and participation in the Modified Standard Diploma  
342 program shall be determined by the student's ~~Individual~~ Individualized Education  
343 Program (IEP) team ~~and~~ including the student, where appropriate, at any point after the  
344 student's eighth grade year.

345 [2. The school must secure the informed written consent of the parent/guardian and the  
346 student to choose this diploma program after review of the student's academic history and  
347 the full disclosure of the student's options.

348 3. The student who has chosen to pursue a Modified Standard Diploma shall also be  
349 allowed to pursue the Standard or Advanced Studies Diploma at any time throughout that  
350 student's high school career, and the student must not be excluded from courses and tests  
351 required to earn a Standard or Advanced Studies Diploma.]

352 4-2. ~~Beginning with the ninth grade class of 2000-01, students~~ Students pursuing the  
353 Modified Standard Diploma shall pass literacy and numeracy competency assessments  
354 prescribed by the board.

355 5-3. Credits required for graduation with a Modified Standard Diploma.

Discipline Area	Standard Units of Credit Required
English	4
Mathematics <sup>1</sup>	3
Science <sup>2</sup>	2
History and Social Sciences <sup>3</sup>	2
Health and Physical Education	2
Fine Arts or <u>Career and Technical Education</u>	1
Electives <sup>4</sup>	6
Total	20

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356 FN1Courses completed to satisfy this requirement shall include content from among applications of  
357 algebra, geometry, personal finance, and statistics in courses that have been approved by the board.  
358 FN2Courses completed shall include content from at least two of the following: applications of earth  
359 science, biology, chemistry, or physics in courses approved by the board.  
360 FN3Courses completed to satisfy this requirement shall include one unit of credit in U.S. and Virginia  
361 History and one unit of credit in U.S. and Virginia Government in courses approved by the board.  
362 ~~FN4Beginning with the graduating class of 2003, courses~~ Courses to satisfy this requirement shall include  
363 at least two sequential electives in the same manner required for the Standard Diploma.

364

365 ~~65.~~ The student must meet any additional criteria established by the ~~board~~ Board of  
366 Education.

367

368 E. In accordance with the requirements of the Standards of Quality, students with  
369 disabilities who complete the requirements of their Individualized Education Program  
370 (IEP) and do not meet the requirements for other diplomas shall be awarded Special  
371 Diplomas.

372

373 F. In accordance with the requirements of the Standards of Quality, students who  
374 complete prescribed programs of studies defined by the local school board but do not  
375 qualify for Standard, Advanced Studies, Modified Standard, or General Achievement  
376 diplomas shall be awarded Certificates of Program Completion. The requirements for  
377 Certificates of Program Completion are developed by local school boards in accordance

378 with the Standards of Quality. Students receiving a general achievement diploma shall  
379 comply with 8 VAC 20-680-10 et seq., *Regulations Governing the General Achievement*  
380 *Diploma.*

381

382 G. In accordance with the provisions of the compulsory attendance law and 8 VAC 20-  
383 360-10 et seq., *Regulations Governing General Education Development Certificates*,  
384 students who do not qualify for diplomas may earn a high school equivalency credential.

385

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

392

393 I. Awards for exemplary student performance. Students who demonstrate academic  
394 excellence and/or outstanding achievement may be eligible for one [or more] of the  
395 following awards:

396 1. Students who complete the requirements for an Advanced Studies Diploma with an  
397 average grade of "B" or better, and successfully complete college-level [course work  
398 coursework] that will earn the student at least 9 transferable college credits in at least one

- 399 ~~advanced placement course~~ Advanced Placement (AP), ~~international baccalaureate~~  
400 International Baccalaureate (IB), ~~or Cambridge, or dual enrollment courses~~ ~~one college-~~  
401 ~~level course for credit, will~~ shall receive the Governor's Seal on the diploma.
- 402 2. Students who complete the requirements for a Standard Diploma or Advanced Studies  
403 Diploma with an average grade of "A" ~~will~~ shall receive a Board of Education Seal on the  
404 diploma.
- 405 3. The Board of Education's Career and Technical Education Seal will be awarded to  
406 students who earn a Standard or Advanced Studies Diploma and complete a prescribed  
407 sequence of courses in a career and technical education concentration or specialization  
408 that they choose and maintain a "B" or better average in those courses; or (i) pass an  
409 examination or an occupational competency assessment in a career and technical  
410 education concentration or specialization that confers certification or occupational  
411 competency credential from a recognized industry, trade or professional association or  
412 (ii) acquire a professional license in that career and technical education field from the  
413 Commonwealth of Virginia. [The Board of Education shall approve all professional  
414 licenses and examinations used to satisfy these requirements.]
- 415 4. The Board of Education's Seal of Advanced Mathematics and Technology will be  
416 awarded to students who earn either a Standard or Advanced Studies Diploma and (i)  
417 satisfy all of the mathematics requirements for the Advanced Studies Diploma (four units  
418 of credit including Algebra II; two verified units of credit) with a "B" average or better;  
419 and (ii) either (a) pass an examination in a career and technical education field that

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420 confers certification from a recognized industry, or trade or professional association; (b)  
421 acquire a professional license in a career and technical education field from the  
422 Commonwealth of Virginia; or (c) pass an examination approved by the board that  
423 confers college-level credit in a technology or computer science area. [The Board of  
424 Education shall approve all professional licenses and examinations used to satisfy these  
425 requirements.]

426 5. The Board of Education's Seal for Excellence in Civics Education will be awarded to  
427 students who earn either a Standard or Advanced Studies Diploma and: i) complete  
428 Virginia and United States History and Virginia and United States Government courses  
429 with a grade of "B" or higher; and, ii) have good attendance and no disciplinary  
430 infractions as determined by local school board policies and, iii) complete 50 hours of  
431 voluntary participation in community service or extracurricular activities. Activities that  
432 would satisfy the requirements of iii) include: a) volunteering for a charitable or religious  
433 organization that provides services to the poor, sick or less fortunate; b) participating in  
434 Boy Scouts, Girl Scouts, or similar youth organizations; c) participating in JROTC; d)  
435 participating in political campaigns or government internships, or Boys State, Girls State,  
436 or Model General Assembly; or e) participating in school-sponsored extracurricular  
437 activities that have a civics focus. Any student who enlists in the United States military  
438 prior to graduation will be deemed to have met this community service requirement.

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

442

443 J. Students completing graduation requirements in a summer school ~~accredited under this~~  
444 ~~chapter program~~ shall be eligible for a diploma. The last school attended by the student  
445 during the regular session shall award the diploma unless otherwise agreed upon by the  
446 principals of the two schools.

447

448 K. Students who complete ~~advanced placement~~ Advanced Placement courses, college-  
449 level courses, or courses required for an International Baccalaureate Diploma shall be  
450 deemed to have completed the requirements for graduation under these standards  
451 provided they have earned the standard units of credit and earned verified units of credit  
452 in accordance with the requirements of subsections B and C of this section.

453

454 L. Students shall be counseled annually regarding the opportunities for using additional  
455 tests for earning verified credits as provided in accordance with the provisions of  
456 8VAC20-131-110 ~~B~~, and the consequences of failing to fulfill the obligations to complete  
457 the requirements for verified units of credit.

458 8 VAC 20-131-60. Transfer of credits students.

459 A. The provisions of this section pertain generally to students who transfer into Virginia  
460 high schools. Students transferring in grades K-8 [from Virginia public schools or  
461 nonpublic schools accredited by one of the approved accrediting constituent members of  
462 the Virginia Council for Private Education shall be given recognition for all grade-level  
463 work completed. The academic record of students transferring from all other schools]  
464 shall be [evaluated to determine appropriate grade placement placed in grade] in  
465 accordance with policies adopted by the local school board.

466

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

470

471 C. Standard or verified units of credit earned by a student in a Virginia public school  
472 shall be transferable without limitation regardless of the accreditation status of the  
473 Virginia public school in which the credits were earned. Virginia public schools shall  
474 accept standard and verified units of credit from other Virginia public schools and state  
475 operated programs. Standard units of credit also shall be accepted for courses  
476 satisfactorily completed in accredited colleges and universities when prior written  
477 approval of the principal has been granted or the student has been given credit by the  
478 previous school attended.

479

480 ~~B~~ D. A secondary school shall accept credits toward graduation received from ~~[other]~~  
481 ~~accredited secondary~~ [Virginia nonpublic] schools [accredited by any of the accrediting  
482 agencies recognized by the U.S. Department of Education,], including ~~[and schools]~~  
483 ~~accredited through~~ by one of the [approved accrediting] constituent members of the  
484 Virginia Council for Private Education (VCPE). The ~~board~~ Board of Education will  
485 maintain contact with the VCPE ~~to~~ and may periodically review its accrediting  
486 procedures and policies ~~on a periodic basis~~ as part of its policies under this section.

487

488 [Nothing in these standards shall prohibit a public school from accepting standard units  
489 of credit toward graduation awarded to students who transfer from all other schools when  
490 the courses for which the student receives credit generally match the description of or can  
491 be substituted for courses for which the receiving school gives standard credit, and the  
492 school from which the child transfers certifies that the courses for which credit is given  
493 meet the requirements of 8 VAC 20-131-110 A.]

494

495 Students transferring into a Virginia public school shall be required to meet the  
496 requirements prescribed in 8 VAC 20-131-50 to receive a Standard, Advanced Studies, or  
497 Modified Standard Diploma, except as provided by subsection ~~F~~ G of this section. To  
498 receive a Special Diploma or Certificate of Program Completion, a student must meet the  
499 requirements prescribed by the Standards of Quality. [Students who transfer from

500 ~~schools accredited by other non-recognized agencies shall have their records evaluated by~~  
501 ~~the receiving school in accordance with 8 VAC 20-131-60 F.]~~

502

503 ~~C. Standard or verified units of credit earned by a student in a Virginia public school~~  
504 ~~shall be transferable without limitation regardless of the accreditation status of the~~  
505 ~~Virginia public school in which the credits were earned.~~

506

507 ~~D. Records of transferred students~~ The academic record of a student transferring from  
508 other Virginia public schools shall be sent directly to the school receiving the student  
509 upon request of the receiving school in accordance with the provisions of the  
510 8 VAC 20-150-10 et seq., Management of the Student's Scholastic Records in Virginia.

511

512 ~~E-F.~~ The academic record of a student transferring into Virginia public schools from  
513 other than a Virginia public school, shall be evaluated to determine the number of  
514 standard units of credit that have been earned, including credit from schools outside the  
515 United States, and the number of verified units of credit needed to graduate in accordance  
516 with subsection F G of this section. Virginia public schools shall accept standard and  
517 verified units of credit from other Virginia public schools and state-operated programs.  
518 Standard units of credit also shall be accepted for courses satisfactorily completed in  
519 accredited colleges and universities when prior written approval of the principal has been  
520 granted or the student has been given credit by the previous school attended.

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521

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

525

526 ~~FG.~~ Students entering a Virginia public high school for the first time after the tenth grade  
527 shall ~~be encouraged to~~ earn as many credits as possible toward the graduation

528 requirements prescribed in 8 VAC 20-131-50. However, schools may substitute courses

529 required in other states in the same content area if the student is unable to meet the

530 specific content requirements of 8 VAC 20-131-50 without taking a heavier than normal

531 course load in any semester, by taking summer school, or by taking courses after the time

532 when he otherwise would have graduated. In any event, no such student shall earn fewer

533 than the following number of verified units, nor shall such students be required to take

534 SOL tests or additional tests as defined in 8 VAC 20-131-110 ~~B~~ for verified units of

535 credit in courses previously completed at another school or program of study, unless

536 necessary to meet the requirements listed in subdivisions 1 and 2 of this subsection:

537 1. For a Standard Diploma:

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

540 b. Students entering a Virginia high school for the first time during the tenth grade or at

541 the beginning of the eleventh grade shall earn a minimum of four verified units of credit:

542 one each in English, mathematics, history, and science]. Students who complete a career  
543 and technical education program sequence may substitute a certificate, occupational  
544 competency credential or license for either a science or history and social science verified  
545 credit pursuant to 8 VAC 20-131-50; ~~except that during the transition period 2000-01~~  
546 ~~through 2002-03, students shall earn one in English and three of the student's own~~  
547 ~~choosing; and~~

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

551 2. For an Advanced Studies Diploma:

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

554 b. Students entering a Virginia high school for the first time during the tenth grade or at  
555 the beginning of the eleventh grade shall earn a minimum of six verified units of credit:  
556 two in English and one each in mathematics, history, and science and one of the student's  
557 own choosing; and

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

561

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562 G.H. Students entering a Virginia high school for the first time after the first semester of  
563 their eleventh grade year must meet the requirements of subdivision ~~F~~ G1 c or ~~F~~ G 2 c of  
564 this section. Students transferring after 20 instructional hours per course of their senior or  
565 twelfth grade year shall be given every opportunity to earn a Standard, Advanced Studies,  
566 or Modified Standard Diploma. If it is not possible for the student to meet the  
567 requirements for a diploma, arrangements should be made for the student's previous  
568 school to award the diploma. If these arrangements cannot be made, a waiver of the  
569 verified unit of credit requirements may be available to the student. The Department of  
570 Education may grant such waivers upon request by the local school board in accordance  
571 with guidelines prescribed by the ~~board~~ Board of Education.

572

573 H.I. Any local school division receiving approval to increase its course credit  
574 requirements for a diploma may not deny either the Standard, Advanced Studies, or  
575 Modified Standard Diploma to any transfer student who has otherwise met the  
576 requirements contained in these standards if the transfer student can only meet the  
577 division's additional requirements by taking a heavier than normal course load in any  
578 semester, by taking summer school, or by taking courses after the time when he otherwise  
579 would have graduated.

580

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581 ~~I~~J. The transcript of a student who graduates or transfers from a Virginia secondary  
582 school shall conform to the requirements of 8 VAC 20-160-10 et seq., *Regulations*  
583 *Governing Secondary School Transcripts*.

584

585 ~~J~~K. The accreditation status of a high school shall not be included on the student  
586 transcript provided to colleges, universities, or employers. The board expressly states that  
587 any student who has met the graduation requirements established in 8 VAC 20-131-50  
588 and has received a Virginia diploma holds a diploma that should be recognized as equal  
589 to any other Virginia diploma of the same type, regardless of the accreditation status of  
590 the student's high school. It is the express policy of the board that no student shall be  
591 affected by the accreditation status of the student's school. The board shall take  
592 appropriate action, from time to time, to ensure that no student is affected by the  
593 accreditation status of the student's school.

594 Part IV

595 School Instructional Program

596 8 VAC 20-131-70. Program of instruction and learning objectives.

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

605

606 B. Instruction shall be designed to accommodate all students, including those identified  
607 with disabilities in accordance with the Individuals with Disabilities Education Act or  
608 § 504 of the Rehabilitation Act, as amended, those identified as gifted/talented, and those  
609 who have limited English proficiency. Each school shall provide students identified as  
610 gifted/talented with instructional programs taught by teachers with special training or  
611 experience in working with gifted/talented students. Students with disabilities shall have  
612 the opportunity to receive a full continuum of education services, in accordance with  
613 8 VAC 20-~~180~~ 80-10 et seq., *Regulations Governing Special Education Programs for*  
614 *Children with Disabilities in Virginia* and other pertinent federal and state regulations.

615 8 VAC 20-131-80. Instructional program in elementary schools.

616 A. The elementary school shall provide each student a program of instruction which  
617 corresponds to the Standards of Learning for English, mathematics, science, and  
618 history/social science. In addition, each school shall provide instruction in art, music, and  
619 physical education and health, and shall ~~provide~~ require students ~~with a daily recess~~  
620 ~~during the regular school year as determined appropriate by the school~~ to participate in a  
621 program of physical fitness during the regular school year in accordance with guidelines  
622 established by the Board of Education.

623

624 B. In kindergarten through grade 3, reading, writing, spelling, and mathematics shall be  
625 the focus of the instructional program. Schools shall maintain, in a manner prescribed by  
626 the ~~board~~ Board of Education, an early skills and knowledge achievement record in  
627 reading and ~~math~~ mathematics for each student in grades kindergarten through grade 3  
628 to monitor student progress and to promote successful achievement on the third grade  
629 SOL tests. This record shall be included with the student's records if the student transfers  
630 to a new school.

631

632 C. To provide students with sufficient opportunity to learn, a minimum of ~~75%~~ 75  
633 percent of the annual instructional time of 990 hours shall be given to instruction in the  
634 disciplines of English, mathematics, science, and history/social science. Students who are  
635 not successfully progressing in early reading proficiency or who are unable to read with

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636 comprehension the materials ~~necessary~~ used for instruction shall receive additional  
637 instructional time in reading, which may include summer school.

638 8 VAC 20-131-90. Instructional program in middle schools.

639 A. The middle school shall provide each student a program of instruction which  
640 corresponds to the Standards of Learning for English, mathematics, science, and  
641 history/social science. In addition, each school shall provide instruction in art, music,  
642 foreign language, physical education and health, and career and technical exploration,  
643 and shall require students to participate in a program of physical fitness during the regular  
644 school year in accordance with guidelines established by the Board of Education.

645

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

650

651 C. Level one of a foreign language and an Algebra I course shall be available to all eighth  
652 grade students. For any high school credit-bearing course taken in middle school, parents  
653 may request that grades be omitted from the student's transcript and the student not earn  
654 high school credit for the course in accordance with policies adopted by the local school  
655 board. Notice of this provision must be provided to parents with a deadline and format for  
656 making such a request. Nothing in ~~this chapter~~ these regulations shall be construed to  
657 prevent a middle school from offering any other credit-bearing courses for graduation.

658

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659 D. To provide students a sufficient opportunity to learn, each student shall be provided  
660 140 clock hours per year of instruction in each of the four disciplines of English, math,  
661 mathematics,] science, and history/social science. Sixth grade students may receive an  
662 alternative schedule of instruction provided each student receives at least 560 total clock  
663 hours of instruction in the four academic disciplines.

664

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

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668 8 VAC 20-131-100. Instructional program in secondary schools.

669 A. The secondary school shall provide each student a program of instruction in the  
670 academic areas of English, mathematics, science, and history/social science that enables  
671 each student to meet the graduation requirements described in 8 VAC 20-131-50 and  
672 shall offer opportunities for students to pursue a program of studies in ~~academics~~ foreign  
673 languages, fine arts, and career and technical areas including:

- 674 1. Career and technical education choices that prepare the student as a career and  
675 technical education program completer in one of three or more occupational areas and  
676 that prepare the student for technical or preprofessional postsecondary programs;
- 677 2. [~~Course work~~ Coursework] and experiences that prepare the student for college-level  
678 studies including access to at least ~~two~~ three ~~advanced placement~~ Advanced Placement  
679 courses, ~~or two~~ college-level courses for degree credit, International Baccalaureate  
680 courses, or any combination thereof;
- 681 3. Preparation for college admissions tests; and
- 682 4. Opportunities to study and explore the fine arts and foreign languages.

683

684 B. Minimum course offerings for each secondary school shall provide opportunities for  
685 students to meet the graduation requirements stated in 8 VAC 20-131-50 and must  
686 include:

687

English	4
Mathematics	4
Science (Laboratory)	4
History and Social Sciences	4
Foreign Language	3
Electives	4
Career and Technical Education	11
Fine Arts	2
Health and Physical Education	2
Total Units	38

688

689 C. Classroom driver education may count for 36 class periods of health education.

690 Students shall not be removed from classes other than health and physical education for

691 the in-car phase of driver education.

692

693 D. Each school shall ensure that students who are unable to read with comprehension the

694 materials used for instruction receive additional instruction in reading, which may include

695 summer school.

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696 8 VAC 20-131-110. Standard and verified units of credit.

697 A. The standard unit of credit for graduation shall be based on a minimum of 140 clock  
698 hours of instruction and successful completion of the requirements of the course. When  
699 credit is awarded in less than whole units, the increment awarded must be no greater than  
700 the fractional part of the 140 hours of instruction provided. If a school division elects to  
701 award credit ~~in a noncore academic course~~ on a basis other than the 140 clock hours of  
702 instruction required for a standard unit of credit defined in this subsection, the local  
703 school division shall develop a written policy approved by the superintendent and school  
704 board which ensures:

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

708

709 B. A verified unit of credit for graduation shall be based on a minimum of 140 clock  
710 hours of instruction, successful completion of the requirements of the course, and the  
711 achievement by the student of a passing score on the end-of-course SOL test for that  
712 course or additional tests as described in this subsection. A student may also earn a  
713 verified unit of credit by the following methods:

- 714 1. In accordance with the provisions of the Standards of Quality, students may earn a  
715 standard and verified unit of credit for any elective course in which the core academic  
716 SOL course content has been integrated and the student passes the related end-of-course

717 SOL test. Such course and test combinations must be approved by the ~~board~~ Board of  
718 Education.

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

723 3. [Beginning with the ninth grade class of 2003-2004 and beyond Students students]  
724 who do not pass Standards of Learning tests in science or history and social science may  
725 [be receive locally] awarded verified credits [by from] the local school board in  
726 accordance with criteria established in guidelines adopted by the Board of Education.

727

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

731 1. The test must be standardized and graded independently of the school or school  
732 division in which the test is given;

733 2. The test must be knowledge based;

734 3. The test must be administered on a multistate or international basis, or administered as  
735 part of another state's accountability assessment program; and

736 4. To be counted in a specific academic area, the test must measure content that

737 incorporates or exceeds the SOL content in the course for which verified credit is given.

738

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

741

742 D. With such funds as are appropriated by the General Assembly, the ~~board~~ Board of  
743 Education will provide opportunities for students who meet criteria adopted by the board  
744 to have an expedited retake of ~~an end-of-course~~ a SOL test to earn verified credit or to  
745 meet literacy and numeracy requirements for the Modified Standard Diploma.

746

747 ~~C. A school employing a scheduling configuration of less than 140 clock hours per core~~  
748 ~~academic course may retain that scheduling configuration through the end of the 2000-01~~  
749 ~~school year unless a waiver is granted by the board under the provisions of 8VAC20-131-~~  
750 ~~325-B or 8VAC20-131-330. If the school does not comply following the end of the 2000-~~  
751 ~~01 school year, the board may take appropriate action which may include, but not be~~  
752 ~~limited to, adjustment or withdrawal of the school's accreditation.~~

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753 8 VAC 20-131-120. Summer school.

754 A. The courses offered and the quality of instruction in the summer school program shall  
755 be comparable to that offered during the regular school term. At the middle and  
756 secondary school levels, credit for courses taken for credit toward graduation other than a  
757 repeat course shall be awarded in accordance with the requirements of 8 VAC 20-131-  
758 110. Students must also meet the requirements for SOL testing if appropriate.

759

760 B. At the middle and secondary school levels, credit for repeat courses ordinarily will be  
761 granted on the same basis as that for new courses; however, with prior approval of the  
762 principal, students may be allowed to enroll in repeat courses to be completed in no less  
763 than 70 clock hours of instruction per unit of credit. Students must also meet the  
764 requirements for SOL testing if appropriate.

765

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

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- 769 8 VAC 20-131-130. Elective courses.
- 770 Locally developed elective courses offered for credit toward high school graduation shall
- 771 be approved by the division superintendent and local school board.

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772 8 VAC 20-131-140. College preparation programs and opportunities for postsecondary  
773 credit.

774 Each middle and secondary school shall provide for the early identification and  
775 enrollment of students in a college preparation program with a range of educational and  
776 academic experiences in and outside the classroom, including an emphasis on  
777 experiences that will motivate disadvantaged and minority students to attend college.

778

779 Beginning in the middle school years, students shall be counseled on opportunities for  
780 beginning postsecondary education and opportunities for obtaining industry  
781 certifications, occupational competency credentials, or professional licenses in a career  
782 and technical education field prior to high school graduation. Such opportunities shall  
783 include access to at least three Advanced Placement courses or three college-level  
784 courses for degree credit pursuant to 8 VAC 20-131-100. Students taking advantage of  
785 such opportunities shall not be denied participation in school activities for which they are  
786 otherwise eligible. Wherever possible, students shall be encouraged and afforded  
787 opportunities to take college courses simultaneously for high school graduation and  
788 college degree credit (dual enrollment), under the following conditions:

789 1. Written approval of the high school principal prior to participation in dual enrollment  
790 must be obtained;

791 2. The college must accept the student for admission to the course or courses; and

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792 3. The course or courses must be given by the college for degree credits (no remedial  
793 courses will be accepted).

794

795 Schools that comply with this standard shall not be penalized in receiving state  
796 appropriations.

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797 8 VAC 20-131-150. Standard school year and school day.

798 A. The standard school year shall be 180 [instructional] days. The standard school day for

799 students in grades 1 through 12 shall average at least 5-1/2 [instructional] hours,

800 excluding breaks for meals and recess, and a minimum of three hours for kindergarten.

801 ~~School divisions may develop alternative schedules for meeting these requirements as~~

802 ~~long as a minimum of 990 hours of instructional time is provided for grades 1 through 12~~

803 ~~and 540 hours for kindergarten. Such alternative plans must be approved by the local~~

804 ~~school board and by the board under guidelines established by the board. No alternative~~

805 ~~plan which reduces the instructional time in the core academics shall be approved.~~

806

807 B. All students in grades 1 through 12 shall maintain a full day schedule of classes (5-1/2

808 hours), unless a waiver is granted in accordance with policies defined by the local school

809 board.

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810 8 VAC 20-131-160. ~~Additional reading instruction.~~ (Repealed)

811 ~~Each school shall ensure that students who are unable to read with comprehension the~~

812 ~~materials necessary for instruction receive additional instruction in reading, which may~~

813 ~~include summer school.~~

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814 8 VAC 20-131-170. Family Life Education.

815 Each school may implement the Standards of Learning for the Family Life Education

816 program promulgated by the ~~board~~ Board of Education or a Family Life Education

817 program consistent with the guidelines developed by the board, which shall have the

818 goals of reducing the incidence of pregnancy and sexually-transmitted diseases and

819 substance abuse among teenagers.

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820 8 VAC 20-131-180. Off-site instruction.

821 A. Homebound instruction shall be made available to students who are confined at home  
822 or in a health care facility for periods that would prevent normal school attendance based  
823 upon certification of need by a licensed physician or licensed clinical psychologist. For  
824 students eligible for special education or related services, the Individualized Education  
825 Program committee must revise the IEP, as appropriate. Credit for the work shall be  
826 awarded when it is done under the supervision of a licensed teacher, a person eligible to  
827 hold a Virginia license, or other appropriately licensed professional employed by the  
828 local school board, and there is evidence that the ~~meets the~~ instructional time  
829 requirements or alternative means of awarding credit adopted by the local school board of  
830 in accordance with the provisions of 8 VAC 20-131-110 have been met.

831

832 B. Students may enroll in and receive a standard and verified unit of credit for supervised  
833 correspondence courses with prior approval of the principal. Standard units of credit shall  
834 be awarded for the successful completion of such courses when the course is equivalent  
835 to that offered in the regular school program and the work is done under the supervision  
836 of a licensed teacher, or a person eligible to hold a Virginia license, approved by the local  
837 school board. Verified units of credit may be earned when the student has passed the SOL  
838 test associated with the correspondence course completed. The local school board shall  
839 develop policies governing this method of instruction in accordance with the provisions

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840 of 8 VAC 20-131-110 and the administration of required SOL tests prescribed by 8 VAC  
841 20-131-30.

842

843 C. Schools are encouraged to pursue alternative means to deliver instruction to  
844 accommodate student needs through emerging technologies and other similar means.

845 Standard units of credit shall be awarded for successful completion of such courses when  
846 the course is equivalent to that offered in the regular school program and the work is done  
847 under the supervision of a licensed teacher, or a person eligible to hold a Virginia  
848 teaching license and approved by the local school board. Verified units of credit may be  
849 earned when the student has successfully completed the requirements and passed the SOL  
850 test associated with the course. The local school board shall develop policies governing  
851 this method of delivery of instruction that shall include the provisions of 8 VAC 20-131-  
852 110 and the administration of required SOL tests prescribed by 8 VAC 20-131-30.

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853 8 VAC 20-131-190. Library media, materials and equipment.

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

860

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

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863 8 VAC 20-131-200. Extracurricular and other school activities, recess.

864 A. School sponsored extracurricular activities shall be under the direct supervision of the

865 staff and shall contribute to the educational objectives of the school. Extracurricular

866 activities must be organized to avoid interrupting the instructional program.

867 Extracurricular activities shall not be permitted to interfere with the student's required

868 instructional activities. Extracurricular activities and eligibility requirements shall be

869 established and approved by the superintendent and the school board.

870

871 B. Competitive sports of a varsity nature (scheduled league games) shall be prohibited as

872 a part of the elementary school program.

873

874 C. Each elementary school shall provide students with a daily recess during the regular

875 school year as determined appropriate by the school.

876 Part V

877 School and Instructional Leadership

878 8 VAC 20-131-210. Role of the principal.

879 A. The principal is recognized as the instructional leader of the school and is responsible  
880 for effective school management that promotes positive student achievement, a safe and  
881 secure environment in which to teach and learn, and efficient use of resources. As a  
882 matter of policy, the board, through these standards, recognizes the critically important  
883 role of principals to the success of public schools and the students who attend those  
884 schools and recommends that local school boards provide principals with the maximum  
885 authority available under law in all matters affecting the school including, but not limited  
886 to, instruction and personnel, in a manner that allows the principal to be held accountable  
887 in a fair and consistent manner for matters under his direct control.

888

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

891 1. Protect the academic instructional time from unnecessary interruptions and disruptions  
892 and enable the professional teaching staff to spend the maximum time possible in the  
893 teaching/learning process by keeping to a minimum clerical responsibility and the time  
894 students are out of class;

895 2. Ensure that the school division's student code of conduct is enforced and seek to  
896 maintain a safe and secure school environment;

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- 897 3. Analyze the school's test scores annually, by grade and by discipline, to:
- 898 a. Direct and require appropriate prevention, intervention, and/or remediation to those
- 899 students performing below grade level or not passing the SOL tests;
- 900 b. Involve the staff of the school in identifying the types of staff development needed to
- 901 improve student achievement and ensure that the staff participate in those activities; and
- 902 c. Analyze classroom practices and methods for improvement of instruction;
- 903 4. Ensure that students' records are maintained and that criteria used in making placement
- 904 and promotion decisions, as well as any instructional interventions used to improve the
- 905 student's performance, are included in the record;
- 906 5. Monitor and evaluate the quality of instruction, provide staff development, provide
- 907 support that is designed to improve instruction, and seek to ensure the successful
- 908 attainment of the knowledge and skills required for students by the SOL tests; ~~and~~
- 909 6. Maintain records of students who drop out of school, including their reasons for
- 910 dropping out and actions taken to prevent these students from dropping out~~[- ; and]~~
- 911 7. Notify the parents of rising ~~eleventh eleventh-grade~~ and ~~twelfth-grade twelfth-grade~~
- 912 students of:
- 913 a. the number of standard and verified units of credit required for graduation; and
- 914 b. the remaining number of such units of credit the individual student requires for
- 915 graduation.
- 916
- 917 C. As the school manager, the principal shall:

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918

919 1. Work with staff to create an atmosphere of mutual respect and courtesy and to

920 facilitate constructive communication by establishing and maintaining a current

921 handbook of personnel policies and procedures;

922 2. Work with the community to involve parents and citizens in the educational program

923 and facilitate communication with parents by maintaining and disseminating a current

924 student handbook of policies and procedures that includes the school division's standards

925 of student conduct and procedures for enforcement, along with other matters of interest to

926 parents and students;

927 3. Maintain a current record of licensure, endorsement, and in-service training completed

928 by staff; and

929 4. Maintain records of receipts and disbursements of all funds handled. These records

930 shall be audited annually by a professional accountant approved by the local school

931 board.

REGULATIONS ESTABLISHING STANDARDS FOR  
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932 8 VAC 20-131-220. Role of professional teaching staff.

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

937

938 1. Serve as role models for effective oral and written communication with special  
939 attention to the correct use of language and spelling;

940 2. Strive to strengthen the basic skills of students in all subjects;

941 3. Establish teaching objectives to achieve the following:

942 a. Identify what students are expected to learn; and

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

944 4. Provide for individual differences of students through the use of differentiated

945 instruction, varied materials, and activities suitable to their interests and abilities; and

946 5. Assess the progress of students and report promptly and constructively to them and

947 their parents.

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948 8 VAC 20-131-230. Role of support staff.

949 The school's support staff shall work with the principal and professional teaching staff to

950 promote student achievement and successful attainment of the school's goals.

951 8 VAC 20-131-240. Administrative and support staff; staffing requirements.

952 A. Each school shall have at a minimum the staff as specified in the Standards of Quality

953 with proper licenses and endorsements for the positions they hold, ~~including:~~

954 ~~1. Principal; elementary: one half time to 299, one full time at 300; middle: one full time;~~

955 ~~secondary: one full time.~~

956 ~~2. Assistant principal; elementary: one half time at 600, one full time at 900; middle: one~~

957 ~~full time each 600; secondary: one full time each 600.~~

958 ~~3. Librarian; elementary: part time to 299, one full time at 300; middle: one half time to~~

959 ~~299, one full time at 300, two full time at 1,000; secondary: one half time to 299, one~~

960 ~~full time at 300, two full time at 1,000.~~

961 ~~4. Guidance counselors or reading specialists; elementary: one hour per day per 100, one~~

962 ~~full time at 500, one hour per day additional time per 100 or major fraction.~~

963 ~~5. Guidance counselor; middle: one period per 80, one full time at 400, one additional~~

964 ~~period per 80 or major fraction; secondary: one period per 70, one full time at 350, one~~

965 ~~additional period per 70 or major fraction.~~

966 ~~6. Clerical; elementary: part time to 299, one full time at 300; middle: one full time and~~

967 ~~one additional full time for each 600 beyond 200 and one full time for the library at 750;~~

968 ~~secondary: one full time and one additional full time for each 600 beyond 200 and one~~

969 ~~full time for the library at 750.~~

970

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

973

974 C. Each secondary school with 350 or more students and each middle school with 400 or  
975 more students shall employ at least one member of the guidance staff for 11 months.

976 Guidance counseling shall be provided for students to ensure that a program of studies  
977 contributing to the student's academic achievement and meeting the graduation

978 requirements specified in 8 VAC 20-131-50 is being followed. ~~In addition, the~~

979 ~~counseling program shall provide for a minimum of 60% of the time of each member of~~  
980 ~~the guidance staff devoted to such counseling of students.]~~

981

982 ~~[D. The counseling program for elementary, middle, and secondary schools shall provide~~  
983 ~~a minimum of 60 percent of the time for each member of the guidance staff devoted to~~  
984 ~~counseling of students.]~~

985

986 ~~[D. E. The Middle middle] school [teachers classroom teacher's standard load in schools~~  
987 ~~with a seven period day may teach shall be based on teaching no more than 5/6 (five-~~  
988 ~~sixths) of the instructional day with no more than ] 150 student periods per day or [30 25]~~

989 class periods per week~~[, provided all teachers with more than 25 class periods per week~~  
990 ~~have one period per day or the equivalent unencumbered of any teaching or supervisory~~

991 ~~duties].~~

992

993 [~~E. F.~~] The secondary classroom teacher's standard load shall be based on teaching no  
994 more than 5/6 (five-sixths) of the instructional day with no more than 150 student  
995 periods per day or 25 class periods per week. ~~[One class period each day or the~~  
996 ~~equivalent, unencumbered by supervisory or teaching duties, shall be provided to every~~  
997 ~~full-time classroom teacher for instructional planning. Teachers of block programs with~~  
998 ~~no more than 120 student periods per day may teach 30 class periods per week.] Teachers~~  
999 who teach very small classes may teach 30 class periods per week, provided the teaching  
1000 load does not exceed 75 student periods per day. If a classroom teacher teaches 30 class  
1001 periods per week with more than 75 student periods per day, an appropriate contractual  
1002 arrangement and compensation shall be provided.

1003

1004 [~~F. G.~~] Middle or secondary school teachers shall teach no more than 750 student periods  
1005 per week; however, physical education and music teachers may teach 1,000 student  
1006 periods per week.

1007

1008 [H. Each full-time middle and secondary classroom teacher shall be provided one  
1009 planning period per day or the equivalent, unencumbered of any teaching or supervisory  
1010 duties.]

1011

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1012 ~~G. Each school shall report the extent to which an unencumbered lunch is provided for all~~  
1013 ~~classroom teachers.~~

1014

1015 H-~~G. I.~~ Staff-student ratios in special and career and technical education classrooms  
1016 shall comply with regulations of the board.

1017

1018 I-~~H. J.~~ Pupil Student services personnel services, including visiting teachers, school  
1019 social workers, school psychologists, and guidance counselors, as defined in the  
1020 Standards of Quality shall be available as necessary to promote academic achievement  
1021 and to provide support services to the school.

1022 8 VAC 20-131-250. [Repealed]

1023 Part VI

1024 School Facilities and Safety

1025 8 VAC 20-131-260. School facilities and safety.

1026 A. Each school shall be maintained in a manner ensuring compliance with the Virginia

1027 Uniform Statewide Building Code (13 VAC 5-61-10 et seq.) ~~and regulations of the board~~

1028 ~~pertaining to facilities~~. In addition, the school administration shall:

1029 1. Maintain a physical plant that is accessible, barrier free, safe, and clean;

1030 2. Provide for the proper outdoor display of flags of the United States and of the

1031 Commonwealth of Virginia;

1032 3. Provide suitable space for classrooms, administrative staff, pupil personnel services,

1033 library and media services, and for the needs and safety of physical education; **and]**

1034 4. Provide adequate, safe, and properly-equipped laboratories to meet the needs of

1035 instruction in the sciences, technology, fine arts, and career and technical programs **[::**

1036 **and]**

1037 5. Provide facilities for the adequate and safe administration and storage of student

1038 medications.

1039

1040 B. Each school shall maintain records of regular safety, health, and fire inspections that

1041 have been conducted and certified by local health and fire departments. The frequency of

1042 such inspections shall be determined by the local school board in consultation with the

1043 local health and fire departments. In addition, the school administration shall:

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- 1044 1. Equip all exit doors with panic hardware as required by the Uniform Statewide  
1045 Building Code (13 VAC 5-61-10 et seq.); and  
1046
- 1047 2. Conduct fire drills at least once a week during the first month of school and at least  
1048 once each month for the remainder of the school term. Evacuation routes for students  
1049 shall be posted in each room. Additionally, at least one simulated lock-down and crisis  
1050 emergency evacuation activity should be conducted early in the school year.  
1051
- 1052 C. Each school shall have contingency plans for emergencies that include staff certified  
1053 in cardiopulmonary resuscitation (CPR), the Heimlich maneuver, and emergency first  
1054 aid. In addition, the school administration shall ensure that the school has:
- 1055 1. Written procedures to follow in emergencies such as fire, injury, illness, allergic  
1056 reactions, and violent or threatening behavior. The plan shall be outlined in the student  
1057 handbook and discussed with staff and students during the first week of each school year;
- 1058 2. Space for the proper care of students who become ill; ~~and~~
- 1059 3. A written procedure, in accordance with guidelines established by the local school  
1060 board, for responding to violent, disruptive or illegal activities by students on school  
1061 property or during a school sponsored activity: ; and
- 1062 4. Written procedures to follow for the safe evacuation of persons with special physical,  
1063 medical, or language needs who may need assistance to exit a facility.

1064 Part VII

1065 School and Community Communications

1066 8 VAC 20-131-270. School and community communications.

1067 A. Each school shall promote communication and foster mutual understanding with  
1068 parents and the community. Each school shall:

1069 1. Involve parents, citizens, community agencies, and representatives from business and  
1070 industry in developing, disseminating, and explaining the biennial school plan; on  
1071 advisory committees; in curriculum studies; and in evaluating the educational program.

1072 2. Provide annually to the parents and the community the School Performance Report  
1073 Card in a manner prescribed by the board. The information contained therein will be for  
1074 the most recent three-year period. Such information shall include but not be limited to:

1075 a. ~~SOL test scores and scores on the literacy and numeracy tests required for the Modified~~  
1076 ~~Standard Diploma for the school, school division, and state.~~ Virginia assessment  
1077 program results including the

1078 ~~b. Percentage~~ percentage of students tested, as well as the percentage of students not  
1079 tested, ~~to include a breakout of students with disabilities and limited English proficient~~  
1080 ~~students.~~

1081 ~~c. Percentage of students who are otherwise eligible, but do not take, the SOL tests due to~~  
1082 ~~enrollment in an alternative, or any other program not leading to a Standard, Advanced~~  
1083 ~~Studies, Modified Standard, or International Baccalaureate Diploma.~~

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- 1084 ~~d-b.~~ Performance of ~~students with disabilities or students with limited English~~  
1085 ~~proficiency~~ student subgroups on ~~SOL tests and alternate assessments~~ the Virginia  
1086 assessment program as appropriate.
- 1087 ~~e-c.~~ The accreditation rating awarded to the school.
- 1088 ~~f-d.~~ Attendance rates for students.
- 1089 ~~g-e.~~ Information related to school safety to include, but not limited to, incidents of  
1090 physical violence (including fighting and other serious offenses), possession of firearms,  
1091 and possession of other weapons.
- 1092 ~~h-f.~~ Information related to qualifications and experience of the teaching staff including  
1093 the percentage of the school's teachers endorsed in the area of their primary teaching  
1094 assignment.
- 1095 ~~i-g.~~ In addition, secondary schools' School Performance Report Cards shall include the  
1096 following:
- 1097 (1) Advanced Placement (AP) information to include percentage of students who take AP  
1098 courses and percentage of those students who take AP tests;
- 1099 (2) International Baccalaureate (IB) information to include percentage of students who  
1100 are enrolled in IB programs and percentage of students who receive IB Diplomas;
- 1101 (3) College-level course information to include percentage of students who take college-  
1102 level courses including dual enrollment courses;

1103 (4) Percentage of (i) graduates by diploma type as prescribed by the Board of Education  
1104 diplomas, (ii) certificates awarded to the senior class including GED credentials, and (iii)  
1105 students who do not graduate complete high school;

1106 ~~(5) Percentage of students in alternative programs that do not lead to a Standard,~~  
1107 ~~Advanced Studies, or Modified Standard Diploma; Information on the number of~~  
1108 students obtaining industry certifications, and passing state licensure examinations and  
1109 occupational competency assessments while still in high school; and

1110 ~~(6) Percentage of students in academic year Governor's Schools; and~~

1111 ~~(7) (6) Percentage of drop-outs.~~

1112 3. Cooperate with business and industry in formulating career and technical educational  
1113 programs and conducting joint enterprises involving personnel, facilities, training  
1114 programs, and other resources.

1115 4. Encourage and support the establishment and/or continuation of a parent-teacher  
1116 association or other organization and work cooperatively with it.

1117

1118 B. At the beginning of each school year, each school shall provide to its students' parents  
1119 or guardians information on the availability of and source for receiving:

1120 1. The learning objectives developed in accordance with the provisions of 8 VAC 20-  
1121 131-70 to be achieved at their child's grade level or, in high school, a copy of the syllabus  
1122 for each of their child's courses, and a copy of the school division promotion, retention,  
1123 and remediation policies;

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1124 2. ~~A copy of the~~ The Standards of Learning applicable to the child's grade or course  
1125 requirements and the approximate date and potential impact of the child's next SOL  
1126 testing; and

1127 3. An annual notice to students in all grade levels of all requirements for Standard,  
1128 Advanced Studies, and Modified Standard Diplomas, and the board's policies on  
1129 promotion and retention as outlined in 8 VAC 20-131-30.

1130

1131 ~~No later than the end of the first semester of each school year, the~~ The division  
1132 superintendent shall ~~certify~~ report to the department compliance with this subsection  
1133 through the pre-accreditation eligibility procedures in 8 VAC 20-131-290 of these  
1134 regulations.

1135 Part VIII

1136 School Accreditation

1137 8 VAC 20-131-280. Expectations for school accountability.

1138 A. Schools will be accredited annually based on compliance with pre-accreditation

1139 eligibility requirements and achievement of the school accountability requirements of

1140 8 VAC 20-131-300 C.

1141

1142 ~~B. These standards apply to schools for all grade levels, kindergarten through 12, as listed~~

1143 ~~below:~~

1144 ~~1. Schools with grades kindergarten through 5 shall be classified as elementary schools;~~

1145 ~~2. Schools with grades 6 through 8 shall be classified as middle schools;~~

1146 ~~3. Schools with grades 9 through 12 shall be classified as secondary schools.~~

1147 ~~4. Schools with grade configurations other than these shall be classified in accordance~~

1148 ~~with policies and practices of the Department of Education.~~

1149

1150 ~~€~~ B. Each school shall be accredited based, primarily, on achievement of the criteria

1151 established in 8 VAC 20-131-30 as specified below:

1152 ~~1. All students enrolled in a grade or course in which a SOL test is administered shall~~

1153 ~~take each applicable SOL test, unless exempted from participating in all or part of the~~

1154 ~~testing program by one of the following:~~

1155 ~~a. IEP team;~~

- 1156 ~~b. LEP committee;~~
- 1157 ~~c. Use of additional tests for verified units of credit as outlined in 8 VAC 20-131-110 B;~~
- 1158 ~~or~~
- 1159 ~~d. In accordance with 8 VAC 20-131-30 B.~~
- 1160 ~~2. In a manner prescribed by the board, the evaluation of the performance of schools shall~~
- 1161 ~~take into consideration:~~
- 1162 ~~a. The percentage of eligible students who achieve a passing score on the prescribed SOL~~
- 1163 ~~tests or additional tests used for verified units of credit as outlined in 8 VAC 20-131-110~~
- 1164 ~~B;~~
- 1165 ~~b. The percentage of students who pass the literacy and numeracy tests required for the~~
- 1166 ~~Modified Standard Diploma;~~
- 1167 ~~c. The percentage of those students with disabilities whose IEPs specify their~~
- 1168 ~~participation in alternate assessment who attain a proficient level score (beginning with~~
- 1169 ~~the 2001-02 school year); and~~
- 1170 ~~d. The school's attainment of the provisional accreditation benchmarks as described in~~
- 1171 ~~8 VAC 20-131-320.~~
- 1172 ~~e. The number of students who successfully complete a remediation/recovery program,~~
- 1173 ~~and subsequently pass SOL tests in English (Reading, Literature, and Research) and/or~~
- 1174 ~~mathematics during any scheduled administration by the end of the following school~~
- 1175 ~~year.~~

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1176 ~~3-1. The awarding of an accreditation rating shall be based on the percentage of students~~  
1177 ~~passing the Virginia assessment program SOL tests or approved additional tests described~~  
1178 ~~in 8 VAC 20-131-110 B in the four core academic areas administered in the school, or~~  
1179 ~~with the accreditation rating calculated on a trailing three-year average that includes the~~  
1180 ~~current year scores and the scores from the two most recent years in each applicable~~  
1181 ~~academic area, or on the current year's scores, whichever is higher.~~

1182 2. The number of students who successfully complete a remediation recovery program.

1183 ~~4. Eligible students shall be defined as the total number of students of school age enrolled~~  
1184 ~~in the school at a grade or course for which a SOL test is required unless excluded under~~  
1185 ~~subsection E of this section and those students with disabilities who participate in the~~  
1186 ~~alternate assessment program.~~

1187 ~~5. Schools shall be evaluated by the percentage of the school's eligible students who~~  
1188 ~~achieve a passing score on the SOL tests or other additional tests approved by the board~~  
1189 ~~as outlined in 8 VAC 20-131-110 B in the four core academic areas administered in the~~  
1190 ~~school.~~

1191 6.3. Schools, with grade configurations that do not house a grade or offer courses for  
1192 which SOL tests or [other]-additional tests approved by the board Board of Education as  
1193 outlined in 8 VAC 20-131-110 B are administered, will be paired with another school in  
1194 the division housing one or more of the grades in which SOL tests are administered. The  
1195 pairing of such schools will be made upon the recommendation of the local

1196 superintendent. The schools should have a "feeder" relationship and the grades should be  
1197 contiguous.

1198

1199 ~~D.C.~~ Subject to the provisions of 8 VAC 20-131-330, the governing school board of  
1200 ~~special~~ special purpose schools such as those provided for in § 22.1-26 of the Code,  
1201 regional, Governor's schools, special education schools, alternative schools, or career and  
1202 technical schools that serve as the student's school of principal enrollment may seek  
1203 approval of an alternative accreditation plan from the Board of Education. Special  
1204 purpose schools with alternative accreditation plans shall be evaluated on standards  
1205 appropriate to the programs offered in the school and approved by the board prior to  
1206 August 1 of the school year for which approval is requested. Any student graduating from  
1207 a special purpose school with a Standard, Advanced Studies, or Modified Standard  
1208 Diploma must meet the requirements prescribed in 8 VAC 20-131-50.

1209

1210 ~~E.D.~~ When calculating the passing rates on [SOL Virginia assessment program] tests for  
1211 the purpose of school [accountability accreditation], the following tolerances for limited  
1212 English proficient (LEP) and transfer students will apply:

1213 ~~1. LEP students shall have a one time exemption in each of the four core areas for SOL~~  
1214 ~~tests designed to assess SOL content in grades kindergarten through 8.~~

1215 ~~2. LEP students shall not be exempted from participating in the SOL end-of-course~~  
1216 ~~testing.~~

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1217 3-1. The scores of LEP students enrolled in Virginia public schools fewer than 11  
1218 semesters may be removed from the calculation used for the purpose of school  
1219 accreditation required by 8 VAC 20-131-280 ~~C~~ B and 8 VAC 20-131-300 C. Completion  
1220 of a semester shall be based on school membership days. Membership days are defined as  
1221 the days the student is officially enrolled in a Virginia public school, regardless of days  
1222 absent or present. For a semester to count as a completed semester, a student must have  
1223 been in membership for a majority of the membership days of the semester. These  
1224 semesters need not be consecutive.

1225 4-2. In accordance with the provisions of 8 VAC 20-131-30, all students who transfer into  
1226 Virginia public schools are expected to take and pass all applicable SOL tests ~~unless they~~  
1227 ~~have been exempted as defined in subdivision C 1 of this section~~ in the content areas in  
1228 which they receive instruction.

1229 5-3. All students who transfer within a school division shall have their scores counted in  
1230 the calculation of the school's ~~accountability~~ (accreditation) rating. Students who transfer  
1231 into a Virginia school from home instruction, [or from] another Virginia school division,  
1232 another state, or another country, in grades kindergarten through 8 shall be expected to  
1233 take all applicable SOL tests or [or other]-additional tests approved by the board as outlined  
1234 in 8 VAC 20-131-110 ~~B~~. If the transfer takes place after the 20th instructional day  
1235 following the opening of school, the scores on these tests may be used in calculating  
1236 school ~~accountability~~ (accreditation) ratings.

1237 ~~6-4.~~ Students who transfer into a Virginia middle or high school from home instruction,  
1238 or from another state or country, and enroll in a course for which there is an end-of-  
1239 course SOL test, shall be expected to take the test or ~~[other]~~-additional tests for that  
1240 course approved by the board as outlined in 8 VAC 20-131-110 ~~B.~~ If the transfer takes  
1241 place after 20 instructional hours per course have elapsed following the opening of school  
1242 or beginning of the semester, if applicable, the scores on those tests may be used in  
1243 calculating school ~~[accountability (accreditation)]~~ ratings in the year the transfer occurs.

1244 ~~7-5.~~ Students who enroll on the first day of school and subsequently transfer to a school  
1245 outside of the division for a total amount of instructional time equal to or exceeding ~~[50%~~  
1246 ~~50 percent]~~ of a current school year or semester, whether the transfer was a singular or  
1247 multiple occurrence, and return during the same school year shall be expected to take any  
1248 applicable SOL test. The scores of those tests may be used in calculating the school  
1249 ~~accountability (accreditation)~~ rating in the year in which the transfers occur.

1250 ~~8. The scores of LEP and transfer students will be used in the calculation of a school's~~  
1251 ~~accountability (accreditation) rating if it will benefit the school.~~

1252 ~~9-6.~~ The board may alter the inclusions and exclusions from the ~~accountability~~  
1253 ~~accreditation~~ calculations by providing adequate notice to local school boards.

1254

1255 E. The Board of Education may ~~enact~~ adopt] special provisions related to the  
1256 administration and use of any ~~[SOL Virginia assessment program]~~ test ~~[or tests]~~ in a  
1257 content area as applied to these regulations.

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1258

1259 F. As a prerequisite to the awarding of an accreditation rating as defined in 8 VAC 20-  
1260 131-300, each new or existing school shall document, in a manner prescribed by the  
1261 board, the following: (i) the division's promotion/retention policies developed in  
1262 accordance with the requirements of 8 VAC 20-131-30, (ii) compliance with the  
1263 requirements to offer courses that will allow students to complete the graduation  
1264 requirements in 8 VAC 20-131-50, (iii) the ability to offer the instructional program  
1265 prescribed in 8 VAC 20-131-70 through 8 VAC 20-131-100, (iv) the leadership and  
1266 staffing requirements of 8 VAC 20-131-210 through 8 VAC 20-131-240, and (v) the  
1267 facilities and safety provisions of 8 VAC 20-131-260.

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1268 8 VAC 20-131-290. Procedures for certifying accreditation eligibility.

1269 A. Schools will be accredited under these standards annually based, in part, on  
1270 compliance with the pre-accreditation criteria described in 8 VAC 20-131-280 F.

1271

1272 B. To be eligible for accreditation, the principal of each school and the division  
1273 superintendent shall ~~certify~~ report to the Department of Education:

1274 1. The extent to which each school continues to meet standards reported as met in the  
1275 previous year described in 8 VAC 20-131-280 F.

1276 2. That the SOL have been fully incorporated into the school division's curriculum in all  
1277 accreditation-eligible schools and the SOL material is being taught to all students eligible  
1278 to take the SOL tests. This shall be certified ~~in writing to the board no later than July 1 of~~  
1279 ~~every year~~, by each school division superintendent as part of the pre-accreditation  
1280 eligibility determination process.

1281 3. Actions taken to correct any noncompliance issues cited in the previous year.

1282 The principal of each school and the division superintendent shall submit pre-  
1283 accreditation eligibility reports in a manner prescribed by the board to the Department of  
1284 Education. Failure to submit the reports on time will constitute grounds for denying  
1285 accreditation to the school.

1286

1287 C. In keeping with provisions of the Standards of Quality, and in conjunction with the  
1288 six-year plan of the division, each school shall prepare and implement a biennial school

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1289 plan which shall be available to students, parents, staff, and the public. Each biennial  
1290 school plan shall be evaluated as part of the development of the next biennial plan.  
1291 Schools may use other plans to satisfy the requirement for the biennial plan with prior  
1292 written approval from the Department of Education.

1293

1294 D. With the approval of the local school board, local schools seeking to implement  
1295 experimental or innovative programs, or both, that are not consistent with these standards  
1296 shall submit a waiver request, on forms provided, to the board for evaluation and  
1297 approval prior to implementation. The request must include the following:

- 1298 1. Purpose and objectives of the experimental/innovative programs;
- 1299 2. Description and duration of the programs;
- 1300 3. Anticipated outcomes;
- 1301 4. Number of students affected;
- 1302 5. Evaluation procedures; and
- 1303 6. Mechanisms for measuring goals, objectives, and student academic achievement.

1304

1305 Except as specified below, the board may grant, for a period up to five years, a waiver of  
1306 these regulations that are not mandated by state or federal law or designed to promote  
1307 health or safety. The board may grant all or a portion of the request. Waivers of  
1308 requirements in 8 VAC 20-131-30, 8 VAC 20-131-50, 8 VAC 20-131-70, and 8 VAC 20-

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- 1309 131-280 through 8 VAC 20-131-340 shall not be granted, and no waiver may be
- 1310 approved for a program which would violate the provisions of the Standards of Quality.

- 1311 8 VAC 20-131-300. Application of the standards.
- 1312 A. Schools that meet the pre-accreditation requirements prescribed in 8 VAC 20-131-
- 1313 280 F shall be assigned one of the following ratings as described in this section:
- 1314 ~~1. Earned During Academic Years Ending in 2000 through 2003:~~
- 1315 ~~a. Fully Accredited;~~
- 1316 ~~b. Provisionally Accredited/Meets State Standards;~~
- 1317 ~~c. Provisionally Accredited/Needs Improvement;~~
- 1318 ~~d. Accredited with Warning in (specified academic area or areas);~~
- 1319 ~~e. Conditionally Accredited.~~
- 1320 ~~2. Earned During Academic Years Ending in 2004 and 2005:~~
- 1321 ~~a. Fully Accredited;~~
- 1322 ~~b. Accredited with Warning in (specified academic area or areas);~~
- 1323 ~~c. Conditionally Accredited.~~
- 1324 ~~3. Earned During Academic Years Ending in 2006 and Beyond:~~
- 1325 ~~a~~ 1. Fully Accredited;
- 1326 ~~b~~ 2. Accredited with Warning in (specified academic area or areas);
- 1327 ~~c~~ 3. Accreditation Denied;
- 1328 ~~d~~ 4. Conditionally Accredited;
- 1329 [e.5. Accreditation Withheld/Improving School Near Accreditation (rating shall not to be
- 1330 used awarded after academic year ending in 2009). 2007, based on tests administered in
- 1331 2005-2006).]

1332

1333 B. Compliance with the student academic achievement expectations shall be documented  
1334 to the board directly through the reporting of the results of student performance on SOL  
1335 tests and other alternative means of assessing student academic achievement as outlined  
1336 in 8 VAC 20-131-110 B. Compliance with other provisions of these regulations will be  
1337 documented in accordance with procedures prescribed by the board.

1338

1339 C. Accreditation ratings defined.

1340 [Accreditation ratings awarded in an academic year are based upon Virginia assessment  
1341 program scores from the academic year immediately prior to the year to which the  
1342 accreditation rating applies. Accreditation ratings are defined as follows:]

1343 1. Fully accredited.

1344 [a. With tests administered in the academic year 2005-2006 for the accreditation ratings  
1345 awarded for academic year 2006-2007, a school will be rated Fully Accredited when its  
1346 eligible students meet the pass rate of 70 percent in each of the four core academic areas  
1347 except, the pass rates required shall be 75 percent in third-grade and fifth-grade English  
1348 and 50 percent in third-grade science and history/social science.]

1349 [a. b. For school years 2004-05 through 2008-09 a A With tests administered in the  
1350 academic years 2006-2007 and 2007-2008 for the accreditation ratings awarded for  
1351 academic years 2007-2008 and 2008-2009 respectively, a] school will be rated Fully

1352 Accredited when its eligible students meet the pass rate of [70% 70 percent] in each of

1353 the four core academic areas except, ~~effective with ratings earned in the academic year~~  
1354 ~~2003-04 and beyond~~, the pass rates required shall be ~~[75% 75 percent]~~ in ~~[third third-~~  
1355 ~~grade] and through [fifth grade fifth-grade]~~ English and ~~[50% 50 percent]~~ in ~~[third grade~~  
1356 ~~third-grade]~~ science and history/social science. ~~[In schools housing grades kindergarten~~  
1357 ~~through 5, the English and mathematics pass rates for accreditation purposes shall be~~  
1358 ~~calculated for these grades as single rates by combining the scores of all third grade and~~  
1359 ~~through fifth grade SOL tests administered in English and by combining the scores of all~~  
1360 ~~third grade and through fifth grade SOL tests administered in mathematics.]~~  
1361 ~~[b. c.] During the transition period covering ratings earned during 1999-2000 through~~  
1362 ~~2002-03, in schools housing grades kindergarten through 5, the science and history/social~~  
1363 ~~science pass rates for accreditation purposes shall be calculated by using the fifth grade~~  
1364 ~~scores alone, or by combining the scores of all SOL tests administered in grades 3~~  
1365 ~~through 5 in science and by combining the scores of all SOL tests administered in grades~~  
1366 ~~3 through 5 in history/social science, whichever is higher. If the third grade scores are~~  
1367 ~~combined with the fifth grade scores, the required passing rate shall be 70% for full~~  
1368 ~~accreditation. In schools housing grades kindergarten through 3, the accreditation rating~~  
1369 ~~shall be calculated using the English and mathematics scores only. For schools housing~~  
1370 ~~grade configurations where multiple pass rates apply, the results of the tests may be~~  
1371 ~~combined in each of the four core academic areas for the purpose of calculating the~~  
1372 ~~school's accreditation rating provided the school chooses to meet the higher pass rate.~~  
1373 ~~[e. d.] With tests administered [beginning] in the academic year 2009-2010 for the~~

1374 accreditation ratings [awarded for in] school year 2010-2011 and beyond a school will be  
1375 rated Fully Accredited when its eligible students meet the pass rate of [75% 75 percent]  
1376 in English and the pass rate of [70% 70 percent] in mathematics, science, and history and  
1377 social science.

1378 [d. e.] For accreditation purposes the pass rate will be calculated as single rates for each  
1379 of the four core academic areas by combining all scores of all tests administered in each  
1380 subject area.

1381

1382 ~~2. Provisionally Accredited/Meets State Standards. For ratings earned during the~~  
1383 ~~academic years 1999-2000 through 2002-03, a school will be rated Provisionally~~  
1384 ~~Accredited/Meets State Standards when it has met the provisional accreditation~~  
1385 ~~benchmarks as defined in accordance with 8 VAC 20-131-320 but has not met the~~  
1386 ~~requirement to be rated Fully Accredited.~~

1387 ~~3. Provisionally Accredited/Needs Improvement. For ratings earned during the academic~~  
1388 ~~years 1999-2000 through 2002-03, a school will be rated Provisionally Accredited/Needs~~  
1389 ~~Improvement when it fails to meet the provisional accreditation benchmarks as defined in~~  
1390 ~~8 VAC 20-131-320 in one or more academic areas.~~

1391 ~~4-2. Accredited with Warning (in specific academic area or areas).~~

1392 ~~a. For ratings earned during academic years ending in 1999-2000 through 2002-03, a~~  
1393 ~~school will be Accredited with Warning (in specific academic area or areas) if its pass-~~

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1394 ~~rate performance on SOL tests is 20 or more percentage points below any of the~~  
1395 ~~provisional accreditation benchmarks set forth in the appendix to these standards.~~  
1396 ~~b. For ratings earned during academic years 2003-04 and 2004-05, a school will be~~  
1397 ~~Accredited with Warning in (specific academic area or areas) if it does not meet the pass-~~  
1398 ~~rate requirements to be Fully Accredited.~~  
1399 ~~e. For ratings earned during academic years 2005-06 and beyond, a A school will be~~  
1400 ~~Accredited with Warning (in specific academic area or areas) if it has ~~achieved~~ failed to~~  
1401 ~~achieve Fully Accredited status but has failed to meet the requirements to maintain that~~  
1402 ~~status in any one year. Following the academic year 2005-06, such Such a school may~~  
1403 ~~remain in the Accredited with Warning status for no more than three consecutive years.~~  
1404 5.3. Accreditation Denied. Based on a school's academic performance during academic  
1405 years ending in 2006 and beyond, a school shall be rated Accreditation Denied if it fails  
1406 to meet the requirements to be rated Fully Accredited for the preceding three consecutive  
1407 years or for three consecutive years anytime thereafter, except for schools rated  
1408 ~~Accredited with Warning as set forth in subdivision 4 c of this subsection.~~  
1409 In any school division in which [1/3 one-third] or more of the schools have been rated  
1410 Accreditation Denied, the superintendent shall be evaluated by the local school board  
1411 with a copy of such evaluation submitted to the ~~board~~ Board of Education no later than  
1412 December 1 of each year in which such condition exists. In addition, the Board of  
1413 Education may take action against the local school board as permitted by the Standards of  
1414 Quality due to the failure of the local board to maintain accredited schools.

1415 ~~[6. Accreditation Withheld/Improving School Near Accreditation. A school that has~~  
1416 ~~never met the requirements to be rated Fully Accredited by end of the academic year~~  
1417 ~~ending in 2006 and subject to being awarded a rating of Accreditation Denied may apply~~  
1418 ~~to the board for this accreditation designation for 2006-2007. To be eligible, the school~~  
1419 ~~must meet each of the following criteria:~~

1420 ~~a. By the With assessments administered in 2005-2006 year ending in 2006, at least 70%~~  
1421 ~~70 percent of its students must have passed the applicable English SOL tests except at~~  
1422 ~~third and fifth grade where the requirement is 75% 75 percent.~~

1423 ~~b. By the With assessments administered in 2005-2006 year ending in 2006, a combined~~  
1424 ~~pass rate of 60% 60 percent of its students must have passed the SOL Virginia~~  
1425 ~~Assessment Program tests in the other three core academic areas.~~

1426 ~~c. In each academic area in which the pass rate is below the rate required to be rated Fully~~  
1427 ~~Accredited, the school's pass rate must have increased by at least 25 percentage points as~~  
1428 ~~compared to the pass rates on tests taken during the academic year ending in 1999.]~~  
1429 ~~To retain this rating, a school must continue to show annual improvement in each~~  
1430 ~~academic area in which the pass rate is below the rate required for full accreditation.~~

1431 ~~[This rating will cease to exist shall not be awarded after the 2006-2007 academic year~~  
1432 ~~ending in 2009.]~~

1433 ~~7 4. Conditionally Accredited. New schools that are comprised of students from one or~~  
1434 ~~more existing schools in the division will be awarded this status for one year pending an~~  
1435 ~~evaluation of the school's eligible students' performance on SOL tests or additional tests~~

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1436 ~~described in 8 VAC 20-131-110-B~~ approved by the Board of Education to be rated Fully  
1437 Accredited. This rating may also be awarded to a school that is being reconstituted in  
1438 accordance with the provisions of 8 VAC 20-131-340 of these regulations upon  
1439 [agreement approval] by the Board of Education. A school awarded this rating under  
1440 those circumstances will revert to a status of Accreditation Denied if it fails to meet the  
1441 requirements to be rated Fully Accredited by the end of the agreed upon term [or if it fails  
1442 to have its annual application for such rating renewed.]

1443 8 VAC 20-131-310. Action requirements for schools that are accredited with warning [or  
1444 accreditation withheld/improving school near accreditation].

1445 A. With such funds as are appropriated by the General Assembly, the Department of  
1446 Education shall develop a school academic review process and monitoring plan designed  
1447 to assist schools rated as Accredited with Warning. All procedures and operations for the  
1448 academic review process shall be approved and adopted by the board.

1449

1450 [Schools rated Accredited with Warning or Accreditation Withheld/Improving School  
1451 Near Accreditation] must undergo an academic review in accordance with guidelines  
1452 adopted by the board and prepare a school improvement plan as required by 8 VAC 20-  
1453 131-310 F.

1454

1455 B. Any school that is rated Accredited with Warning in English or mathematics ~~is~~  
1456 ~~expected to~~ shall adopt an a research based instructional method intervention that has a  
1457 proven track record of success at raising student achievement in those areas as  
1458 appropriate.

1459

1460 C. The superintendent and principal shall certify in writing to the ~~board~~ Board of  
1461 Education that such ~~a method~~ an intervention has been adopted and implemented.

1462

1463 D. The board shall publish a list of recommended instructional ~~methods~~ interventions,  
1464 which may be amended from time to time.

1465

1466 E. Adoption of instructional ~~methods~~ interventions referenced in subsections B and D of  
1467 this section shall be funded by eligible local, state, and federal funds.

1468

1469 F. A three-year School Improvement Plan must be developed and implemented, based on  
1470 the results of an academic review of each school that is rated Accredited with Warning  
1471 [or Accreditation Withheld/Improving School Near Accreditation] upon receipt of  
1472 notification of the awarding of this rating and receipt of the results of the academic  
1473 review. The plan:

1474 1. Shall be developed with the assistance of parents and teachers and made available to  
1475 the public;

1476 2. Must include the components outlined in subsection G of this section; and

1477 3. Must be approved by the division superintendent and the local school board and be  
1478 designed to assist the school in meeting the student achievement standard to be Fully  
1479 Accredited as outlined in 8 VAC 20-131-300.

1480

1481 G. The improvement plan shall include the following:

1482 1. A description of how the school will meet the ~~provisional accreditation benchmarks, or~~  
1483 ~~the~~ requirements to be Fully Accredited, for each of the years covered by the plan;

REGULATIONS ESTABLISHING STANDARDS FOR  
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- 1484 2. Specific measures for achieving and documenting student academic improvement;
- 1485 3. A description of the amount of time in the school day devoted to instruction in the core  
1486 academic areas;
- 1487 4. Instructional practices designed to remediate students who have not been successful on  
1488 SOL tests;
- 1489 5. Intervention strategies designed to prevent further declines in student performance;
- 1490 6. Staff development needed;
- 1491 7. Strategies to involve and assist parents in raising their child's academic performance;
- 1492 8. The need for flexibility or waivers to state or local regulations to meet the objectives of  
1493 the plan; and
- 1494 9. A description of the manner in which local, state, and federal funds are used to support  
1495 the implementation of the components of this plan.
- 1496 As part of its approval of the school improvement plan, the board may grant a local  
1497 school board a waiver from the requirements of any regulations promulgated by the board  
1498 when such a waiver is available.
- 1499
- 1500 H. The school improvement plan and related annual reports submitted to the board shall  
1501 provide documentation of the continuous efforts of the school to achieve the requirements  
1502 to become rated Fully Accredited. The board shall adopt and approve all policies and  
1503 formats for the submission of annual reports under this section. The reports shall be due  
1504 no later than October 1 of the school year.

Virginia Department of Education

Draft March 22, 2006

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1505 [8 VAC 20-131-315. Action requirements for schools that are denied accreditation.]

1506 A. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall

1507 be subject to actions prescribed by the Board of Education and shall provide parents of

1508 enrolled students and other interested parties with the following:

1509 1. Written notice of the school's accreditation rating within 30 calendar days of the

1510 notification of the rating from the Department of Education;

1511 2. A copy of the school division's proposed corrective action plan, including a timeline

1512 for implementation, to improve the school's accreditation rating; and

1513 3. An opportunity to comment on the division's proposed corrective action plan.

1514 Such public comment shall be received and considered by the school division prior to

1515 finalizing the school's corrective action plan and a Board of Education memorandum of

1516 understanding with the local school board.

1517

1518 B. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall

1519 be subject to actions prescribed by the Board of Education and affirmed through a

1520 memorandum of understanding between the Board of Education and the local school

1521 board. The local school board shall submit a corrective action plan to the Board of

1522 Education for its consideration in prescribing actions in the memorandum of

1523 understanding within 45 days of the notification of the rating. The memorandum of

1524 understanding shall be entered into no later than November 1 of the academic year in

1525 which the rating is awarded.

1526

1527 The local board shall submit status reports detailing implementation of actions prescribed  
1528 by the memorandum of understanding to the Board of Education. The status reports shall  
1529 be signed by the school principal, division superintendent, and the chair of the local  
1530 school board. The school principal, division superintendent, and the chair of the local  
1531 school board may be required to appear before the Board of Education to present status  
1532 reports.

1533

1534 The memorandum of understanding may also include but not be limited to:  
1535 1. Undergoing an educational service delivery and management review. The Board of  
1536 Education shall prescribe the content of such review and approve the reviewing authority  
1537 retained by the school division.  
1538 2. Employing a turnaround specialist credentialed by the state to address those conditions  
1539 at the school that may impede educational progress and effectiveness and academic  
1540 success.

1541

1542 C. As an alternative to the memorandum of understanding outlined in subsection B, a  
1543 local school board may choose to reconstitute a school rated Accreditation Denied and  
1544 apply to the Board of Education for a rating of Conditionally Accredited. The application  
1545 shall outline specific responses that address all areas of deficiency that resulted in the  
1546 Accreditation Denied rating and may include any of the provisions of subsection B.

1547

1548 If a local school board chooses to reconstitute a school, it may annually apply for an  
1549 accreditation rating of Conditionally Accredited as provided for in 8 VAC 20-131-  
1550 300.D.6. The Conditionally Accredited rating may be granted for a period not to exceed  
1551 three years if the school is making progress toward a rating of Fully Accredited in  
1552 accordance with the terms of the Board of Education's approval of the reconstitution  
1553 application. The school will revert to a status of Accreditation Denied if it fails to meet  
1554 the requirements to be rated Fully Accredited by the end of the three year term or if it  
1555 fails to have its annual application for such rating renewed.

1556

1557 D. The local school board may choose to close a school rated Accreditation Denied or to  
1558 combine such school with a higher performing school in the division.

1559

1560 E. A local school board that has any school with the status of Accreditation Denied shall  
1561 annually report each school's progress toward meeting the requirements to be rated Fully  
1562 Accredited to the Board of Education. The local board shall submit such report in a  
1563 manner prescribed by the Board of Education no later than October 1 of each year. Such  
1564 reports on each school's progress shall be included in the Board of Education's annual  
1565 report on the condition and needs of public education to the Governor, and the General  
1566 Assembly submitted on November 15 of each year.]

REGULATIONS ESTABLISHING STANDARDS FOR  
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- 1567 ~~8 VAC 20-131-320. Provisional accreditation benchmarks.~~
- 1568 ~~The board will set the minimum acceptable pass rates required for a school to achieve the~~
- 1569 ~~rating of Provisionally Accredited/Meets State Standards in the academic years 1999-~~
- 1570 ~~2003. These benchmarks are outlined in the appendix to these standards.~~

REGULATIONS ESTABLISHING STANDARDS FOR  
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1571 8 VAC 20-131-325. Recognitions and rewards for school accountability performance.

1572 A. Schools may be recognized by the ~~board~~ Board of Education in accordance with

1573 ~~procedures~~ guidelines it shall establish. Such recognition may include:

1574 1. Public announcements recognizing individual schools;

1575 2. Tangible rewards;

1576 3. Waivers of certain board regulations;

1577 4. Exemptions from certain reporting requirements; or

1578 5. Other commendations deemed appropriate to recognize high achievement.

1579 In addition to board recognition, local school boards shall adopt policies to recognize

1580 individual schools through public announcements, media releases, participation in

1581 community activities for input purposes when setting policy relating to schools and

1582 budget development, as well as other appropriate recognition.

1583

1584 ~~B. A school that maintains a passing rate on SOL tests or other additional tests approved~~

1585 ~~by the board as outlined in 8 VAC 20-131-110 B of 80% or above may, upon application~~

1586 ~~to the Department of Education, receive a waiver from some or all provisions of the~~

1587 ~~following regulations and reporting requirements for a period of up to three years:~~

1588 ~~8 VAC 20-131-80. Instructional program in elementary schools. (clock hour requirement~~

1589 ~~only)~~

1590 ~~8 VAC 20-131-90. Instructional program in middle schools. (clock hour requirement~~

1591 ~~only)~~

- 1592 ~~8 VAC 20-131-100. Instructional program in secondary schools.~~
- 1593 ~~8 VAC 20-131-110. Standard and verified units of credit. (clock hour requirement only)~~
- 1594 ~~8 VAC 20-131-120. Summer school. (clock hour requirement only)~~
- 1595 ~~8 VAC 20-131-130. Elective courses.~~
- 1596 ~~8 VAC 20-131-140. College preparation programs and opportunities for postsecondary~~
- 1597 ~~credit.~~
- 1598 ~~8 VAC 20-131-150. Standard school year and school day.~~
- 1599 ~~8 VAC 20-131-190. Library media, materials and equipment.~~
- 1600 ~~8 VAC 20-131-200. Extracurricular and other school activities.~~
- 1601 ~~8 VAC 20-131-210. Role of the principal.~~
- 1602 ~~8 VAC 20-131-220. Role of professional teaching staff.~~
- 1603 ~~8 VAC 20-131-230. Role of support staff.~~
- 1604 ~~8 VAC 20-131-240. Administrative and support staff; staffing requirements.~~
- 1605
- 1606 B. A school that maintains a passing rate on [SOL Virginia Assessment Program] tests or
- 1607 [other] additional tests approved by the board as outlined in 8 VAC 20-131-110 of [95%
- 1608 95 percent] or above in [each of] the four core academic areas for two consecutive years
- 1609 may, upon application to the Department of Education, receive a waiver from annual
- 1610 accreditation. A school receiving such a waiver shall be Fully Accredited for a three-year
- 1611 period. However, such school shall continue to annually submit documentation in
- 1612 compliance with the pre-accreditation requirements described in 8 VAC 20-131-280 F.

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1613

1614 C. Schools may be eligible to receive the Governor's Award for Outstanding

1615 ~~Improvement~~ Achievement. This award will be given to schools ~~in each classification~~

1616 ~~defined in 8 VAC 20-131-280 B-rated below Fully Accredited~~ that significantly increase

1617 the achievement of students within student subgroups in accordance with guidelines

1618 prescribed by the Board of Education ~~exceed the improvement levels defined in 8 VAC~~

1619 ~~20-131-320 by 10 percentage points or more in one year during the school years 2000-01~~

1620 ~~through 2002-03. In addition, any school that raises its rating from Accredited with~~

1621 ~~Warning to Fully Accredited in one year will receive this award when it was 10~~

1622 ~~percentage points or more below the performance level to be rated Fully Accredited.~~

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1623 ~~8 VAC 20-131-330. Waivers. (Repealed)~~

1624 ~~Waivers of some of the requirements of this chapter these regulations may be granted by~~

1625 ~~the board Board of Education based on submission of a request from the division~~

1626 ~~superintendent and chairman of the local school board. The request shall include~~

1627 ~~documentation of the need for the waiver. In no event will waivers be granted to the~~

1628 ~~requirements of Part III (8 VAC 20-131-30 et seq.) of this chapter these regulations.]~~

1629 8 VAC 20-131-340. [~~Academic reviews, special-Special~~] provisions and sanctions.

1630 [~~A.~~] Beginning with the 2000-01 school year, schools [~~Schools rated Accredited with~~

1631 ~~Warning must undergo an academic review in accordance with guidelines adopted by the~~

1632 ~~board and prepare a school improvement plan as required by 8 VAC 20-131-310.]~~

1633

1634 ~~B. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be~~

1635 ~~subject to sanctions prescribed by the Board of Education and affirmed through a~~

1636 ~~memorandum of understanding between the Board of Education and the local school~~

1637 ~~board. The memorandum of understanding shall be entered into no later than 30 days~~

1638 ~~after the opening of school. The memorandum or understanding may include but not be~~

1639 ~~limited to:~~

1640 ~~1. Submitting status reports detailing implementation of corrective actions to the Board~~

1641 ~~of Education. The status reports shall be signed by the school principal, division~~

1642 ~~superintendent, and the chair of the local school board. The Board of Education may~~

1643 ~~require the school principal, division superintendent, and the chair of the local school~~

1644 ~~board to appear before the Board to present such status reports.~~

1645 ~~2. Undergoing an educational service delivery and management review. The Board of~~

1646 ~~Education shall prescribe the content of such review and approve the reviewing authority~~

1647 ~~retained by the school division.~~

1648 ~~3. Employing a turnaround specialist credentialed by the state to address those conditions~~  
1649 ~~at the school that may impede educational progress and effectiveness and academic~~  
1650 ~~success.~~

1651

1652 ~~C. Any school rated Accreditation Denied shall provide parents of enrolled students and~~  
1653 ~~other interested parties with the following:~~

1654 ~~1. Written notice of the school's accreditation rating within 30 calendar days of the~~  
1655 ~~notification of the rating from the Department of Education;~~

1656 ~~2. A copy of the school division's proposed corrective action plan, including a timeline~~  
1657 ~~for implementation, to improve the school's accreditation rating; and~~

1658 ~~3. An opportunity to comment on the division's proposed corrective action plan.~~

1659 ~~Such public comment shall be received and considered by the school division prior to~~  
1660 ~~finalizing the school division's corrective action plan and memorandum of understanding~~  
1661 ~~with the Board of Education.~~

1662

1663 ~~D. As an alternative to the memorandum of understanding outlined in subsection B, a~~  
1664 ~~local school board may choose to enter into an agreement with the Board of Education to~~  
1665 ~~reconstitute a school rated Accreditation Denied. The reconstitution agreement may~~  
1666 ~~include any of the provisions of subsection B, along with one or more of the following~~  
1667 ~~actions:~~

1668 1. Replacing all or a majority of the administrative staff and a substantial percentage of

1669 the instructional staff; or

1670 2. Hiring a private or nonprofit management firm from a Board of Education reviewed

1671 list; or

1672 3. Converting the school to a charter school in accordance with § 22.1-212.6 of the Code

1673 of Virginia, with consideration given to collaboration with an institution of higher

1674 education or other suitable.

1675

1676 If a local school board chooses to reconstitute a school, it may apply for an accreditation

1677 rating of Conditionally Accredited as provided for in 8 VAC 20-131-300.D.6. The

1678 Conditionally Accredited rating may be extended for a period not to exceed three years if

1679 the school is making progress toward a rating of Fully Accredited in accordance with the

1680 terms of the agreement. The school will revert to a status of Accreditation Denied if it

1681 fails to meet the requirements to be rated Fully Accredited by the end of the term of the

1682 agreement.

1683

1684 E. The local school board may choose to close a school rated Accreditation Denied or to

1685 combine such school with a higher performing school in the division.

1686

1687 F. A local school board that has any school with the status of Accreditation Denied shall

1688 annually report each school's progress toward meeting the requirements to be rated Fully

1689 ~~Accredited to the Board of Education. The local board shall submit such report in a~~  
1690 ~~manner prescribed by the Board of Education no later than October 1 of each year. Such~~  
1691 ~~reports on each school's progress shall be included in the Board of Education's annual~~  
1692 ~~report on the condition and needs of public education to the Governor, and the General~~  
1693 ~~Assembly submitted on November 15 of each year.~~

1694

1695 ~~B. The board may enact special provisions related to the administration and use of any~~  
1696 ~~SOL test or tests in a content area as applied to this chapter for any period during which~~  
1697 ~~the SOL content in that area is being revised and phased in.~~

1698

1699 ~~C [G-A.] Any school in violation of this chapter these regulations shall be subject to~~  
1700 ~~appropriate action by the board Board of Education including, but not limited to, the~~  
1701 ~~adjustment or withdrawal withholding or denial of a school's accreditation.~~

1702

1703 ~~[H. B.] A school's accreditation rating may be withheld by action of the Board of~~  
1704 ~~Education for any school found to be in violation of test security procedures pursuant to~~  
1705 ~~§ 22.1-19.1 of the Code of Virginia. [Withholding of a school's accreditation rating shall~~  
1706 ~~not be considered an interruption of the three consecutive year period for purposes of~~  
1707 ~~receiving an Accreditation Denied status pursuant to 8 VAC 20-131-300.]~~

1708

REGULATIONS ESTABLISHING STANDARDS FOR  
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- 1709 **[E. C.]** The Board of Education may exercise its authority to seek school division  
1710 compliance with school laws pursuant to relevant provisions of the Code of Virginia  
1711 when any school within a division is rated Accreditation Denied.

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- 1712 [8 VAC 20-131-350. Waivers.
- 1713 Waivers of some of the requirements of these regulations may be granted by the Board of
- 1714 Education based on submission of a request from the division superintendent and
- 1715 chairman of the local school board. The request shall include documentation of the need
- 1716 for the waiver. In no event shall waivers be granted to the requirements of Part III (8
- 1717 VAC 20-131-30 et seq.) of these regulations]

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1718 [8 VAC 20-131-360. Effective date.]

1719 Unless otherwise specified these regulations shall be effective for the 2006-2007

1720 academic year.]