

committee of the Board of Education to research and recommend policies to reduce the number of students who drop out of high school and to improve graduation rates, especially among minority students. The committee's charge is:

- 1) To examine policies and data related to middle-to-high school transition, ninth-grade retention, truancy, and dropout and graduation rates;
- 2) To identify best practices to reduce ninth-grade retention and increase the percentage of students who complete high school by earning a diploma; and
- 3) To recommend policies to incorporate the raising of graduation rates into the Commonwealth's accountability system.

This review is an outgrowth of the work of that committee and other work the Board is undertaking. This fall, the Board adopted a graduation rate formula first proposed by the National Governors Association. This formula includes all of Virginia's high school diplomas and acknowledges that certain special education and limited English proficient (LEP) students may take longer than four years to graduate. When graduation rates are reported in 2008, using this formula, the Board will be able to establish a new and more accurate baseline for accountability purposes. It will ensure that all accountability decisions, whether on the federal or state side, are grounded in the Standards of Quality and the Standards of Accreditation.

This review will also include changes necessitated by legislation passed by the 2007 General Assembly, including the establishment of a Technical Diploma, modification of the civics education seal, and notification of parents when students are removed from class.

Summary of Major Elements: The attached Notice of Intended Regulatory Action (NOIRA) Background Document summarizes the major elements. It is anticipated that the Board of Education would review the requirements for graduation (8 VAC 20-131-50), school and community communications (8 VAC 20-131-270), expectations for school accountability (8 VAC 20-131-280), and recognitions and rewards for school accountability performance (8 VAC 20-131-325) of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation). This review would include changes necessitated by actions taken by the 2007 General Assembly as well as the role of graduation rates in the accountability measures for school accreditation.

The 2007 General Assembly passed legislation (HB 2039 and SB 1147) that would require the Board to "...establish the requirements for a technical diploma. This diploma shall meet or exceed the requirements of a standard diploma and will include a concentration in career and technical education, as established in Board regulations. The Board may develop or designate assessments in career and technical education for the purposes of awarding verified credit..."

In addition, the 2007 General Assembly passed legislation (SB 751) that would require the Board to modify the provisions of the Board of Education's Seal for Excellence in Civics Education to emphasize community service.

Finally, the House Education Committee, while not taking action on HB 3201, related to removing students from classes, requested the Chairman write a letter to the Board of Education asking that the Board consider this issue in its review of applicable regulations, and report back to the patron and the committee.

The review is expected to be limited to these particular issues.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education waive first review and authorize the Department of Education staff to proceed with the requirements of the Administrative Process Act regarding the Notice of Intended Regulatory Action for promulgating regulations.

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

Timetable for Further Review/Action: The timetable for further action will be governed by the requirements of the Administrative Process Act.



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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

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| Agency name | Department of Education |
| Virginia Administrative Code (VAC) citation | 8 VAC 20-131-10 et seq. |
| Regulation title | <i>Regulations Establishing Standards for Accrediting Public Schools in Virginia</i> |
| Action title | Amendments to the <i>Regulations Establishing Standards for Accrediting Public Schools in Virginia</i> |
| Document preparation date | February 2007 |

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

Section 22.1-253.13:3 of the *Code of Virginia* requires the Board of Education to establish standards for accreditation. The regulations were last amended in 2006. It is anticipated that the Board of Education would review the requirements for graduation (8 VAC 20-131-50), school and community communications (8 VAC 20-131-270), expectations for school accountability (8 VAC 20-131-280), and recognitions and rewards for school accountability performance (8 VAC 20-131-325) of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation). This review would include the role of graduation rates in the accountability measures for school accreditation as well as changes necessitated by actions taken by the 2007 General Assembly.

The Board has received requests to consider including graduation rates as part of the accountability process. In July 2006, the president of the Board, Dr. Mark Emblidge, formed a special committee of the Board of Education to research and recommend policies to reduce the number of students who drop out of high school and to improve graduation rates, especially among minority students. In November 2006, the Board adopted a more accurate method of calculating graduation rates, based on a proposal by the National Governors Association.

The 2007 General Assembly enacted legislation that would require the Board of Education to establish a Technical Diploma (HB 2039 and SB 1147). These bills specified that the Board would “Establish the requirements for a technical diploma. This diploma shall meet or exceed the requirements of a standard diploma and will include a concentration in career and technical education, as established in Board regulations. The Board may develop or designate assessments in career and technical education for the purposes of awarding verified credit...”

In addition, the 2007 General Assembly passed legislation (SB 751) that would require the Board to modify the provisions of the Board of Education’s Seal for Excellence in Civics Education to emphasize community service. Finally, the House Education Committee, while not taking action on HB 3201, which relates to removing students from classes, requested the Chairman write a letter to the Board of Education to ask that the Board consider this issue in its review of applicable regulations.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 22.1-253.13:3 of the *Code of Virginia* 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.”

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the regulation is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

A comprehensive review and revision of the Standards of Accreditation was conducted between January 2005 and September 2006. The regulations were examined in their entirety, including the requirements for student achievement; the school instructional program; school and instructional leadership; school facilities and safety; school and community communications, and school accreditation.

This regulatory action will consist of a review of the requirements for graduation (8 VAC 20-131-50), school and community communications (8 VAC 20-131-270), expectations for school accountability (8 VAC 20-131-280), and recognitions and rewards for school accountability performance (8 VAC 20-131-325).

This review will include the role of graduation rates in the accountability measures for school accreditation as well as changes necessitated by actions taken by the 2007 General Assembly, including the following legislation:

- HB 2039 and SB 1147 would require the Board to “establish the requirements for a technical diploma. This diploma shall meet or exceed the requirements of a standard diploma and will include a concentration in career and technical education, as established in Board regulations. The Board may develop or designate assessments in career and technical education for the purposes of awarding verified credit....”
- SB 751 would require the Board to modify the provisions of the Board of Education’s Seal for Excellence in Civics Education to emphasize community service.
- The House Education Committee, while not taking action on HB 3201, related to removing students from classes, requested the Chairman write a letter to the Board of Education asking that the Board consider this issue in its review of applicable regulations, and report back to the patron and the committee.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

No alternatives to amending these regulations have been considered as the Board of Education is desirous of conducting this review as essential to the continued improvement of the system of public schools in Virginia.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

The proposed amendments to the regulations are not expected to have an impact on the institution of the family and family stability.