

**Proposed Revisions to the  
Regulations Establishing Standards  
for Accrediting Public Schools in Virginia  
DRAFT  
June 22, 2005**

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

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

**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).

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

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

**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.

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

- The section would be repealed, as it is obsolete and the tests are no longer administered.

**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 or 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.
- 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).

**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.

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

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

**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.
- 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.

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

- Middle schools would be required 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.

**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 9<sup>th</sup> 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.

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

- No changes are proposed.

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

- No changes are proposed.

**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.

**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.

**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.

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

- No changes are proposed.

**8 VAC 20-131-180. Offsite 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.

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

- No changes are proposed.

**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.

**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)

**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.

**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.

**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.)

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

- Changes would be made for clarity and brevity.

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

- Changes would be made for clarity.

**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).

**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.

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

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

**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.

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

- Minor editorial changes are proposed.

**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.