Virginia Board of Education Agenda Item

Agenda Item: C **Date:** May 24, 2012

Title	First Review of an Exempt Regulatory Action to the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131) to Conform to HB 96 (2012)		
Presenter	Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications		
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Purpose of Presentation:
Action required by state or federal law or regulation.

Previous Review or Action:
No previous review or action.

Action Requested:
Action will be requested at a future meeting. Specify anticipated date below:
Date: June 28, 2012.
Action: Final review and approval.

Alignment with Board of Education Goals: Please indicate (X) all that apply:

	Goal 1: Expanded Opportunities to Learn
X	Goal 2: Accountability of Student Learning
	Goal 3: Nurturing Young Learners
	Goal 4: Strong Literacy and Mathematics Skills
	Goal 5: Highly Qualified and Effective Teachers and Administrators
	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

In promulgating these regulations, the Board is ensuring that the regulations related to student accountability comport with the legislation passed by the 2012 General Assembly and signed by the Governor.

Background Information and Statutory Authority:
The Board of Education made a number of major changes to *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation) when they were last promulgated in 2009. However, every year since 2009, the General Assembly has passed legislation delaying some of the new provisions and allowing others to be implemented. The following provisions have already been implemented:

- Double Testing – No student is permitted to take more than one test in any content area in each year.
- Virtual Virginia – Credits earned through Virtual Virginia must be accepted in Virginia public schools.
- The State Testing Identifier – The State Testing Identifier, for students who transfer from one Virginia public school to another, must be retained by the receiving school.
- Graduation and Completion Index – The Graduation and Completion Index became a factor in the calculation of accreditation ratings, beginning with the accreditation rating earned in 2010-2011 and awarded in 2011-2012.
- Economics and Personal Finance – First-time ninth graders in school year 2011-2012 must earn one standard credit in economics and personal finance to receive a Standard or Advanced Studies Diploma.
- Increased graduation requirements for the Standard and Advanced Studies Diplomas – First-time ninth graders in school year 2011-2012 must meet the new graduation requirements to receive a Standard or Advanced Studies Diploma.

There are three provisions in the 2009 Standards of Accreditation that have not yet been implemented:

- Accreditation Benchmarks – Accreditation benchmarks for third grade science and history and social science would increase from a pass rate of 50 percent to a pass rate of 70 percent, and the accreditation benchmark for English, in grades six through twelve, would increase from a pass rate of 70 percent to a pass rate of 75 percent. This provision will be implemented beginning with the accreditation rating earned in the 2012-2013 school year and awarded in the 2013-2014 school year.
- Academic and Career Plan – Beginning in middle school, all students must have an Academic and Career Plan that is reviewed before a student enters the ninth and eleventh grades. Pursuant to HB 96, this provision will be delayed until school year 2013-2014.
- The Standard Technical Diploma and the Advanced Technical Diploma have not yet been implemented. Pursuant to separate legislation passed by the 2012 General Assembly, HB 1061 and SB 489, those diplomas will be eliminated.

Summary of Important Issues:
HB 96 delays the implementation of the Academic and Career Plan. It does not delay the increased accreditation benchmarks, and those benchmarks will now be implemented. HB 96 states, in part:

> § 1. That no statutes or regulations *related to the implementation of an Academic and Career Plan* prescribing additional requirements upon which the accreditation rating of schools in the Commonwealth is based, pursuant to § 22.1-253.13:3 of the *Code of Virginia*, beyond those already in effect on July 1, 2008, shall become effective before July 1, ~~2012~~ *2013*, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action….

As a result of this legislation, changes are needed to 8 VAC 20-131-140 and 8 VAC 20-131-360 to change the effective date of the Academic and Career Plan from school year 2012-2013 to school year 2013-2014.

The Administrative Process Act, in § 2.2-4006 of the *Code of Virginia*, provides for an exemption from executive branch review for regulations necessary to conform to changes in statutory law where no discretion is involved. The provision permits the regulation to become effective at the conclusion of the

30-day public comment period following publication in the *Virginia Register* unless a legislative or gubernatorial objection is filed or the Board suspends the regulatory process.

Impact on Fiscal and Human Resources:
The administrative impact of this action is minimal and will be absorbed within existing resources.

Timetable for Further Review/Action:
This item will be presented to the Board of Education for final review at the June 28, 2012, meeting.

Superintendent's Recommendation:
The Superintendent of Public Instruction recommends that the Board of Education accept for first review the proposed amendment to the Standards of Accreditation to conform to HB 96.

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

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

Beginning in the middle school years, students shall be counseled on opportunities for beginning postsecondary education and opportunities for obtaining industry certifications, occupational competency credentials, or professional licenses in a career and technical education field prior to high school graduation. Such opportunities shall include access to at least three Advanced Placement courses or three college-level courses for degree credit pursuant to 8VAC20-131-100. Students taking advantage of such opportunities shall not be denied participation in school activities for which they are otherwise eligible. Wherever possible, students shall be encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit (dual enrollment), under the following conditions:

1. Written approval of the high school principal prior to participation in dual enrollment must be obtained;
2. The college must accept the student for admission to the course or courses; and
3. The course or courses must be given by the college for degree credits (no remedial courses will be accepted).

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

Beginning with the ~~2012-2013~~ 2013-2014 academic year, all schools shall begin development of a personal Academic and Career Plan for each seventh-grade student with completion by the fall of the student's eighth-grade year. Students who transfer from other than a Virginia public school into the eighth grade shall have the Plan developed as soon as practicable following enrollment. Beginning with the ~~2013-2014~~ 2014-2015 academic year, students who transfer into a Virginia public school after their eighth-grade year shall have an Academic and Career Plan developed upon enrollment. The components of the Plan shall include, but not be limited to, the student's program of study for high school graduation and a postsecondary career pathway based on the student's academic and career interests. The Academic and Career Plan shall be developed in accordance with guidelines established by the Board of Education and signed by the student, student's parent or guardian, and school official(s) designated by the principal. The Plan shall be included in the student's record and shall be reviewed and updated, if necessary, before the student enters the ninth and eleventh grades. The school shall have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the Plan. Any personal academic and career plans prescribed by local school boards for students in grades 7 through 12 and in effect as of June 30, 2009, are approved to continue without further action by the board.

8 VAC 20-131-360. Effective date.

A The provisions in 8VAC20-131-30 B relating to double testing and the provisions in 8VAC20-131-60 C relating to Virtual Virginia shall become effective July 31, 2009.

B Graduation requirements prescribed in 8VAC20-131-50 B and D shall become effective with the ninth-grade class of 2011-2012.

C Graduation requirements prescribed in 8VAC20-131-50 C and E shall become effective with the ninth grade class of 2012-2013.

D Schools with a graduating class shall meet prescribed thresholds on a graduation and completion rate index as prescribed in 8VAC20-131-280 and 8VAC20-131-300 for accreditation ratings earned in 2010-2011 and awarded in 2011-2012.

E Accreditation ratings prescribed in 8VAC20-131-300 C 1 a shall become effective with tests administered in 2010-2011 and 2011-2012 for ratings awarded in 2011-2012 and 2012-2013.

F Accreditation ratings prescribed in 8VAC20-121-300 C 1 c shall become effective with tests administered in 2012-2013 for ratings awarded in 2013-2014 and beyond.

G The Academic and Career Plan prescribed in 8VAC20-131-140 shall become effective in ~~2012-2013~~ 2013-2014.

H Unless otherwise specified, the remainder of these regulations shall be effective beginning with the 2011-2012 academic year.

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Exempt Action Final Regulation
Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) citation	8 VAC 20-131
Regulation title	*Regulations Establishing the Standards for Accrediting Public Schools in Virginia*
Action title	Update to Comport with Legislative Changes Made by HB 96 (2012)
Final agency action date	The Board of Education is expected to take final action on these amendments on June 28, 2012.
Document preparation date	May 24, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* are designed to ensure that an effective educational program is established and maintained in Virginia's public schools. The regulations address student achievement, instructional programs and leadership, facilities and safety, school and community relations, and school accreditation.

The regulations require all students, beginning in middle school, to have an Academic and Career Plan. This plan is intended to address a student's program of study for high school graduation and postsecondary career pathways.

The regulations specify that the Academic and Career Plan must be implemented beginning with the 2012-2013 school year. The provisions of HB 96 delay implementation of this provision to the 2013-2014 school year.

This proposal amends the following sections of the regulations:

1. 8 VAC 20-131-140. College and Career Preparation Programs and Opportunities for Postsecondary Credit - The requirement for all students, beginning in middle school, to have an Academic and Career Plan would begin in the 2013-2014 academic year.

2. 8 VAC 20-131-360. Effective Date – The requirement for the Academic and Career Plan would begin in the 2013-2014 academic year.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Virginia Board of Education is expected to take final action to amend the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* on June 28, 2012, pursuant to HB 96 (2012).

Family impact

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

This proposal would have no impact on the family or on family stability.