

Virginia Board of Education Agenda Item



Agenda Item: D

Date: May 24, 2012

Title	First Review of Emergency Amendments to the <i>Regulations Establishing the Standards for Accrediting Public Schools in Virginia</i> (8 VAC 20-131) to Conform to HB 1061 and SB 489 (2012) and a Notice of Intended Regulatory Action (NOIRA) for Permanent Amendments to the Regulations		
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:

X	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
X	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

The emergency regulations would expand opportunities to learn by setting forth the expectations for students to be prepared for college or a career upon graduation by requiring students pursuing a Standard Diploma to earn a career credential, and for students pursuing either a Standard or an Advanced Studies Diploma to have had the opportunity to take a virtual course in their high school career. In promulgating these regulations, the Board would establish the policies and standards necessary to ensure accountability of student learning. Finally, the regulations would provide the Board with the opportunity to develop and implement sound policies for student success by focusing on college and career readiness.

Background Information and Statutory Authority:

The 2012 General Assembly passed, and the Governor signed into law, HB 1061 and SB 489, which amend § 22.1-253.13:4 of the *Code of Virginia* to strengthen postsecondary education and workplace readiness opportunities for all students, and to consolidate the number of Board of Education-approved diplomas. The legislation says, in part:

D. In establishing course and credit requirements for a high school diploma, the Board shall:

... 2. Establish the requirements for a standard, ~~modified standard, or~~ *and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. ~~Students may take such focused sequence of elective courses in consecutive years or any two years of high school. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment, shall be identified in the Academic and Career Plan as described in Board of Education regulations, and shall be developed by the school division, consistent with Board of Education guidelines and as approved by the local school board. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.~~*

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

~~3. 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. A student who meets the requirement for the advanced studies diploma who also fulfills a concentration in career and technical education shall receive an advanced technical diploma, or if he chooses, he shall receive an advanced studies diploma. The Board may develop or designate assessments in career and technical education for the purposes of awarding verified credit pursuant to subdivision 6 Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.~~

The legislation also contains a second enactment clause to require the Board of Education to adopt emergency regulations to implement these changes.

2. That the Board of Education shall eliminate technical diplomas that have not been implemented and shall promulgate regulations to implement the other provisions of this act to be effective within 280 days of its enactment.

The Administrative Process Act, in § 2.2-4011 of the *Code*, sets forth the provisions that apply to the promulgation of emergency regulations. It says, in part:

B. Agencies may also adopt emergency regulations in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment, and the regulation is not exempt under the provisions of subdivision A. 4. of § [2.2-4006](#). In such cases, the agency shall state in writing the nature of the emergency and of the necessity for such action and may adopt the regulations. Pursuant to § [2.2-4012](#), such regulations shall become effective upon approval by the Governor and filing with the Registrar of Regulations.

C. All emergency regulations shall be limited to no more than twelve months in duration. During the twelve-month period, an agency may issue additional emergency regulations as needed addressing the subject matter of the initial emergency regulation, but any such additional emergency regulations shall not be effective beyond the twelve-month period from the effective date of the initial emergency regulation. If the agency wishes to continue regulating the subject matter governed by the emergency regulation beyond the twelve-month limitation, a regulation to replace the emergency regulation shall be promulgated in accordance with this article. The Notice of Intended Regulatory Action to promulgate a replacement regulation shall be filed with the Registrar within sixty days of the effective date of the emergency regulation and published as soon as practicable, and the proposed replacement regulation shall be filed with the Registrar within 180 days after the effective date of the emergency regulation and published as soon as practicable.

When the Board of Education promulgates the permanent regulations, it will have the opportunity to conduct a comprehensive review of the regulations. One topic that will be addressed in the permanent regulations is the provision in HB 642 and SB 514, passed by the 2012 General Assembly and signed by the Governor, which would require an adjustment to the Graduation and Completion Index for those schools that are fully accredited. The legislation says:

§ 1. That the Board of Education shall adopt regulations adjusting the formula for calculating the final high school accreditation status as follows: for schools having met minimal accreditation requirements, a minimum numerical value of three points shall be added to the completion index total points calculation for each student obtaining (i) a diploma and (ii) an industry certification, industry pathway certification, a state licensure, or an occupational competency credential in a career and technical education program, when such certification, licensure, or credential is approved by the Board of Education as student-selected verified credit. The additional points shall not be used to obtain or deny accreditation.

Summary of Important Issues:

The following changes would be made to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* to comport with the legislation:

- The proposed regulations would require that, beginning with first-time ninth graders in the 2013-2014 school year, students must earn a career and technical education credential that has been approved by the Board in order to graduate with a Standard Diploma. This credential could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.
- The regulations would fold the Modified Standard Diploma into the Standard Diploma, and the Board of Education would establish, through guidelines, credit accommodations for students with disabilities. Such credit accommodations for students with disabilities may include:
 - ✓ Approval of alternative courses to meet the standard credit requirements;
 - ✓ Modifications to the requirements for local school divisions to award locally awarded verified credits;
 - ✓ Approval of additional tests to earn a verified credit;
 - ✓ Adjusted cut scores required to earn verified credit; and
 - ✓ Allowance of work-based learning experiences.
- The proposed regulations would require that students pursuing a Standard or Advanced Studies Diploma successfully complete one virtual course, which may be a noncredit-bearing course.
- The Standard Technical Diploma and the Advanced Technical Diploma would be eliminated. These diplomas have not yet been implemented.
- Consistent with the legislation, the regulations would specify that the Advanced Studies Diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the Standard and the Advanced Studies Diploma shall prepare students for postsecondary education and the career readiness required by the Commonwealth's economy.

The attached Virginia Regulatory Town Hall document discusses the provisions of the proposed emergency regulations and the Notice of Intended Regulatory Action for permanent changes to the regulations.

Impact on Fiscal and Human Resources:

The administrative impact required in promulgating these regulations 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 emergency amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* and the Notice of Intended Regulatory Action (NOIRA) for the permanent regulations.

Regulations Establishing Standards for Accrediting Public Schools in Virginia

8 VAC 20-131-5. Definitions.

The following words and terms apply only to these regulations and do not supersede those definitions used for federal reporting purposes or for the calculation of costs related to the Standards of Quality (§ [22.1-253.13:1](#) et seq. of the *Code of Virginia*). When used in these regulations, these words shall have the following meanings, unless the context clearly indicates otherwise:

"Accreditation" means a process used by the Virginia Department of Education (hereinafter "department") to evaluate the educational performance of public schools in accordance with these regulations.

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

"Class period" means a segment of time in the school day that is approximately 1/6 of the instructional day.

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

"Credit accommodations" means adjustments to meet the standard and verified credit requirements for earning a Standard Diploma for students with disabilities.

"Elementary school" means a public school with any grades kindergarten through five.

"Eligible students" means the total number of students of school age enrolled in the school at a grade or course for which a Standards of Learning test is required unless excluded under the provisions of [8VAC20-131-30](#) F and [8VAC20-131-280](#) D relative to limited English proficient (LEP) students.

"Enrollment" means the act of complying with state and local requirements relative to the registration or admission of a child for attendance in a school within a local school division. This term also means registration for courses within the student's home school or within related schools or programs.

"First time" means the student has not been enrolled in the school at any time during the current school year (for purposes of [8VAC20-131-60](#) with reference to students who transfer in during the school year).

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

"Graduate" means a student who has earned a Board of Education recognized diploma, which includes the Advanced Studies, ~~Advanced Technical~~, Standard, ~~Standard Technical~~, ~~Modified Standard~~, ~~and~~ Special, ~~and~~ General Achievement diplomas.

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

"Locally awarded verified credit" means a verified unit of credit awarded by a local school board in accordance with [8VAC20-131-110](#).

"Middle school" means a public school with any grades 6 through 8.

"Planning period" means one class period per day or the equivalent unencumbered of any teaching or supervisory duties.

"Recess" means a segment of free time exclusive of time provided for meals during the standard school day in which students are given a break from instruction.

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

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

1. Those students are reported in fall membership at the institution; and
2. At a minimum, the institution meets the preaccreditation eligibility requirements of these regulations as adopted by the Board of Education.

"Secondary school" means a public school with any grades 9 through 12.

"Standard school day" means a calendar day that averages at least five and one-half instructional hours for students in grades 1 through 12, excluding breaks for meals and recess, and a minimum of three instructional hours for students in kindergarten.

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

"Standard unit of credit" or "standard credit" means credit awarded for a course in which the student successfully completes 140 clock hours of instruction and the requirements of the course. Local school boards may develop alternatives to the requirement for 140 clock hours of instruction as provided for in [8VAC20-131-110](#).

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

"Student" means a person of school age as defined by § [22.1-1](#) of the *Code of Virginia*, a child with disabilities as defined in § [22.1-213](#) of the *Code of Virginia*, and a person with limited English proficiency in accordance with § [22.1-5](#) of the *Code of Virginia*.

"Student periods" means the number of students a teacher instructs per class period multiplied by the number of class periods taught.

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

"Virginia assessment program" means a system used to evaluate student achievement that includes Standards of Learning tests and additional tests that may be approved from time to time by the Board of Education.

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

A. The requirements for a student to earn a diploma and graduate from a Virginia high school shall be those in effect when that student enters the ninth grade for the first time. Students shall be awarded a diploma upon graduation from a Virginia high school.

The Advanced Studies Diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the Standard and the Advanced Studies Diploma shall prepare students for postsecondary education and the career readiness required by the Commonwealth's economy.

When students below the ninth grade successfully complete courses offered for credit in grades 9 through 12, credit shall be counted toward meeting the standard units required for graduation provided the courses are equivalent in content and academic rigor as those courses offered at the secondary level. To earn a verified unit of credit for these courses, students must meet the requirements of [8VAC20-131-110](#).

The following requirements shall be the only requirements for a diploma, unless a local school board has prescribed additional requirements that have been approved by the Board of Education. All additional requirements prescribed by local school boards that have been approved by the Board of Education remain in effect until such time as the local school board submits a request to the board to amend or discontinue them.

B. Requirements for a Standard Diploma.

1. Beginning with the ninth-grade class of ~~2011-2012~~ ~~2013-2014~~ and beyond, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.
2. Credits required for graduation with a Standard Diploma.

Discipline Area	Standard Units of Credit Required	Verified Credits Required
English	4	2
Mathematics ¹	3	1
Laboratory Science ^{2,6}	3	1
History and Social Sciences ^{3,6}	3	1
Health and Physical Education	2	
Foreign Language, Fine Arts or Career and Technical Education ⁷	2	
Economics and Personal Finance	1	
Electives ⁴	4	
Student Selected Test ⁵		1
Career and Technical Education Credential ⁸		
Total ⁹	22	6

¹Courses completed to satisfy this requirement shall include at least two different course selections from among: Algebra I, Geometry, Algebra, Functions, and Data Analysis, Algebra II, or other mathematics courses above the level of Algebra II. The board shall

approve courses to satisfy this requirement.

²Courses completed to satisfy this requirement shall include course selections from at least two different science disciplines: earth sciences, biology, chemistry, or physics, or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve courses to satisfy this requirement.

³Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and one course in either world history or geography or both. The board shall approve courses to satisfy this requirement.

⁴Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.

⁵A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education, economics or other areas as prescribed by the board in [8VAC20-131-110](#).

⁶Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association, or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for (i) the student-selected verified credit and (ii) either a science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the Board of Education as an additional test to verify student achievement.

⁷Pursuant to § [22.1-253.13:4](#) of the *Code of Virginia*, credits earned for this requirement shall include one credit in fine or performing arts or career and technical education.

⁸*Students shall earn a career and technical education credential approved by the Board of Education that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment.*

⁹*Students shall successfully complete one virtual course, which may be a noncredit-bearing course or a required or elective credit-bearing course that is offered online.*

The Board of Education shall establish, through guidelines, credit accommodations to the standard and verified credit requirements for a Standard Diploma. Such credit accommodations for students with disabilities may include:

- 1. Approval of alternative courses to meet the standard credit requirements;*
- 2. Modifications to the requirements for local school divisions to award locally awarded verified credits;*
- 3. Approval of additional tests to earn a verified credit;*
- 4. Adjusted cut scores required to earn verified credit; and*

5. Allowance of work-based learning experiences.

The student's Individual Education Program (IEP) or 504 Plan would specify any credit accommodations that would be applicable for the student.

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

C. Requirements for a Standard Technical Diploma.

1. Beginning with the ninth grade class of 2012-2013 and beyond, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.
2. Credits required for graduation with a Standard Technical Diploma.

Discipline Area	Standard Units of Credit Required	Verified Credits Required
English	4	2
Mathematics ¹	3	1
Laboratory Science ^{2,5}	3	1
History and Social Sciences ^{3,5}	3	1
Health and Physical Education	2	
Fine Arts or Foreign Language	1	
Economics and Personal Finance	1	
Career and Technical Education ⁴	4	
Electives	1	
Student Selected ⁶		1
Total	22	6

¹Courses completed to satisfy this requirement shall include at least three different course selections from among: Algebra I, Geometry, Algebra Functions and Data Analysis, or Algebra II or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement.

²Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics, or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve courses to satisfy this requirement.

³Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and one course in either world history or geography or both. The board shall approve courses to satisfy this requirement.

⁴Courses completed to satisfy this requirement must include a career concentration as approved by the board. If a career concentration includes a specific assessment approved by the board and the student is eligible to take the assessment, then the student must take this assessment.

⁵Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education

field that confers certification or an occupational competency credential from a recognized industry or trade or professional association or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification competency credential or license for (i) the student selected verified credit and (ii) either a science or history and social science verified credit when the certification license or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the board as an additional test to verify student achievement.

⁶A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education, economics or other areas as prescribed by the board in [8VAC20-131-H10](#).

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

~~C. D.~~ Requirements for an Advanced Studies Diploma. (Any student who meets the requirements for both the Advanced Studies and the Advanced Technical diploma may choose between these two diplomas.)

1. Beginning with the ninth-grade class of 2011-2012 and beyond, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.
2. Credits required for graduation with an Advanced Studies Diploma.

Discipline Area	Standard Units of Credit Required	Verified Credits Required
English	4	2
Mathematics ¹	4	2
Laboratory Science ²	4	2
History and Social Sciences ³	4	2
Foreign Language ⁴	3	
Health and Physical Education	2	
Fine Arts or Career and Technical Education	1	
Economics and Personal Finance	1	
Electives	3	
Student Selected Test ⁵		1
Total ⁶	26	9

¹Courses completed to satisfy this requirement shall include at least three different course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement.

²Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve additional courses to satisfy this requirement.

³Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and two courses in either world history or geography or both. The board

shall approve additional courses to satisfy this requirement.

⁴Courses completed to satisfy this requirement shall include three years of one language or two years of two languages.

⁵A student may utilize additional tests for earning verified credit in computer science, technology, career or technical education, economics or other areas as prescribed by the board in [8VAC20-131-110](#).

⁶Students shall successfully complete one virtual course, which may be a noncredit-bearing course, or may be a course required to earn this diploma that is offered online.

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

E. Requirements for an Advanced Technical Diploma. Any student who meets the requirements for both the Advanced Studies and the Advanced Technical diploma may choose between these two diplomas.

1. Beginning with the ninth grade class of 2012-2013 and beyond, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.
2. Credits required for graduation with an Advanced Technical Diploma.

Discipline Area	Standard Units of Credit Required	Verified Credits Required
English	4	2
Mathematics ¹	4	2
Laboratory Science ²	4	2
History and Social Sciences ³	4	2
Foreign Language ⁴	3	
Health and Physical Education	2	
Economics and Personal Finance	1	
Fine Arts or Career and Technical Education	1	
Career and Technical Education ⁵	3	
Student Selected Test ⁶		1
Total	26	9

¹Courses completed to satisfy this requirement shall include at least three different course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement.

²Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve courses to satisfy this requirement.

³Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and two courses in either world history or geography or both. The board

shall approve courses to satisfy this requirement.

⁴Courses completed to satisfy this requirement shall include three years of one language or two years of two languages.

⁵Courses completed to satisfy this requirement must include a career concentration as approved by the board. If a career concentration includes a specific assessment approved by the board, and the student is eligible to take the assessment, then the student must take this assessment.

⁶A student may utilize additional tests for earning verified credit in computer science, technology, career or technical education, economics, or other areas as prescribed by the board in [8VAC20-131-110](#).

Students completing the requirements for the Advanced Technical Diploma may be eligible to receive an honor deemed appropriate by the local school board as described in subsection K of this section.

F. Requirements for the Modified Standard Diploma:

1. Every student shall be expected to pursue a Standard Diploma, Standard Technical Diploma, Advanced Studies Diploma, or Advanced Technical Diploma. The Modified Standard Diploma program is intended for certain students at the secondary level who have a disability and are unlikely to meet the credit requirements for a Standard Diploma. Eligibility and participation in the Modified Standard Diploma program shall be determined by the student's Individualized Education Program (IEP) team including the student, where appropriate, at any point after the student's eighth grade year.
2. The school must secure the informed written consent of the parent/guardian and the student to choose this diploma program after review of the student's academic history and the full disclosure of the student's options.
3. The student who has chosen to pursue a Modified Standard Diploma shall also be allowed to pursue the Standard Diploma, Standard Technical Diploma, Advanced Studies Diploma, or Advanced Technical Diploma at any time throughout that student's high school career, and the student must not be excluded from courses and tests required to earn these diplomas.
4. Students pursuing the Modified Standard Diploma shall pass literacy and numeracy competency assessments prescribed by the board.
5. Credits required for graduation with a Modified Standard Diploma:

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

¹Courses completed to satisfy this requirement shall include content from among applications of

algebra, geometry, personal finance, and probability and statistics in courses that have been approved by the board.

²Courses completed shall include content from at least two of the following: applications of earth science, biology, chemistry, or physics in courses approved by the board.

³Courses completed to satisfy this requirement shall include one unit of credit in U.S. and Virginia History and one unit of credit in U.S. and Virginia Government in courses approved by the board.

⁴Courses to satisfy this requirement shall include at least two sequential electives in the same manner required for the Standard Diploma.

6. The student must meet any additional criteria established by the Board of Education.

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

E. H. In accordance with the requirements of the Standards of Quality, students who complete prescribed programs of studies defined by the local school board but do not qualify for Standard, Standard Technical, Advanced Studies, Advanced Technical, Modified Standard, *or* Special, *or* General Achievement diplomas shall be awarded Certificates of Program Completion. The requirements for Certificates of Program Completion are developed by local school boards in accordance with the Standards of Quality. Students receiving a general achievement diploma shall comply with [8VAC20-680](#), Regulations Governing the General Achievement Diploma.

F. I. In accordance with the provisions of the compulsory attendance law and [8VAC20-360](#), Regulations Governing General Educational Development Certificates, students who do not qualify for diplomas may earn a high school equivalency credential.

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

H. K. Awards for exemplary student performance. Students who demonstrate academic excellence and/or outstanding achievement may be eligible for one or more of the following awards:

1. Students who complete the requirements for an Advanced Studies Diploma *or* Advanced Technical Diploma with an average grade of "B" or better, and successfully complete college-level coursework that will earn the student at least nine transferable college credits in Advanced Placement (AP), International Baccalaureate (IB), Cambridge, or dual enrollment courses shall receive the Governor's Seal on the diploma.
2. Students who complete the requirements for a Standard Diploma, Standard Technical Diploma, *or* Advanced Studies Diploma *or* Advanced Technical Diploma with an average grade of "A" shall receive a Board of Education Seal on the diploma.

3. The Board of Education's Career and Technical Education Seal will be awarded to students who earn a Standard Diploma, ~~Standard Technical Diploma~~, or Advanced Studies Diploma ~~or Advanced Technical Diploma~~ and complete a prescribed sequence of courses in a career and technical education concentration or specialization that they choose and maintain a "B" or better average in those courses; or (i) pass an examination or an occupational competency assessment in a career and technical education concentration or specialization that confers certification or occupational competency credential from a recognized industry, trade or professional association or (ii) acquire a professional license in that career and technical education field from the Commonwealth of Virginia. The Board of Education shall approve all professional licenses and examinations used to satisfy these requirements.
4. The Board of Education's Seal of Advanced Mathematics and Technology will be awarded to students who earn either a Standard Diploma, ~~Standard Technical Diploma~~, or Advanced Studies Diploma ~~or Advanced Technical Diploma~~ and (i) satisfy all of the mathematics requirements for the Advanced Studies Diploma ~~or Advanced Technical Diploma~~ (four units of credit including Algebra II; two verified units of credit) with a "B" average or better; and (ii) either (a) pass an examination in a career and technical education field that confers certification from a recognized industry, or trade or professional association; (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia; or (c) pass an examination approved by the board that confers college-level credit in a technology or computer science area. The Board of Education shall approve all professional licenses and examinations used to satisfy these requirements.
5. The Board of Education's Seal for Excellence in Civics Education will be awarded to students who earn either a ~~Modified Standard Diploma~~, Standard Diploma, ~~Standard Technical Diploma~~, or an Advanced Studies Diploma, ~~or Advanced Technical Diploma~~ and (i) complete Virginia and United States History and Virginia and United States Government courses with a grade of "B" or higher; (ii) have good attendance and no disciplinary infractions as determined by local school board policies; and (iii) complete 50 hours of voluntary participation in community service or extracurricular activities. Activities that would satisfy the requirements of clause (iii) of this subdivision include: (a) volunteering for a charitable or religious organization that provides services to the poor, sick or less fortunate; (b) participating in Boy Scouts, Girl Scouts, or similar youth organizations; (c) participating in JROTC; (d) participating in political campaigns or government internships, or Boys State, Girls State, or Model General Assembly; or (e) participating in school-sponsored extracurricular activities that have a civics focus. Any student who enlists in the United States military prior to graduation will be deemed to have met this community service requirement.
6. Students may receive other seals or awards for exceptional academic, career and technical, citizenship, or other exemplary performance in accordance with criteria defined by the local school board.

I. L. Students completing graduation requirements in a summer school program shall be eligible for a diploma. The last school attended by the student during the regular session shall award the diploma unless otherwise agreed upon by the principals of the two schools.

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

N. Students shall be counseled annually regarding the opportunities for using additional tests for earning verified credits as provided in accordance with the provisions of [8VAC20-131-110](#), and the consequences of failing to fulfill the obligations to complete the requirements for verified units of credit.

8 VAC 20-131-60. Transfer students.

A. The provisions of this section pertain generally to students who transfer into Virginia high schools. Students transferring in grades K-8 from Virginia public schools or nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education shall be given recognition for all grade-level work completed. The academic record of students transferring from all other schools shall be evaluated to determine appropriate grade placement in accordance with policies adopted by the local school board. The State Testing Identifier (STI) for students who transfer into a Virginia public school from another Virginia public school shall be retained by the receiving school.

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

C. Standard or verified units of credit earned by a student in a Virginia public school shall be transferable without limitation regardless of the accreditation status of the Virginia public school in which the credits were earned. Virginia public schools shall accept standard and verified units of credit from other Virginia public schools, Virginia's virtual learning program, Virtual Virginia, and state-operated programs. Standard units of credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted or the student has been given credit by the previous school attended.

D. A secondary school shall accept credits toward graduation received from Virginia nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education (VCPE). The Board of Education will maintain contact with the VCPE and may periodically review its accrediting procedures and policies as part of its policies under this section.

Nothing in these standards shall prohibit a public school from accepting standard units of credit toward graduation awarded to students who transfer from all other schools when the courses for which the student receives credit generally match the description of or can be substituted for courses for which the receiving school gives standard credit, and the school from which the child transfers certifies that the courses for which credit is given meet the requirements of [8VAC20-131-110](#) A.

Students transferring into a Virginia public school shall be required to meet the requirements prescribed in [8VAC20-131-50](#) to receive a Standard, ~~Standard Technical,~~ *or an* Advanced Studies, ~~Advanced Technical or Modified Standard~~ Diploma, except as provided by subsection G of this section. To receive a Special Diploma or Certificate of Program Completion, a student must meet the requirements prescribed by the Standards of Quality.

E. The academic record of a student transferring from other Virginia public schools shall be sent directly to the school receiving the student upon request of the receiving school in accordance with the provisions of the [8VAC20-150](#), Management of the Student's Scholastic Record in the Public Schools of Virginia. The State Testing Identifier (STI) for students who transfer into a Virginia public school from another Virginia public school shall be retained by the receiving school.

F. The academic record of a student transferring into Virginia public schools from other than a Virginia public school shall be evaluated to determine the number of standard units of credit that have been earned, including credit from schools outside the United States, and the number of verified units of credit needed to graduate in accordance with subsection G of this section. Standard units of credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when the student has been given credit by the previous school attended.

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

G. Students entering a Virginia public high school for the first time after the tenth grade shall earn as many credits as possible toward the graduation requirements prescribed in [8VAC20-131-50](#). However, schools may substitute courses required in other states in the same content area if the student is unable to meet the specific content requirements of [8VAC20-131-50](#) without taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated. In any event, no such student shall earn fewer than the following number of verified units, nor shall such students be required to take SOL tests or additional tests as defined in [8VAC20-131-110](#) for verified units of credit in courses previously completed at another school or program of study, unless necessary to meet the requirements listed in subdivisions 1 and 2 of this subsection:

1. For a Standard Diploma ~~or Standard Technical Diploma~~:
 - a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in [8VAC20-131-50](#);
 - b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of four verified units of credit: one each in English, mathematics, history, and science. Students who complete a career and technical education program sequence may substitute a certificate, occupational competency credential or license for either a science or history and social science verified credit pursuant to [8VAC20-131-50](#); and
 - c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of two verified units of credit: one in English and one of the student's own choosing.
2. For an Advanced Studies Diploma ~~or Advanced Technical Diploma~~:
 - a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in [8VAC20-131-50](#);
 - b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of six verified units of credit: two in English and one each in mathematics, history, and science and one of the student's own choosing; and
 - c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of four verified units of credit: one in English and three of the student's own choosing.

H. Students entering a Virginia high school for the first time after the first semester of their eleventh grade year must meet the requirements of subdivision G 1 c or G 2 c of this section. Students transferring after 20 instructional hours per course of their senior or twelfth grade year shall be given every opportunity to earn a Standard, ~~Standard Technical~~, *or an* Advanced Studies, ~~Advanced~~

~~Technical, or Modified Standard~~ Diploma. If it is not possible for the student to meet the requirements for a diploma, arrangements should be made for the student's previous school to award the diploma. If these arrangements cannot be made, a waiver of the verified unit of credit requirements may be available to the student. The Department of Education may grant such waivers upon request by the local school board in accordance with guidelines prescribed by the Board of Education.

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

J. The transcript of a student who graduates or transfers from a Virginia secondary school shall conform to the requirements of [8VAC20-160](#), *Regulations Governing Secondary School Transcripts*.

K. The accreditation status of a high school shall not be included on the student transcript provided to colleges, universities, or employers. The board expressly states that any student who has met the graduation requirements established in [8VAC20-131-50](#) and has received a Virginia diploma holds a diploma that should be recognized as equal to any other Virginia diploma of the same type, regardless of the accreditation status of the student's high school. It is the express policy of the board that no student shall be affected by the accreditation status of the student's school. The board shall take appropriate action, from time to time, to ensure that no student is affected by the accreditation status of the student's school.

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

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

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

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

1. In accordance with the provisions of the Standards of Quality, students may earn a standard and verified unit of credit for any elective course in which the core academic SOL course content has been integrated and the student passes the related end-of-course SOL test. Such course and test combinations must be approved by the Board of Education.
2. Upon the recommendation of the division superintendent and demonstration of mastery of course content and objectives, qualified students may receive a standard unit of credit and be permitted to sit for the relevant SOL test to earn a verified credit without having to meet the 140-clock-hour requirement.
3. Students who do not pass Standards of Learning tests in science or history and social science may receive locally awarded verified credits from the local school board in accordance with criteria established in guidelines adopted by the Board of Education.

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

1. The test must be standardized and graded independently of the school or school division in which the test is given;
2. The test must be knowledge based;
3. The test must be administered on a multistate or international basis, or administered as part of another state's accountability assessment program; and
4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the course for which verified credit is given.

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

D. With such funds as are appropriated by the General Assembly, the Board of Education will provide opportunities for students who meet criteria adopted by the board to have an expedited

retake of a SOL test to earn verified credit ~~or to meet literacy and numeracy requirements for the Modified Standard Diploma.~~

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

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

1. Involve parents, citizens, community agencies, and representatives from business and industry in developing, disseminating, and explaining the biennial school plan; on advisory committees; in curriculum studies; and in evaluating the educational program.
2. Provide annually to the parents and the community the School Performance Report Card in a manner prescribed by the board. The information contained therein will be for the most recent three-year period. Such information shall include, but not be limited to:
 - a. Virginia assessment program results by percentage of participation and proficiency and disaggregated by student subgroups.
 - b. The accreditation rating earned by the school.
 - c. Attendance rates for students.
 - d. Information related to school safety to include, but not limited to, incidents of crime and violence.
 - e. Information related to qualifications and educational attainment of the teaching staff.
 - f. In addition, secondary schools' School Performance Report Cards shall include the following:
 - (1) Advanced Placement (AP) information to include percentage of students who take AP courses and percentage of students who take AP tests;
 - (2) International Baccalaureate (IB) and Cambridge course information to include percentage of students who are enrolled in IB or Cambridge programs and percentage of students who receive IB or Cambridge Diplomas;
 - (3) College-level course information to include percentage of students who take college-level courses including dual enrollment courses;
 - (4) Number and percentage of (i) graduates by diploma type as prescribed by the Board of Education, (ii) certificates awarded to the senior class including GED credentials, and (iii) students who do not complete high school;
 - (5) As a separate category on the school report card, the number of students obtaining board-approved industry certifications, and passing state licensure examinations, national occupational competency assessments and Virginia workplace readiness skills assessments while still in high school and the number of career and technical education completers who graduated; and
 - (6) Number and percentage of drop-outs.
3. Cooperate with business and industry in formulating career and technical educational programs and conducting joint enterprises involving personnel, facilities, training programs, and other resources.
4. Encourage and support the establishment and/or continuation of a parent-teacher association or other organization and work cooperatively with it.

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

1. The learning objectives developed in accordance with the provisions of [8VAC20-131-70](#) to be achieved at their child's grade level or, in high school, a copy of the syllabus for each of their child's courses, and a copy of the school division promotion, retention, and remediation policies;
2. The Standards of Learning applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing; and
3. An annual notice to students in all grade levels of all requirements for Standard, ~~Standard Technical, and~~ Advanced Studies, ~~Advanced Technical and Modified Standard~~ Diplomas, and the board's policies on promotion and retention as outlined in [8VAC20-131-30](#).

The division superintendent shall report to the department compliance with this subsection through the preaccreditation eligibility procedures in [8VAC20-131-290](#).

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

A. Schools will be accredited annually based on compliance with preaccreditation eligibility requirements and achievement of the school accountability requirements of [8VAC20-131-300](#) C.

B. Each school shall be accredited based, primarily, on achievement of the criteria established in [8VAC20-131-30](#) and in [8VAC20-131-50](#) as specified below:

1. The percentage of students passing the Virginia assessment program tests in the four core academic areas administered in the school with the accreditation rating calculated on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or on the current year's scores, whichever is higher.
2. The percentage of students graduating from or completing high school based on a graduation and completion index prescribed by the Board of Education. The accreditation rating of any school with a twelfth grade shall be determined based on achievement of required SOL pass rates and percentage points on the board's graduation and completion index. School accreditation shall be determined by the school's current year index points or a trailing three-year average of index points that includes the current year and the two most recent years, whichever is higher. The Board of Education's graduation and completion index shall include weighted points for diploma graduates (100 points), GED recipients (75 points), students not graduating but still in school (70 points), and students earning certificates of program completion (25 points). The Board of Education's graduation and completion index shall account for all students in the graduating class's ninth-grade cohort, plus students transferring in, minus students transferring out and deceased students. Those students who are not included in one of the preceding categories will also be included in the index.
3. The number of students who successfully complete a remediation recovery program.
4. Schools, with grade configurations that do not house a grade or offer courses for which SOL tests or additional tests approved by the Board of Education as outlined in [8VAC20-131-110](#) are administered, will be paired with another school in the division housing one or more of the grades in which SOL tests are administered. The pairing of such schools will be made upon the recommendation of the local superintendent. The schools should have a "feeder" relationship and the grades should be contiguous.

C. Subject to the provisions of [8VAC20-131-350](#), the governing school board of special purpose schools such as those provided for in § [22.1-26](#) of the *Code of Virginia*, Governor's schools, special education schools, alternative schools, or career and technical schools that serve as the student's school of principal enrollment may seek approval of an alternative accreditation plan from the Board of Education. Schools offering alternative education programs and schools with a graduation cohort of 50 or fewer students as defined by the graduation rate formula adopted by the board may request that the board approve an alternative accreditation plan to meet the graduation and completion index benchmark. Special purpose schools with alternative accreditation plans shall be evaluated on standards appropriate to the programs offered in the school and approved by the board prior to August 1 of the school year for which approval is requested. Any student graduating from a special purpose school with a Standard, ~~Standard Technical~~, *or an* Advanced Studies, ~~Advanced Technical~~, ~~or Modified Standard~~ Diploma must meet the requirements prescribed in [8VAC20-131-50](#).

In addition, pursuant to § [22.1-253.13:3](#) of the *Code of Virginia*, any school board, on behalf of one or more of its schools, may request the Board of Education for approval of an Individual School

Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for special purpose schools.

D. When calculating the passing rates on Virginia assessment program tests for the purpose of school accreditation, the following tolerances for limited English proficient (LEP) and transfer students will apply:

1. The scores of LEP students enrolled in Virginia public schools fewer than 11 semesters may be removed from the calculation used for the purpose of school accreditation required by 8VAC20-131-280 B and [8VAC20-131-300](#) C. Completion of a semester shall be based on school membership days. Membership days are defined as the days the student is officially enrolled in a Virginia public school, regardless of days absent or present. For a semester to count as a completed semester, a student must have been in membership for a majority of the membership days of the semester. These semesters need not be consecutive.
2. In accordance with the provisions of [8VAC20-131-30](#), all students who transfer into Virginia public schools are expected to take and pass all applicable SOL tests in the content areas in which they receive instruction.
3. All students who transfer within a school division shall have their scores counted in the calculation of the school's accreditation rating. Students who transfer into a Virginia school from home instruction, or from another Virginia school division, another state, or another country, in grades kindergarten through 8 shall be expected to take all applicable SOL tests or additional tests approved by the board as outlined in [8VAC20-131-110](#). If the transfer takes place after the 20th instructional day following the opening of school, the scores on these tests may be used in calculating school accreditation ratings.
4. Students who transfer into a Virginia middle or high school from home instruction, or from another state or country, and enroll in a course for which there is an end-of-course SOL test, shall be expected to take the test or additional tests for that course approved by the board as outlined in [8VAC20-131-110](#). If the transfer takes place after 20 instructional hours per course have elapsed following the opening of school or beginning of the semester, if applicable, the scores on those tests may be used in calculating school accreditation ratings in the year the transfer occurs.
5. Students who enroll on the first day of school and subsequently transfer to a school outside of the division for a total amount of instructional time equal to or exceeding 50% of a current school year or semester, whether the transfer was a singular or multiple occurrence, and return during the same school year shall be expected to take any applicable SOL test. The scores of those tests may be used in calculating the school accreditation rating in the year in which the transfers occur.

E. The Board of Education may adopt special provisions related to the administration and use of any Virginia assessment program test in a content area. The Board of Education may adopt special provisions related to the administration and use of the graduation and completion index, as prescribed by the board. The Board of Education may also alter the inclusions and exclusions from the accreditation calculations by providing adequate notice to local school boards. The board may add new tests or discontinue the use of existing tests in the Virginia Assessment Program by providing adequate notice to local school boards.

F. As a prerequisite to the awarding of an accreditation rating as defined in [8VAC20-131-300](#), each new or existing school shall document, in a manner prescribed by the board, the following: (i) the division's promotion/retention policies developed in accordance with the requirements of [8VAC20-](#)

[131-30](#), (ii) compliance with the requirements to offer courses that will allow students to complete the graduation requirements in [8VAC20-131-50](#), (iii) the ability to offer the instructional program prescribed in [8VAC20-131-70](#) through [8VAC20-131-100](#), (iv) the leadership and staffing requirements of [8VAC20-131-210](#) through [8VAC20-131-240](#), and (v) the facilities and safety provisions of [8VAC20-131-260](#). The division superintendent shall report to the department compliance with this subsection through the preaccreditation eligibility procedures in [8VAC20-131-290](#).

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~~ 2013-2014.

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

~~C. 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.

~~D. 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.

~~E. 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.

~~F. G.~~ The Academic and Career Plan prescribed in [8VAC20-131-140](#) shall become effective in 2012-2013.

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



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Emergency Regulation and Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) citation	8 VAC 20-131
Regulation title	<i>Regulations Establishing the Standards for Accrediting Public Schools in Virginia</i>
Action title	Update to Comport with Legislative Changes Made by HB 1061 and SB 489 (2012)
Date this document prepared	May 11, 2012

This form is used when an agency wishes to promulgate an emergency regulation (to be effective for up to one year), as well as publish a Notice of Intended Regulatory Action (NOIRA) to begin the process of promulgating a permanent replacement regulation.

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Preamble

The APA (Code of Virginia § 2.2-4011) states that agencies may adopt emergency regulations in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment, and the regulation is not exempt under the provisions of subdivision A. 4. of § 2.2-4006.

- 1) Please explain why this is an emergency situation as described above.
- 2) Summarize the key provisions of the new regulation or substantive changes to an existing regulation.

The 2012 General Assembly passed, and the Governor signed into law, HB 1061 and SB 489, which amend § 22.1-253.13:4 of the *Code of Virginia* to strengthen postsecondary education and workplace readiness opportunities for all students, and to consolidate the number of Board of Education-approved diplomas. The bills eliminate the Standard Technical, Advanced Technical, and Modified Standard Diplomas, and change the graduation requirements for the Standard and Advanced Studies Diplomas.

The legislation requires the Board of Education to promulgate emergency regulations to effect these changes.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority. [Please cite the authority you are using to promulgate an emergency regulation.]???

Section [22.1-16](#) of the *Code of Virginia* states that the Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1.

HB 1061 and SB 489, passed by the 2012 General Assembly and signed by the Governor, require the Board of Education to promulgate emergency regulations to implement the provisions of the legislation.

In addition, Section 2.2-4011 of the *Code of Virginia* states that agencies may adopt emergency regulations in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment, and the regulation is not exempt under the provisions of subdivision A. 4. of § 2.2-4006.

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.

The following changes would be made to the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* to comport with the legislation:

- The proposed regulations would require that, beginning with first-time ninth graders in the 2013-2014 school year, students must earn a career and technical education credential that has been approved by the Board in order to graduate with a Standard Diploma. This credential could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.
- The regulations would fold the Modified Standard Diploma into the Standard Diploma, and would establish credit accommodations for students with disabilities. Such credit accommodations for students with disabilities may include:
 - ✓ Approval of alternative courses to meet the standard credit requirements;
 - ✓ Modifications to the requirements for local school divisions to award locally awarded verified credits;
 - ✓ Approval of additional tests to earn a verified credit;
 - ✓ Adjusted cut scores required to earn verified credit; and
 - ✓ Allowance of work-based learning experiences.

- The proposed regulations would require that students pursuing a Standard or Advanced Studies Diploma successfully complete one virtual course, which may be a noncredit-bearing course.
- The Standard Technical Diploma and the Advanced Technical Diploma would be eliminated. These diplomas have not yet been implemented.
- Consistent with the legislation, the regulations would specify that the Advanced Studies Diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the Standard and the Advanced Studies Diploma shall prepare students for postsecondary education and the career readiness required by the Commonwealth’s economy.

In addition, when the Board of Education promulgates the permanent regulations, it will have the opportunity to conduct a comprehensive review of the regulations. One topic that will be addressed in the permanent regulations is the provision in HB 642 and SB 514, passed by the 2012 General Assembly and signed by the Governor, which would require an adjustment to the Graduation and Completion Index for those schools that are fully accredited.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

The enactment clause contained in the legislation requires the promulgation of emergency regulations. The emergency regulations provide for a foundation for a quality education for students graduating from a Virginia public high school so that they will be successful and productive citizens and are prepared for postsecondary education and for the workplace.

Substance

Please detail any changes that will be proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate.

Emergency Regulations

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, and likely impact of proposed requirements
8 VAC 20-131-5		Definitions	<p>Adds the definition of “credit accommodations” to mean adjustments to the standard and verified credit requirements for earning a Standard Diploma for students with disabilities, as specified in the legislation.</p> <p>Removes references to the Standard Technical, Advanced Technical, and Modified Standard Diplomas, which are being eliminated.</p>

<p>8 VAC 20-131-50</p>		<p>Requirements for Graduation</p>	<p>Includes language from the legislation that the Advanced Studies Diploma shall be the recommended diploma for students pursuing baccalaureate study, and that both the Standard and the Advanced Studies Diploma shall prepare students for postsecondary education and the career readiness required by the Commonwealth's economy.</p> <p>Specifies that the new requirements for the Standard and Advanced Studies Diplomas will begin with the ninth-grade class of 2013-2014.</p> <p>Requires students pursuing a Standard Diploma to earn a career and technical education credential approved by the Board that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.</p> <p>Requires students pursuing a Standard or Advanced Studies Diploma to complete one virtual course, which may be a noncredit-bearing course and could be a semester course, an elective course, or a full-credit course to satisfy a graduation requirement.</p> <p>Provides for credit accommodations for students with disabilities that would be established by the Board of Education and could include:</p> <ul style="list-style-type: none"> • Approval of alternative courses to meet the standard credit requirements; • Modifications to the requirements for local school divisions to award locally awarded verified credits; • Approval of additional tests to earn a verified credit; • Adjusted cut scores required to earn verified credit; and • Allowance of work-based learning experiences. <p>Eliminates the Standard Technical, Advanced Technical, and Modified Standard Diplomas.</p>
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			<p>Makes technical changes to remove references to the Standard Technical, and Advanced Technical, and Modified Standard Diplomas.</p> <p>All of these changes are specified in the legislation.</p>
8 VAC 20-131-60		Transfer Students	Makes technical changes to remove references to the Standard Technical, and Advanced Technical, and Modified Standard Diplomas.
8 VAC 20-131-110		Standard and Verified Units of Credit	Makes technical changes to remove a reference to the Modified Standard Diploma.
8 VAC 20-131-270		School and Community Communications	Makes technical changes to remove references to the Standard Technical, and Advanced Technical, and Modified Standard Diplomas.
8 VAC 20-131-280		Expectations for School Accountability	Makes technical changes to remove references to the Standard Technical, and Advanced Technical, and Modified Standard Diplomas.
8 VAC 20-131-360		Effective Date	<p>Establishes the effective date for the new requirements for the Standard and Advanced Studies Diplomas. Pursuant to the legislation, the new requirements are effective with the ninth-grade class of 2013-2014.</p> <p>Eliminates the effective dates for the Standard Technical and Advanced Technical Diplomas.</p>

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. Also describe the process by which the agency has considered or will consider, other alternatives for achieving the need in the most cost-effective manner.

HB 1061 and SB 489 include a second enactment clause that states: "That the Board of Education shall eliminate technical diplomas that have not been implemented and shall promulgate regulations to implement the other provisions of this act to be effective within 280 days of its enactment." Therefore, there are no alternatives to this regulatory action.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public meeting is to be held to receive comments on this notice.

Please also indicate the extent to which an ad hoc advisory group or regulatory advisory panel has been used in the development of the emergency regulation and will be used in the development of the proposed regulation.

For the emergency regulation, no public hearing will be held, nor will an ad hoc advisory group or a regulatory advisory panel be used.

For the permanent regulations, the agency is seeking comments on this regulatory action, including but not limited to: 1) ideas to be considered in the development of this proposal; 2) the costs and benefits of the alternatives stated in this background document or other alternatives; and 3) potential impact of the regulation. The agency is also seeking information on impacts on small businesses as defined in § [2.2-4007.01](#) of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation. A regulatory advisory panel will not be used.

Anyone wishing to submit comments may do so via the Regulatory Town Hall Web site (<http://www.townhall.virginia.gov>), or by mail, fax, or e-mail to Michelle Vucci; P.O. Box 2120; Richmond, Va. 23218; (p) 804-225-2092; (f) 804-530-4502; or SOACOMMENTS@doe.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action and notice of the hearing will be posted on the Virginia Regulatory Town Hall Web site (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar Web site (<http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>). Both oral and written comments may be submitted at that time.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulatory action will impact the family by providing opportunities for all public school children to gain strong academic and career skills to become productive citizens and be prepared for postsecondary education and for employment in the workplace. The increased rigor of the diplomas as addressed in the legislation will increase economic self-sufficiency and pride in student accomplishments. The enhanced academic and workplace training for all students should provide the basis for securing highly-skilled employment opportunities after graduation and greater success in postsecondary education.