

# Virginia Board of Education Agenda Item



**Agenda Item:** D

**Date:** April 23, 2015

<b>Title</b>	Final Review of Permanent Amendments to the <i>Regulations Governing Adult High School Programs</i> (8 VAC 20-30) and Repeal of the <i>Regulations Governing the General Achievement Diploma</i> (8 VAC 20-680) to Replace the Emergency Regulations Required by HB 1061 and SB 489 (2012)		
<b>Presenter</b>	Dr. Susan M. Clair, director, Office of Adult Education and Literacy		
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**Purpose of Presentation:**

Action required by state or federal law or regulation.

**Previous Review or Action:**

Other. Specify below:

First Review: October 24, 2013

Public Hearing March 26, 2015

**Action Requested:**

Final review: Action requested at this meeting.

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

X	Goal 1: Accountability for Student Learning
	Goal 2: Rigorous Standards to Promote College and Career Readiness
X	Goal 3: Expanded Opportunities to Learn
	Goal 4: Nurturing Young Learners
	Goal 5: Highly Qualified and Effective Educators
X	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

**Background Information and Statutory Authority:**

Goal 1: In promulgating these regulations, the Board would establish the policies and standards necessary to ensure accountability for student learning in adult high school programs.

Goal 3: The regulations as amended would expand opportunities to learn by setting forth the expectations for adults to be prepared for a career upon graduation by requiring students to earn a career credential.

Goal 6: The regulations would provide the Board with the opportunity to develop and implement sound policies for student success by focusing on career readiness for adult students.

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:

F. The Board shall establish, by regulation, requirements for the award of a general achievement *adult high school* diploma for those persons who *are not subject to the compulsory school attendance requirements of § 22.1-254* and have (i) achieved a passing score on the GED examination; (ii) successfully completed an education and training program designated by the Board of Education; ~~and~~ (iii) *earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.*

The legislation eliminated the General Achievement Diploma by folding it into the Adult High School Diploma, which would be re-named the General Achievement Adult High School Diploma. It added a requirement that adult students would need to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment in order to be awarded the diploma.

The legislation also contained 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 Board of Education approved the proposed emergency regulations June 28, 2012, and they became effective July 17, 2013.

**Summary of Important Issues:**

The following changes would be made to the *Regulations Governing Adult High School Programs* to comport with the legislation:

- The proposed regulations would specify that only students not subject to compulsory attendance could be enrolled in adult high school programs, consistent with language in the legislation. Language permitting younger students to enroll in adult high school programs under exceptional conditions would be eliminated. It should be noted that this is consistent with federal funding constraints for adult education programs.
- The regulations would set forth the requirements for a student to earn a General Achievement Adult High School Diploma by:
  1. Successfully completing the requirements to earn a General Education Development (GED) certificate;

2. Successfully completing an education and training program designated by the Board of Education that would include successfully completing 20 standard units of credit in the following subjects, as specified in the current *Regulations Governing the General Achievement Diploma*:
  - ✓ English (4 credits),
  - ✓ Mathematics (3 credits),
  - ✓ Science (2 credits),
  - ✓ History and social science (2 credits), and
  - ✓ Electives (9 credits);
3. Earning a Board of Education-approved career and technical education credential such as 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 Governing the General Achievement Diploma* would be repealed.

The permanent amendments contain no changes which were included in the emergency regulations approved by the Board of Education.

**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:**

The timetable for further action will be governed by the requirements of the Administrative Process Act.

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education approve the permanent amendments to revise the *Regulations Governing Adult High School Programs* (8 VAC 20-30) and to repeal the *Regulations Governing the General Achievement Diploma* (8 VAC 20-680).

**Rationale for Action:**

The 2012 legislation eliminated the General Achievement Diploma by folding it into the Adult High School Diploma, which would be re-named the General Achievement Adult High School Diploma. This legislation also added a requirement that adult students would need to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment in order to be awarded the diploma. The Superintendent of Public Instruction recommends that the Board approve these changes, in accordance with the *Code of Virginia*, so that they can be communicated to school divisions and used in instructional planning during this school year.

## Regulations Governing Adult High School Programs

### 8 VAC 20-30-10. Responsibility.

Local school officials are responsible for evaluating and awarding credit for educational achievement, other than that earned in the high school program.

### 8 VAC 20-30-20. Minimum requirements for adult high school programs.

Adult high school programs are not part of the 9 through 12 high school program and shall meet the following minimum requirements:

1. ~~Age. An adult student shall be at least 18 years of age. Under circumstances which local school authorities consider justifiable, students of school age may enroll in courses offered by the adult high school. Only in exceptional circumstances should school officials permit a school-aged individual enrolled in grades 9 through 12 to earn credits toward high school graduation in adult classes. All educational alternatives must have been considered prior to placing an enrolled student in an adult class. Such students would be able to earn a diploma, as provided in 8VAC20-131-50, but would not be eligible to earn an adult high school diploma. Only those students not subject to the compulsory attendance requirements of § 22.1-254 of the Code of Virginia shall be enrolled in an adult high school program.~~
2. Credit.
  - a. Satisfactory completion of 108 hours of classroom instruction in a subject shall constitute sufficient evidence for one unit of credit toward a high school diploma.
  - b. When, in the judgment of the principal or the superintendent, adults not regularly enrolled in grades 9 through 12 high school program are able to demonstrate by examination or other objective evidence, satisfactory completion of the work, they may receive credit in accordance with policies adopted by the local school board. It is the responsibility of the school issuing the credit to document the types of examinations employed or other objective evidence used, the testing or assessment procedures, and the extent of progress in each case.
  - c. Credits earned in adult high school programs shall be transferable as prescribed in the Regulations Establishing Standards for Accrediting Public Schools in Virginia within the sponsoring school division and shall be transferable to public secondary schools outside of the sponsoring school division.
3. Diplomas.
  - a. A diploma, as provided in 8VAC20-131-50, shall be awarded to an adult students who completes all requirements of the diploma regulated by the Board of Education, with the exception of health and physical education requirements, in effect at the time they will graduate.

- b. An adult high school diploma shall be awarded to adult students who complete the course credit requirements in effect for any Board of Education diploma, with the exception of health and physical education course requirements, at the time they first entered the ninth grade. The requirement for specific assessments may be waived if the assessments are no longer administered to students in Virginia public schools.
- c. An adult high school diploma shall be awarded to adult students who demonstrate through applied performance assessment full mastery of the National External Diploma Program Generalized Competencies Correlated with CASAS Competencies, 1996, version 5.0, January 2013, a CASAS program, as promulgated by the American Council on Education and validated and endorsed by the United States U.S. Department of Education.
- d. A General Achievement Diploma, as provided in 8VAC20-680, shall be awarded to an adult student who completes all requirements of the diploma. A general achievement adult high school diploma shall be awarded to a student who is not subject to the compulsory attendance requirements of § 22.1-254 of the Code of Virginia and who:
  - (1) Successfully completes the general educational development (GED) program that meets the requirements of the Board of Education's Regulations Governing General Educational Development Certificates (8VAC20-360) and earns a GED certificate;
  - (2) Earns a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia Workplace Readiness Skills Assessment; and
  - (3) Successfully completes the following courses that incorporate or exceed the applicable Standards of Learning:

<u>Discipline Area</u>	<u>Standard Units of Credit Required</u>
<u>English</u>	<u>4</u>
<u>Mathematics</u>	<u>3</u>
<u>Science</u>	<u>2</u>
<u>History and Social Sciences</u>	<u>2</u>
<u>Electives</u>	<u>9</u>
<u>TOTAL</u>	<u>20</u>

Courses completed to satisfy the requirements in mathematics and science shall include content in courses that incorporate or exceed the content of courses approved by the Board of Education to satisfy any other board-recognized diploma.

Courses completed to satisfy the history and social sciences requirements shall include one unit of credit in Virginia and U.S. history and one unit of credit in Virginia and U.S. government in courses that incorporate or exceed the content of courses approved by the Board of Education to satisfy any other board-recognized diploma.

Courses completed to satisfy the electives requirement shall include at least two sequential electives in an area of concentration or specialization, which may include career and technical education and training.

**8 VAC 20-30-30. Minimum qualifications of teachers.**

Teachers teaching in the adult high school program shall be licensed and endorsed in the subject areas they teach.

**8 VAC 20-30-40. Library facilities.**

The adult high school program shall have library media services, science laboratories, and computer technology accessible to instructional staff and adult learners.

**8 VAC 20-30-50. [Repealed]**

**8 VAC 20-30-60. Administration and supervision.**

The adult high school program shall be under the supervision of the high school principal, assistant principal, or a qualified staff member approved by the division superintendent.

**8 VAC 20-30-70. Guidance services.**

The adult high school program shall have appropriate guidance services available.

**DOCUMENTS INCORPORATED BY REFERENCE (8VAC20-30)**

~~National External Diploma Program Generalized Competencies Correlated with CASAS Competencies, Comprehensive Adult Student Assessment System EDP/CASAS, 1996.~~

National External Diploma Program Competencies, version 5.0, January 2013, a CASAS program, as promulgated by the American Council on Education and validated and endorsed by the U.S. Department of Education

8VAC20-680

CHAPTER 680

REGULATIONS GOVERNING THE GENERAL ACHIEVEMENT DIPLOMA (REPEALED)

8VAC20-680-10

8VAC20-680-10. ~~Eligibility requirements for the General Achievement Diploma. (Repealed.)~~

~~The General Achievement Diploma is intended to provide a diploma option for individuals who exit high school without a diploma. It should not be a first option for high school students.~~

~~Individuals who meet one of the following criteria shall be eligible to earn the General Achievement Diploma:~~

1. Individuals who are at least 18 years of age and not enrolled in public school; or
2. Individuals who are not otherwise subject to the compulsory school attendance requirements set forth in § 22.1-254 of the Code of Virginia.

8VAC20-680-20

8VAC20-680-20. ~~Course, credit, and assessment requirements.~~ (Repealed.)

A. ~~Credit and assessment requirements for graduation with a General Achievement Diploma are as follows:~~

Discipline Area	Standard Units of Credit Required
English	4
Mathematics	3
Science	2
History and Social Sciences	2
Electives	9
<b>TOTAL</b>	<b>20</b>

~~Assessment required: Achieve a passing score on the GED examination~~

B. ~~Courses completed to satisfy the requirements in mathematics and science shall include content in courses that incorporate or exceed the content of courses approved by the Board of Education (board) to satisfy any other board-recognized diploma.~~

C. ~~Courses completed to satisfy the history/social science requirements shall include one unit of credit in Virginia and U.S. History and one unit of credit in Virginia and U.S. Government in courses that incorporate or exceed the content of courses approved by the board to satisfy any other board-recognized diploma.~~

D. ~~Courses completed to satisfy the electives requirement shall include at least two sequential electives in an area of concentration or specialization, which may include career and technical education and training.~~

E. ~~The required number of standard units of credit may be earned by enrolling in:~~

1. ~~A public school if the individual meets the age requirements;~~
2. ~~A community college or other institution of higher education;~~
3. ~~An adult high school program; or~~
4. ~~Correspondence, distance learning, and online courses.~~

F. ~~Diploma candidates shall participate in GED preparation.~~



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## Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Education
<b>Virginia Administrative Code (VAC) citation(s)</b>	8 VAC 20-30 and 8 VAC 20-680
<b>Regulation title(s)</b>	<i>Regulations Governing Adult High School Programs and Regulations Governing the General Achievement Diploma</i>
<b>Action title</b>	Permanent amendments to comport with legislative changes made by HB 1061 and SB 489 (2012) to amend the <i>Regulations Governing Adult High School Programs and Regulations Governing the General Achievement Diploma</i>
<b>Date this document prepared</b>	March 31, 2015

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the 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 legislation includes a second enactment clause that requires the Board to promulgate emergency regulations to implement the provisions of this legislation

The legislation would eliminate the General Achievement Diploma by folding it into the Adult High School Diploma, which would be re-named the General Achievement Adult High School Diploma. The legislation would add a requirement that adult students would need to earn a Board of Education-approved career

and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment in order to be awarded the diploma. The legislation further provides that the General Achievement Adult High School Diploma would include the following requirements:

- Achievement of a passing score on the GED examination; [Successful completion of the requirements to earn a high school equivalency certificate approved by the Board of Education];
- Successful completion of an education and training program designated by the Board of Education;
- Achievement of a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and
- Completion of other requirements as may be established by the Board.

The emergency regulations became effective July 17, 2013. The proposed permanent regulations are the same as the emergency regulations.

### Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

Not Applicable

### 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.*

Final regulations will be presented to the Virginia Board of Education for first review on April 23, 2015 and for final review and approval on May 28, 2015.

### 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.*

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, amend § 22.1-253.13:4 of the *Code of Virginia* to require the Board of Education to promulgate these changes to the regulations to implement the provisions of the legislation.

## Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

These amendments would make the emergency regulations permanent. The permanent regulations comport with the provisions of HB 1061 and SB 489, as passed by the General Assembly and signed by the Governor.

## Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both.*

These regulations are necessary to implement the provisions of HB 1061 and SB 489. The legislation eliminated the General Achievement Diploma by folding it into the Adult High School Diploma, which would be re-named the General Achievement Adult High School Diploma. The legislation added a requirement that adult students must earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment in order to be awarded the diploma. The legislation further provides that the General Achievement Adult High School Diploma would include the following requirements:

- Achievement of a passing score on the General Educational Development (GED®) test; [Successful completion of the requirements to earn a high school equivalency certificate approved by the Board of Education];
- Successful completion of an education and training program designated by the Board of Education;
- Achievement of a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and
- Completion of other requirements as may be established by the Board.

These regulations are designed to enhance preparedness for the workplace and for postsecondary education and strengthen educational and career opportunities for adult students. They also support expanded learning opportunities for adult students by enhancing workplace skills through the attainment of a career and technical education credential for adult students earning the General Achievement Adult High School Diploma.

## Issues

*Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community,*

government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

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This regulatory action comports with the Code and poses no disadvantages to the public or Commonwealth.

### Requirements more restrictive than federal

*Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.*

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There are no applicable federal requirements

### Localities particularly affected

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

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No locality would be disproportionately affected.

### Family impact

*Please assess the impact of this 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.*

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This regulatory action will impact the family by providing opportunities for adult learners to gain career skills to become productive citizens and be prepared for postsecondary education and for employment. The increased rigor of the adult high school diplomas addressed in the legislation will increase economic self-sufficiency and provide the basis for securing more highly-skilled employment opportunities after diploma attainment.

### Changes made since the proposed stage

*Please list all changes that made to the text of the proposed regulation and the rationale for the changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. \*Please put an asterisk next to any substantive changes.*

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Current section number	Proposed new section number, if applicable	Current Requirement	Proposed change, intent, and likely impact of proposed requirements
8 VAC 20-30-20		<p>Consistent with the legislation, the proposed regulations would specify that only students not subject to compulsory attendance could be enrolled in adult high school programs, consistent with language in the legislation. Language permitting younger students to enroll in adult high school programs under exceptional conditions would be eliminated.</p> <p>The regulations would set forth the requirements for a student to earn a General Achievement Adult High School Diploma by:</p> <ol style="list-style-type: none"> <li>1. Successfully completing the requirements to earn a General Education Development (GED) certificate;</li> <li>2. Successfully completing an education and training program designated by the Board of Education by completing 20 standard units of credit in the following subjects: English (4 credits), mathematics (3 credits), science (2 credits), history and social science (2 credits), and electives (9 credits), as specified in the current <i>Regulations Governing the General Achievement Diploma</i>; and</li> <li>3. Earning a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.</li> </ol>	<p>HB 1007 (2014) replaced references to a General Education Development (GED) program or test throughout the Code of Virginia with "a high school equivalency examination approved by the Board of Education." Consequently, these regulations are being amended to replace references to a General Education Development (GED) program or test with "a high school equivalency examination approved by the Board of Education."</p>
8 VAC 20-30-20		None	None
8 VAC 20-680-10		None	None
8 VAC 20-680-10		None	None

None

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate. Please distinguish between comments received on Town Hall versus those made in a public hearing or submitted directly to the agency or board.*

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There were neither public nor Town Hall comments received.

**All changes made in this regulatory action**

*Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections. Explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation*

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None