

Board of Education Agenda Item

Item: B.

Date: November 18, 2010

Topic: First Review of the Proposed Revisions to the *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia*

Presenter: Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications

Telephone Number: (804) 225-2403 E-Mail Address: Anne.Wescott@doe.virginia.gov

Origin:

Topic presented for information only (no board action required)

Board review required by
 State or federal law or regulation
 Board of Education regulation
 Other: _____

Action requested at this meeting

Action requested at future meeting: January 13, 2011

Previous Review/Action:

No previous board review/action

Previous review/action

dates _____

actions _____

Background Information: The 2010 General Assembly passed [HB 1199](#), which requires the Board of Education to provide for the waiver of certain graduation requirements to be granted only for good cause and to be considered on a case-by-case basis.

In a separate Board action item, an amendment to the [Regulations Establishing Standards for Accrediting Public Schools in Virginia](#) is being considered to address implementation of this bill by including the following proposed language in the waiver section ([8 VAC 20-131-350](#)) of these regulations:

[8 VAC 20-131-350](#). Waivers

Waivers of some of the requirements of these regulations may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The request shall include documentation of the need

for the waiver. In no event shall waivers be granted to the requirements of Part III (8 [VAC 20-131-30](#) et seq.) of these regulations **except that the Board of Education may provide for the waiver of certain graduation requirements in 8 VAC 20-131-50 (i) upon the Board's initiative or (ii) at the request of a local school board on a case-by-case basis in accordance with guidelines established by the Board.**

Summary of Major Elements: The guidelines would provide that the Board of Education may waive certain graduation requirements in 8 VAC 20-131-50 by resolution. The resolution shall specify the requirement(s) being waived and, if the waiver is time-limited, when the waiver would expire.

The guidelines for waiver requests from local school boards would include the following:

1. Provisions for local school boards to submit to the Superintendent of Public Instruction, on behalf of the Board, requests for waivers of certain graduation requirements for a student.
2. A requirement that any local school board submitting a waiver must include an explanation of what requirements are requested to be waived and a justification, which shall include a statement of all efforts that the local school board has made to assist the student prior to the submission of the request to the Board.
3. A provision that a waiver request may not be submitted more than 90 days prior to the date of graduation.
4. A provision allowing the Superintendent of Public Instruction to approve a waiver on behalf of the Board. The Superintendent will also report to the Board any waivers granted or denied.
5. Provisions for determining 'good cause', which would include, but not be limited to:
 - A catastrophic, sudden, or debilitating illness or injury suffered by the student late in his high school career; or
 - A sudden, unexpected requirement or event that causes a student's family to relocate to another state where the student is unable to complete graduation requirements in Virginia or the receiving state.
6. In no event shall a waiver be granted if that waiver substantially reduces or diminishes the integrity of the diplomas approved by the Board.
7. Graduation requirements that have been approved for a waiver shall be noted on a student's official academic record.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education accept the proposed revisions for first review and authorize 30 days of public comment.

Impact on Resources: The impact on resources is not expected to be significant.

Timetable for Further Review/Action: Following public comment, the proposed revisions to the guidance document will be presented to the Board for approval on January 13, 2011.

Attachment A

Proposed Amendments to the Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia

STANDARD: 8 VAC 20-131-350. Waivers.

Waivers of some of the requirements of these regulations may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The request shall include documentation of the need for the waiver. In no event shall waivers be granted to the requirements of Part III (8 VAC 20-131-30 et seq.) of these regulations except that the Board of Education may provide for the waiver of certain graduation requirements in 8 VAC 20-131-50 (i) upon the Board's initiative or (ii) at the request of a local school board on a case-by-case basis in accordance with guidelines established by the Board.

Guidance:

The Board of Education may waive certain graduation requirements in 8 VAC 20-131-50 by resolution. The resolution shall specify the requirement(s) being waived and, if the waiver is time-limited, when the waiver would expire.

Local school boards may seek a waiver of certain graduation requirements in 8 VAC 20-131-50 on a case-by-case basis by submitting a request to the Superintendent of Public Instruction, on behalf of the Board, which explains what requirement(s) are requested to be waived and the justification for each requirement(s) requested for waiver.

The justification shall include a statement of the efforts made by the local school board to assist the student to meet the requirement(s) prior to requesting the waiver.

Such waiver requests may not be submitted more than 90 days prior to the date the student is expected to graduate.

The Superintendent may approve the waiver on behalf of the Board and report to the Board waivers that have been granted or denied.

For the purposes of this provision, good cause may include, but not be limited to, a catastrophic, sudden, or debilitating illness or injury suffered by the student late in his high school career or a sudden, unexpected requirement or event that causes the family to relocate to another state where the student is unable to complete graduation requirements either in Virginia or the receiving state.

In no event shall a waiver be granted that would substantially reduce or diminish the integrity of the diplomas approved by the Board of Education.

Requirements that have been approved for a waiver shall be noted on the student's official academic record (transcript).