



## Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Board of Education
<b>Virginia Administrative Code (VAC) citation</b>	<u>8VAC20-131</u>
<b>Regulation title</b>	<i>Regulations Establishing the Standards for Accrediting Public Schools in Virginia</i>
<b>Action title</b>	Permanent regulations to replace the emergency regulations comporting with legislative changes made by HB 1061 and SB 489 (2012)
<b>Date this document prepared</b>	July 3, 2014

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*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final 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 required the Board of Education to promulgate emergency regulations to effect these changes, and the emergency regulations became effective on June 5, 2013. The Governor's office subsequently approved extending the emergency regulations until December 4, 2014. The current action will make the emergency regulations permanent.

### 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 or board taking the action, and (3) the title of the regulation.*

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At its July 24, 2014 meeting, the Board of Education is expected to take final action to make permanent the emergency amendments required by HB 1061 and SB 489 (2012) to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

### 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.*

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The Board of Education's authority for promulgating regulations governing standards for accrediting public schools may be found in § 22.1-253.13:3 of the *Code of Virginia*:

"The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia."

The Board of Education's overall regulatory authority may be found in § 22.1-16 of the *Code of Virginia*:

"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 this title."

### Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it 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.*

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

### Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

The following provisions in the emergency amendments to the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* would be made permanent:

- The regulations would require that 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.

## 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.*

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

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.*

Section number	Requirement at proposed stage	What has changed	Rationale for change
None	N/A	N/A	N/A

**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.*

Commenter	Comment	Agency response
Cheryl Ward, The Independence Center	<p>The proposed change listed under 8VAC20-131-50, 3 d. uses the term "cut scores"; "Adjusted cut scores required to earn verified credit; and ..."</p> <p>This term "cut scores" has no clear connection to the requirements under Locally Awarded Verified Credit, 8VAC20-131-110, nor is this term found in the definitions.</p> <p>The Independence Center recommends the term cut scores be removed and replaced with the following:</p> <p>"Scores within the 375-399 scale score range are rerquired [sic] to earn verified credit and ..." which reiterates the specific score range identified in 8VAC20-131-110.</p>	<p><i>The Guidelines for Standard Diploma Credit Accommodations for Students with Disabilities</i> were approved by the Board of Education on March 28, 2013. The guidelines permit local school boards to award locally awarded verified credits in reading, writing, and mathematics, in addition to science and history, to students with disabilities and use the same criteria for awarding credits currently approved for science and history. Eligible students must:</p> <ul style="list-style-type: none"> <li>• Pass the high school course,</li> <li>• Score within 375-399 scale score range on any administration of the Standards of Learning test after taking the test at least twice, and</li> <li>• Demonstrate achievement in the academic content through an appeal process administered at the local level.</li> </ul> <p>While the scaled score range associated with the adjusted cut scores is specified in the guidelines, it is not specified in regulation, thereby providing the Board of Education with the flexibility to make necessary changes.</p>

Enter any other statement here

**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.*

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
<a href="#">8 VAC 20-131-5</a>		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>
<a href="#">8 VAC 20-131-50</a>		Requirements for Graduation	<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</p>

			<p>established by the Board of Education and could include:</p> <ul style="list-style-type: none"> <li>• Approval of alternative courses to meet the standard credit requirements;</li> <li>• Modifications to the requirements for local school divisions to award locally awarded verified credits;</li> <li>• Approval of additional tests to earn a verified credit;</li> <li>• Adjusted cut scores required to earn verified credit; and</li> <li>• Allowance of work-based learning experiences.</li> </ul> <p>Eliminates the Standard Technical, Advanced Technical, and Modified Standard Diplomas.</p> <p>Makes technical changes to remove references to the Standard Technical, Advanced Technical, and Modified Standard Diplomas.</p> <p>All of these changes are specified in the legislation.</p>
<a href="#">8 VAC 20-131-60</a>		Transfer Students	Makes technical changes to remove references to the Standard Technical, and Advanced Technical, and Modified Standard Diplomas.
<a href="#">8 VAC 20-131-110</a>		Standard and Verified Units of Credit	Makes technical changes to remove a reference to the Modified Standard Diploma.
<a href="#">8 VAC 20-131-270</a>		School and Community Communications	Makes technical changes to remove references to the Standard Technical, and Advanced Technical, and Modified Standard Diplomas.
<a href="#">8 VAC 20-131-280</a>		Expectations for School Accountability	Makes technical changes to remove references to the Standard Technical, and Advanced Technical, and Modified Standard Diplomas.
<a href="#">8 VAC 20-131-360</a>		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>

Enter any other statement here