



[townhall.virginia.gov](http://townhall.virginia.gov)

## Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Education
<b>Virginia Administrative Code (VAC) citation(s)</b>	<u>8VAC20-131</u>
<b>Regulation title(s)</b>	<i>Regulations Establishing the Standards for Accrediting Public Schools in Virginia</i>
<b>Action title</b>	Comprehensive review of the Standards of Accreditation
<b>Date this document prepared</b>	November 7, 2017

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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 Board of Education's vision is to create a high quality statewide system of public education that prepares all students for success in the twenty-first century workplace, for realization of personal goals, and for responsible contributions to the quality of civic life in our state, nation, and the world. The system of accountability is reflected in the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia*, or more commonly referred to as the Standards of Accreditation (SOA).

The proposed amendments to the SOA provide for the implementation of the *Profile of a Virginia Graduate* as required by the 2016 General Assembly (HB 895, SB 336), and a new school accreditation system designed to provide a comprehensive picture of school quality, drive continuous improvement, build on the strengths in the existing accreditation system, and inform areas of technical assistance and support to schools. The amendments also further policy changes identified by the Board as part of its comprehensive review. Proposed changes identified by the Board include the following:

1. Revising the philosophy and goals to reflect expectations for preparation of a Virginia public school graduate; recognition of multiple areas affecting school quality; and provision of continuous school improvement and school support.
2. Expanding the use of performance assessments and reducing the number of credits verified by Standards of Learning tests to satisfy graduation requirements.
3. Increasing the emphasis on internships and work-based learning experiences.
4. Increasing career exposure, exploration, and planning in elementary, middle, and high school.
5. Emphasizing critical thinking, creative thinking, collaboration, communication, and citizenship (the five Cs)
6. Implementing the *Profile of a Virginia Graduate*.
7. Reflecting changes in the School Quality Profile.
8. Establishing a new school accreditation system that measures school quality through multiple indicators and the designation of performance levels each indicator.

### 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.*

The “**Five Cs**” refer to critical thinking, creative thinking, collaboration, communication and citizenship. These are five foundational skills that students will be expected to acquire and demonstrate to obtain a Standard or Advanced Studies diploma, in accordance with the *Profile of a Virginia Graduate*.

### Statement of final agency action

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

The Board of Education approved the final stage of the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* on November 16, 2017.

### Legal basis

*Please identify the (1) the agency (includes any type of promulgating entity) and (2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

The Board of Education is the promulgating entity.

The statutory authority for these regulations is provided by §§ 22.1-16 and 22.1-253.13:3 of the *Code of Virginia*. In addition, Chapter 720 and Chapter 750, *2016 Acts of Assembly*, directed the Board of Education to promulgate regulation to implement the *Profile of a Virginia Graduate* and associated revised graduation requirements. The legislation further directed the Board to submit final regulations to the Registrar of Regulations no later than December 1, 2017. Such regulations are incorporated into this regulatory action.

Section 22.1-16 of the *Code of Virginia* provides:

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.

Section 22.1-253.13:3 provides, in part:

A. 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 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, requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia...

Chapters 720 and 750 of the 2016 Acts of Assembly amended § 22.1-253.13:4 of the Code of Virginia to state, in part:

D. In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.
2. Emphasize the development of core skill sets in the early years of high school.
3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.
4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary...

Enactment clause 6 of Chapter 720 and enactment clause 5 of Chapter 750 of the 2016 Acts of Assembly states:

That no later than December 1, 2017, the Board of Education shall submit to the Registrar of Regulations final regulations to establish graduation requirements pursuant to the provisions of subdivisions D 1, 2, and 3 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act.

## 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 regulations provide the foundation for the provision of a quality public education within a system of school accountability and continuous improvement. They are intended to:

1. Provide an essential foundation of educational programs of high quality in all schools for all students.
2. Encourage and promote school quality in multiple indicators and acknowledge achievement and continuous improvements by schools and school divisions.
3. Foster public confidence that graduating students have mastered multiple areas of learning to include academic subjects, workplace skills, career exploration and planning, and civic and community responsibility; that is, that they are college-, career-, and citizenship-ready.
4. Assure recognition of Virginia's public schools by other institutions of learning.
5. Establish the means of determining the effectiveness of schools as prescribed in the Standards of Quality at § 22.1-253.13:3 of the *Code of Virginia*, including student learning and progress and student outcomes for multiple areas affecting school quality.
6. Identify the specific areas to be addressed by school divisions in order to achieve accreditation standards, as well as the technical assistance to be provided by the Virginia Department of Education.

## Substance

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

---

### Part I. Definitions

Many definitions have been added or revised in the proposed SOA. Several of these amendments provide additional clarification, for example, how minimum instructional and planning time are calculated. Others implement changes, such as standard and verified unit of credit requirements and how they may be earned. Other changes provide consistent definitions for English learner, and reporting group.

Definitions for obsolete terms have been deleted. In addition, technical edits have been made throughout the definitions.

The purpose of the regulations has been expanded to include the promotion of school quality and continuous improvement of schools and school divisions. A new provision specifies that the SOA establishes the foundation of a high quality public education within a system of accountability and continual improvement.

### Part II. Philosophy, Goals, and Objectives

The philosophy, goals, and objectives of the regulations have been expanded to address factors affecting school quality and continual improvement and overall goals and objectives for student learning, achievement, and preparation.

Student preparation is expected to include exploration and understanding of the opportunities that exist after high school and development of knowledge and abilities needed for the next phase of their life as an adult. Student preparation is also expected to encompass mastery of creative and critical thinking, analysis and problem solving, and the development of personal attributes, such as communication and collaboration skills, dependability, and persistence.

Philosophy, goals and objectives for schools are expected to reflect the means by which Standards of Learning and the SOA are met.

The Board's objective is to provide an educational foundation to ensure that students are ready for success in a global economy. The Board recognizes stakeholder concerns that students need to be prepared not only in content knowledge, but also in skills, such as critical thinking, creative thinking,

communication, collaboration, and citizenship (the five Cs). Expectations are added for students, as they progress through the public education system, to achieve and apply certain knowledge, skills, qualities, and behaviors related to academic content and technology, and workplace and civic readiness. As students' progress through elementary, middle, and secondary schools, it is expected that they will be prepared to be college-, career-, and citizenship-ready at the end of their public school journey.

### **Part III. Student Achievement**

Part III includes those sections which address student achievement expectations, graduation requirements, and graduation requirements and waivers for transfer students. This part now requires the school superintendent to certify that the division's policy for dropping courses ensures that students' course schedules are not changed to avoid taking an end-of-course Standards of Learning test. In addition, students no longer will be required to take an end-of course SOL test in an academic subject after they have earned the number of verified credits required for that academic content area for graduation unless the test is required to meet federal requirements.

Significant changes are made to the graduation requirements for those students who will enroll in the ninth grade as of the 2018-2019 school year. Two separate sections specify the changes in requirements for high school students for those enrolled in the ninth grade prior to the 2018-2019 school year and those enrolled in the ninth grade as of the 2018-2019 school year.

For students who enroll in the ninth grade as of the 2018-2019 school year, the number of verified credits required for the Standard and Advanced Studies Diplomas have been reduced to five, and students will be expected to demonstrate competency in each of: critical thinking, creative thinking, communication, collaboration, and citizenship. Additional methods of achieving a verified credit are also established, including the use of authentic performance assessments in history/social science and English (writing), and expansion of the locally awarded verified credit option to include all four core academic areas. For students who transfer into Virginia public schools, amendments clarify whether the existing or proposed graduation requirements will be applicable.

### **Part IV. School Instructional Program**

Part IV includes sections referencing instructional programs, standard and verified units of credit, college and career preparatory programs, and standard school year and school day. Language has been added to reflect the Standards of Quality instructional requirements, to reference the *Profile of a Virginia Graduate* and instructional programs, college and career readiness, and critical thinking, creative thinking, collaboration, communication, and citizenship.

Career knowledge and exploration is expanded in the proposed regulations and begins in earlier grades. Beginning in elementary school, development of academic and career planning portfolios are to be established and maintained for each student to document career interests, and to be used to develop the academic and career plan in the seventh grade. All middle school students would be required to complete a career investigation course, or an equivalent alternative, that will be used as the foundation to develop academic and career plans. High schools would be required to provide opportunities for students to participate in work experiences such as internships, externships, and other work-based learning experiences.

### **Part V. School and Instructional Leadership**

Significant language has been included to clarify and expand the role of the principal and to clearly present professional expectations. The principal is expected to foster the success of all students and provide leadership that results in acceptable, measurable, student academic progress based on established standards. In addition, language has been added to reflect the Standards of Quality instructional requirements, to reference the *Profile of a Virginia Graduate* and instructional programs, as well as college-, career-, and citizenship-readiness.

**Part VI. School Facilities and Safety**

This section addresses school communications and safety. Language in this part has been revised per state requirements to require a fire drill at least twice during the first 20 school days and two additional fire drills during the remainder of the school term. School divisions also must conduct a lock-down drill at least twice during the first 20 school days and at least two additional lock-down drills during the remainder of the school term. The requirements fall outside of the parameters of the Virginia Department of Education and have been required to ensure the safety of school students and staff.

**Part VII. School and Community Communications**

This part includes those regulations which address school and community communications. The School Performance Report Card is now referred to as the School Quality Profile. In addition, the regulation specifies certain indicators to be included in that profile, including accreditation status and absenteeism. These changes give the stakeholders a more complete picture as to how the schools and school divisions are performing.

**Part VIII. School Accreditation**

In this part, new language establishes the principles and purpose of the school accountability system and accreditation, and describes its components. The proposed school accreditation system is established, which will use multiple indicators of school quality. The indicators include measures of academic achievement, achievement gaps among student subgroups, graduation and completion, dropout rates, chronic absenteeism, and college, career, and civic readiness. Performance levels are established for each school quality indicator, as Level One, Two, or Three. Annually, performance levels will be designated for each school quality indicator in each school.

A school will be required to take actions corresponding with each performance level in each school quality indicator. These actions establish expectations for schools to develop and implement plans for improving performance in school quality indicators. A series of more intensive actions are established, including state interventions, for school quality indicators at Level Three, which represents below standard performance.

Each school will receive an accreditation status of “Accredited,” “Accredited with Conditions,” or “Accreditation Denied.” A school will be designated “Accredited with Conditions” if it has any school quality indicators at Level Three. A school will be designated “Accreditation Denied” if it has been designated “Accredited with Conditions” and fails to adopt and implement corrective action plans with fidelity.

The proposed language also permits the Board to designate and recognize schools for exemplar performance in school quality indicators, including recognition for high performance among specific peer school categories, such as schools with high levels of poverty.

Part VIII also establishes that the regulations, unless otherwise noted, will be effective for the 2018-2019 school year.

**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.*

These regulations will positively impact the public, private citizens, school divisions, students, parents, school staff, and other constituents.

The advantage of these regulations to the Commonwealth include:

- Ensuring all students are prepared for success in the twenty-first century workplace, for realization of personal goals, and for responsible contributions to the quality of civic life in our state, nation, and the world.
- Implementing the *Profile of a Virginia Graduate*, to ensure that students not only acquire content knowledge, but also skills needed for success in employment and further education including: critical thinking, creative thinking, communication, collaboration, and citizenship.
- Supporting students with additional career exploration and planning opportunities.
- Providing an accountability system that will provide a comprehensive picture of school quality for the public, and drive continuous improvement for all schools, including state assistance for low performing schools.

These regulations do not present any disadvantages to the public or the 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.*

The *Every Student Succeeds Act of 2015* (ESSA) was signed into law on December 10, 2015. The new law replaces the *No Child Left Behind Act of 2001* (NCLB). Under ESSA, states will develop new federal accountability systems during the 2016-2017 year, to be implemented during the 2018-2019 school year. That reauthorization presented Virginia with an opportunity to align federal requirements with state 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.*

All 132 school divisions would be affected. It is not expected that any school division would incur a disproportionate material impact.

### 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.*

In 2014 the Board committed to conducting a comprehensive review and revision of these regulations which govern student achievement and graduation requirements. Since that time, the Board has conducted public hearings, met with stakeholders, and received public comment to best determine how to revise these standards to create a quality statewide system of public education that prepares all students for success in the twenty-first century workplace, for realization of personal goals, and for responsible contributions to the quality of civic life in our state, nation, and the world.

This regulatory action will positively impact the families in Virginia by encouraging economic self-sufficiency and the assumption of self-responsibility. During the 2016 legislative session, the Governor and the General Assembly supported the development of a *Profile of a Virginia Graduate* (Profile) through the introduction and adoption of legislation which directed the Board to redefine the expectations of high school graduates in the Commonwealth. HB 895 (Greason) and SB 336 (Miller) amended § 22.1-253.13:4.D of the *Code of Virginia* to require the Board to develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, business and industry, parents, policymakers, and community leaders in the Commonwealth, a *Profile of a Virginia Graduate* that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship (known as the 5 Cs). The *Profile* has been developed by the Board of Education to describe the knowledge, skills, competencies, and experiences students should attain during their K-12 education to make them college-, career-, and citizenship-ready.

In addition, proposed changes to the accreditation system will provide a more comprehensive picture of school quality and state support to schools. This will help identify areas of weakness in schools that are currently not recognized, and direct appropriate assistance to such schools.

**Changes made since the proposed stage**

*Please list all changes that made to the text since the proposed regulation was published in the Virginia Register of Regulations 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.*

<b>Section number</b>	<b>Requirement at proposed stage</b>	<b>What has changed</b>	<b>Rationale for change</b>
*Section 5	Student growth is referenced in Section 380.F.1.	Definition added for “growth” and “student growth.”	Establishes that the term refers to student level progress, as opposed to school level improvement.
*Section 5	Recess is described as a student’s break from instruction.	Clarified that recess is a break from “structured classroom” instruction.	Provides additional direction as to the intent of recess.
*Section 10	Part of the mission of public education system is to equip students for an informed and successful private life.	“Private life” changed to “life.”	The mission should impact a student’s whole life – not just his or her private life.
*Section 51.A	Pathways to a Standard or Advanced Diploma shall provide opportunities for	Eliminated “in accordance with department guidelines.”	To allow school divisions to establish innovative approaches toward

	work-based learning in accordance with department guidelines.	Adds language to clarify that work-based learning opportunities provided may include, but not to be limited to, internships, externships, credentialing, and blended learning.	graduation pathways and work-based learning.
*Section 51.B.2 and C.2	Courses used to satisfy English (reading and writing) standard credit requirements for a Standard diploma or Advanced Studies diploma shall be approved by the Board of Education.	Eliminated the requirement that the Board approve English courses used to satisfy diploma requirements.	Board approval has never been required for English courses used to satisfy graduation requirements. This was inadvertently added to Section 51 when the footnotes from the diploma requirements in Section 50 were reorganized into the new diploma requirements in Section 51. Board approval will still be required for courses used to satisfy mathematics, science, and history and social science courses.
*Section 51.C.2	Students seeking an Advanced Studies diploma must receive three standard credits in electives.	At least two of these electives must be sequential elective courses.	This is a requirement of <i>Va. Code §22.1-253.13:4.D.5</i> , as amended by HB 895/SB 336 (2016). It was inadvertently not included at the proposed stage.
Section 60.G.2.b	Establishes diploma requirements for students seeking an Advanced Studies diploma who transferred into a Virginia school in the ninth grade	Clarifies that the requirements apply to both those transferring “at the beginning of” as well as those transferring during the ninth grade, consistent with the requirements for the Standard diploma in subsection G.1.b.	Technical edit.
Section 90.A	School divisions may use alternate means to deliver the career investigative course content, provided it is equivalent in content and rigor and provides the <u>foundation students</u> to develop their academic and career plans.	Inserted “for” between “foundation students.”	Technical edit.
*Section 100.A.5	Secondary schools are required to provide opportunities to participate in internships, externships, and other work-based learning experiences, and to	Adds language to clarify that work-based learning opportunities provided may include, but not to be limited to, internships, externships, credentialing, and blended learning.	Establishes that school divisions shall have flexibility to determine how to provide these opportunities.

	<u>attaining</u> workforce and career readiness and industry credentials.	“to attaining” changed “to attain”	Technical edit.
Section 110.C.3	Establishes the types of tests that may be considered as substitute tests for verified credit.	Inserts a missing comma.	Technical edit.
Section 110.B	A verified credit is a credit awarded for a course in which a student earns a standard unit of credit.	Added “and completes one of the following” to refer to the list of requirements that follows.	Technical edit.
*Section 140.C.2	Academic and career plans should be developed for each student by the end of seventh grade.	Academic and career plans should be developed for each student by the end of the fall semester in the eighth grade.	Provides schools flexibility to offer the career investigations course content in the first half of the eighth grade year if necessary, as it provides the foundation for the academic and career plan.
*Section 180.A and B	Credit for coursework completed through homebound instruction shall be awarded when it is completed under the supervision of a licensed teacher, a person eligible for a Virginia license, or other appropriately licensed personnel employed by the school board, and there is evidence that the credit requirements have been met.	Eliminated “person eligible for a Virginia license, or other appropriately licensed personnel,” as qualified individuals to supervise home instruction.  Added requirement for such teacher to be licensed in the relevant area.	<i>Va. Code</i> § 22.1-253.13:2.B requires school boards to employ licensed instructional personnel qualified in the relevant areas.  <i>Va. Code</i> § 22.1-199 requires teachers employed by a school board or paid with public funds to be licensed.
*Section 200.D	A program of physical fitness shall be available to all students with a goal of at least 150 minutes per week on average during the regular school year. Effective with the 2018-19 year, physical activity is mandated for 100 minutes per week in grades K-5, and to be made available to other grades.	Eliminated sentence referring to a program of physical fitness.  Eliminated effective date language for physical activity.	Physical fitness program requirements are addressed in 8VAC131-80 and 90. Also incorporates new language from SB211 (2016).  Effective date language unnecessary because it is duplicative of the entire regulation’s effective date.
*Section 210.C.12.a	Principals are required to ensure test security, in part by implementing a policy prohibiting student cell phones or other electronic devices with text and camera functions	Amended to prohibit students from having access to cell phones or other devices during test administration, rather than prohibiting the devices from being in the room during test administration.	Parents have expressed the desire to be able to communicate with their children in the event of an emergency or lockdown situation. Students will not have

	from being in the room where the SOL test is administered.		access to devices during testing; however, adults may have access.
Section 370.A.3	One of the purposes of school accreditation and accountability is to inform areas for technical resources and school improvement.	Changes “inform” to “identify.”	Technical edit.
Section 370.B.1	Establishes the academic achievement indicators.	Adds “and writing” to the measure of growth for clarification.	Technical edit.
*Section 380.F	Schools will be accredited during the 2018-2019 transition year using either the new accreditation system rules or the existing accreditation system rules, whichever benefits the school the most.	Replaced this language addressing transition with a reference to Section 390.B.1. During the 2018-2019 transition year, a school may achieve the designation “Accredited” using either the existing accreditation rules, or the new accreditation system rules.	Avoids any potential conflict between Section 380.F and Section 390.B.1. Only the “Accredited” designation needs to be addressed for the transition. Schools with “Partially Accredited” or “Denied Accreditation” statuses in the existing system should be evaluated using the new system rules.
Section 380.F	Performance levels will be applied to school quality indicators according to board guidelines.	Eliminated reference to Board of Education guidelines.	This was erroneously included from an earlier draft, when the performance levels were planned to be implemented through guidance rather than regulation.
Section 380.F.1.c	Academic achievement indicator for <u>science</u> .	Corrected “ <u>ccience</u> ” to “ <u>science</u> .”	Technical edit.
Section 380.F.1.f	The graduation and completion index is the <u>%age</u> of students...	Corrected “%age” to “percentage.”	Technical edit.
Section 400.C.2	Schools with school quality indicators at Level Two shall use the results of the comprehensive needs assessment to develop a multi-year school improvement plan that addresses the factors identified in the needs assessment that are related to the performance on the indicator.	Clarified that an existing multi-year school improvement plan is revised to address Level Two performance. An entirely new plan is not required to be developed.	Technical edit.

**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.

The Board solicited public comment on the proposed regulations through five public hearings conducted during June and August of 2017. The hearings were conducted in Harrisonburg, Fairfax, Mecklenburg County, Virginia Beach, and Wytheville. In total, 365 individuals attended the hearings, and 117 speakers addressed the Board. The public comment period opened on August 7, 2017 and closed on October 6, 2017. The Board also has received comments through letters, email, and public testimony from individuals and organizations. Presented below is a summary comments received since the Board approved the proposed regulations on June 22, 2017 through October 31, 2017.

Comments from organizations are presented first, followed by those from individuals.

Commenter	Comment	Agency response
Virginia Association of School Superintendents (VASS)	<p>VASS believes that school divisions should use a variety of assessments to document and enhance student growth and achievement. State assessments are not the only means to ensure that curriculum is taught and students learn.</p> <p>VASS supports the reduction in the number of verified credits for graduation so that school divisions will have more flexibility in providing opportunities for civic engagement and career exposure.</p> <p>VASS supports the proposed Accreditation Matrix, however, multiple indicators are limited by available data required for documentation. The superintendents hope they can work with the Virginia Department of Education (Department) if they have schools at Level 3 to determine how best to improve their indicators.</p> <p>Concerns exist for expectations for Level 2 schools.</p>	<p>The proposed regulations provide a variety of assessments: substitute tests, expansion of locally-awarded verified credits, and performance assessments for verified credits. The regulations also permit the Board to adopt alternative measures to determine growth in the future.</p> <p>The agency notes the support for this proposal.</p> <p>The agency intends to make data available to school divisions in advance of the implementation of the new accreditation system. Technical assistance will be provided to schools with indicators at Level Three.</p> <p>The regulation will require schools with indicators at Level Two to proactively plan for improvement to prevent the indicator from declining to Level Three.</p>
Virginia Association of Secondary School Principals (VASSP)	<p>Middle school students need exposure to a career and technical exploration course, but successful implementation depends in part on teacher and administrator preparation.</p> <p>Academic achievement indicators are</p>	<p>Technical assistance and professional development is to be provided to ensure that these regulations are implemented with fidelity.</p> <p>The agency notes the support for academic</p>

Commenter	Comment	Agency response
	<p>essential in determining the effectiveness of a school. In the past significant progress has not been recognized. We ask that tools be provided to understand how this will be measured. Schools need a thorough explanation of all indicators and data points.</p> <p>VASSP supports the use of performance indicators and agree that it is important to recognize and award accredited status to struggling schools whose students may not achieve a passing score on the SOL, but who have consistent growth in their scores.</p> <p>School requirements based on Level 2 or Level 3 must be thoroughly outlined.</p>	<p>achievement indicators, which will continue to be a component of the new accreditation system. The agency intends to make data and technical assistance available to assist with understanding how progress will be measured.</p> <p>The agency notes the support for this proposal.</p> <p>The regulations establish the requirements for Level 2 and Level 3 indicators. The agency will provide additional technical assistance and guidance as implementation nears.</p>
<p>Virginia Association for Health, Physical Education, Recreation, and Dance</p>	<p>Use of authentic performance assessments should be scaled up to include all content areas and used as a measure for accrediting schools.</p>	<p>Performance assessments used to verify credit will only be offered for English (writing) and history/social science. Schools may opt to use performance assessments in other content areas. The proposed regulations do not use performance assessments as a means for accrediting schools.</p>
<p>Virginia Association for Career and Technical Education (VACTE)</p>	<p>VACTE supports the opportunity to incorporate knowledge of regional workforce needs and participate in internships, externships, and other work-based learning experiences and to obtain workforce, career readiness, and industry credentials; supports the opportunity for career exploration in elementary school; and supports the opportunity for establishing paths toward college and career readiness.</p>	<p>The agency notes the support for this proposal.</p>
<p>Virginia Coalition for Fine Arts Education</p>	<p>This organization recommends that fine arts be assigned one full credit for graduation, and not shared with Career and Technical Education, foreign language, or any other discipline.</p> <p>There are also concerns about the impact of the career investigation course on semester and year-long fine arts courses that will be most negatively impacted.</p>	<p>There has been no change in the fine arts credit, as §22.1-253.13:4.D.5 of the <i>Code</i> establishes this requirement.</p> <p>The proposed regulations provide flexibility for school divisions to determine at what grade level the course will be provided at the middle school level, and to permit alternative means to be used to deliver the course content.</p>

Commenter	Comment	Agency response
<p>Virginia School Board Association (VSBA)</p>	<p>VSBA expressed support for the proposed matrix, however, concerns remain about the implementation of the matrix and the proposed requirements for schools that fall to Level 2. These schools and divisions should have the ability to evaluate, plan, and implement appropriate action to address weak performance indicators rather than face specific requirements from the Board.</p> <p>VSBA noted that the proposed language includes potentially onerous requirements for improvement that schools will face if they fall to Level 3.</p> <p>Support for the proposed reduction in the number of verified credits for graduation was also noted as it will give local school boards the flexibility to provide students opportunity for civic engagement and career exposure.</p> <p>Flexibility encouraged for student growth measures other than state assessments.</p>	<p>The regulation will require schools with indicators at Level Two to proactively plan for improvement to prevent the indicator from declining to Level Three. Local school divisions will control the improvement planning process for Level Two indicators, unless academic achievement indicators are at Level Two, in which case an academic review will be performed either by the agency or under its guidance.</p> <p>The proposed regulation establishes a process to plan improvement in the indicator. The proposed system will focus efforts on the specific indicator and the level of intervention will vary depending on several factors.</p> <p>The agency notes the support for this proposal.</p> <p>The regulations permit the Board to adopt alternative measures to determine growth in the future.</p>
<p>Virginia Music Educators Association</p>	<p>This organization recommends that the fine arts be assigned one full credit for graduation which is not shared with CTE, foreign language, or any other discipline.</p> <p>This organization also has concerns about the career investigation course and its impact on fine arts courses, particularly in music where the courses are year-long and sequenced.</p>	<p>There has been no change in the fine arts credit, as §22.1-253.13:4.D.5 of the <i>Code</i> establishes this requirement.</p> <p>The proposed regulations provide flexibility for school divisions to determine at what grade level the course will be provided at the middle school level, and to permit alternative means to be used to deliver the course content.</p>
<p>Virginia Council on Economic Education</p>	<p>Support expressed for the use of authentic performance assessments in middle and high school as part of a balanced system that also includes some multiple choice and constructive response questions through a state-wide system.</p> <p>Support expressed for the requirement that all students earn an economics and personal finance credit</p> <p>Support expressed for the Board's</p>	<p>The agency notes the support for this proposal.</p> <p>The agency notes the support.</p> <p>The agency notes the support.</p>

Commenter	Comment	Agency response
	<p>emphasis on the 5 Cs.</p> <p>Concern expressed for the need to ensure social studies is taught in the classroom consistent with Virginia's SOL.</p>	<p>The Standards of Learning and Curriculum Framework include the history and social science content that teachers in Virginia are expected to teach and students are expected to learn. Further, the proposed regulations require school divisions to annually certify to the Department that instruction was provided in history and social science that meets or exceeds the Standards of Learning requirements.</p>
<p>Virginia Partnership for Out-of-School Time</p>	<p>Out-of-school time programming should be considered as an alternative means to deliver instruction, beginning with the 21<sup>st</sup> Century Community Learning Centers.</p> <p>Noted the need to connect and measure the 5 Cs, social-emotional learning, and workplace readiness skills.</p>	<p>Section 180.B of the proposed regulations encourages alternative means to deliver instruction to accommodate student needs through emerging technologies and other similar means.</p> <p>Local school divisions will verify that the 5 Cs have been attained. Performance assessments present an opportunity to connect these three areas.</p>
<p>Virginia Association for Supervision and Curriculum Development</p>	<p>Support expressed for a balanced assessment system – one that incorporates SOL tests, measures of growth in literacy and mathematics, and performance assessments in which students must demonstrate not only what they know, but what they can do with what they know.</p>	<p>The agency notes the support for this proposal.</p>
<p>Virginia No Child Left Inside Coalition</p>	<p>Environmental literacy should be incorporated into the SOA.</p>	<p>The regulations provide a new diploma seal recognizing excellence in science and the environment. The Board has also amended its approved course list to permit environmental courses to be used to satisfy graduation requirements.</p>
<p>Virginia Alliance for School Counseling</p>	<p>Increase the ratio of school counselors to students to support the acquisition of technical skills that prepare students for careers, to increase work-based learning experiences, and to support the learning of skills, such as: conflict resolution, social skills, study skills, and problem solving.</p>	<p>The Board has recognized the need for increased ratios of school counselors to students; however, the ratio is established in Code through the Standards of Quality.</p>
<p>Northern Virginia Chamber of Commerce</p>	<p>Supports expressed for the efforts that highlight industry certification and credential programs as a pathway for career opportunity consistent with Virginia's workforce needs.</p> <p>Noted that it is important to ensure that all of Virginia's students are</p>	<p>The agency notes the support for this proposal.</p> <p>The proposed regulations establish expectations for school divisions to provide</p>

Commenter	Comment	Agency response
	introduced to all available education and training options that will lead them to a productive career	specific learning opportunities to students, including work-based learning opportunities
Citizen (via letter)	<p>The letter submitted suggested several specific amendments:</p> <ul style="list-style-type: none"> <li>• the term “effective for students who enter the ninth grade in the 2018-2019 school” should be clarified so it is understood who it applies to.</li> <li>• clarification should be provided for the definition of recess and program of physical fitness.</li> <li>• Section 260, regarding school facilities should include language requiring schools to “Provide adequate, safe, and properly-equipped classrooms to meet the needs of students with disabilities that are substantially equivalent to those classrooms for non-disabled students.”</li> <li>• Narcan should be added to the list of medications which staff must be trained in, in addition to insulin, glucagon, and epinephrine.</li> </ul>	<p>The proposed regulations clearly establish which ninth grade class the graduation requirements are applicable to at Section 50.B.1 and C.1, and Section 51.B.1 and C.1.</p> <p>The definition of recess is proposed to be amended for clarification. Programs of physical fitness are clarified through board-issued guidance.</p> <p>There is already language requiring the physical plant to be accessible, barrier free, clean, and safe. Other requirements, including federal laws should address concerns relative to equitable facilities.</p> <p>The training requirements for insulin, glucagon, and epinephrine are based in <i>Code</i> requirements. Discussions continue to emerge regarding the appropriateness of Narcan in schools</p>
Citizen (via letter)	<p>The letter submitted raised several concerns, including:</p> <ul style="list-style-type: none"> <li>• The proposed regulations do not comply with various provisions in the <i>Constitution</i> and <i>Code</i>.</li> <li>• A school cannot be denied accreditation, so long as it has created a plan and executes the plan with fidelity</li> <li>• Authentic performance assessments may facilitate cheating</li> </ul>	<p>The proposed revisions have been made based on decisions the Board has made throughout its comprehensive review. As part of the executive branch review process, these regulations are reviewed by the Office of the Attorney General.</p> <p>In the proposed system, when a school fails to meet benchmarks, the school will be assigned a Level Three indicator in a particular school quality indicator, rather than being “denied accreditation.” If a school fails to develop and implement improvement plans with fidelity, “Accreditation Denied” status will be designated. If an improvement plan does not result in improvement, the school and division are expected to revisit the plan.</p> <p>The Board will be developing criteria for the implementation of authentic performance assessments, and the department will be</p>

Commenter	Comment	Agency response
	<ul style="list-style-type: none"> <li>• Each school should not be required to develop philosophy, goals, and objectives</li> <li>• The use of a local committee to determine English learner eligibility is an invitation for abuse.</li> <li>• The dilution of graduation requirements will improve graduation rates, but cheapen the diploma. Instead, the regulations should cause schools to be more effective.</li> <li>• Student growth profiles have been abandoned. They are a transparent and objective measure and the only measure unaffected by poverty rendering new accreditation system unfair.</li> <li>• Abandoning history as a criterion for accreditation dilutes standards in order to improve accreditation rates.</li> <li>• The academic achievement indicators for English and mathematics acknowledge students with increasing scores, but ignores students with declining scores. Further, how much growth is deemed adequate is not defined.</li> </ul>	<p>providing professional development and technical assistance, as well as monitoring.</p> <p>This is included in the existing regulation, and serves as the basis for the comprehensive plan that each school is required to develop as required by the Standards of Quality.</p> <p>Federal criteria is used to determine eligibility.</p> <p>The proposed regulations provide a more balanced approach to student assessment, and require students to demonstrate proficiency in the 5Cs skills, in response to business, higher education, and other stakeholder’s input. The regulations also require all schools to continually review and plan for improvement. The number of standard credits required for the Standard and Advanced Studies diplomas have not changed.</p> <p>The proposed system recognizes student-level growth using progress tables which demonstrate when a student demonstrates adequate year-over-year growth in a content area. The new system recognizes student-level growth, as well as improvements made at the school level, whereas the old system did not recognize schools until they had reached the testing benchmarks.</p> <p>Schools continue to be expected to provide instruction in this subject area in accordance with the SOL. In 2017, no schools have failed to be fully accredited solely due to pass rates in history and social science.</p> <p>These proposed indicators recognize adequate student growth only in students who fail to pass the SOL. As long as a student is passing or the student is demonstrating growth, the student will be counted in the rate for these two indicators. The Board’s approved progress tables will be used to determine adequate growth. The Board also may approve additional measures in the future.</p>
Division	The letter submitted addressed	

Commenter	Comment	Agency response
<p>superintendent (via letter)</p>	<p>several areas, including:</p> <ul style="list-style-type: none"> <li>• Maintain the existing “11 semester rule” that permits English learner test scores to be excluded. Consider applying the “11 semester rule” to the graduation and completion index (GCI).</li> <li>• Include English learners that enroll for the first time in the second semester of ninth grade in the following year’s cohort for the purpose of the GCI.</li> <li>• Consider alternate assessment methods, such as performance assessments, to determine verified credits for English learners, and to determine accountability for schools with significant English learner populations.</li> <li>• Consider allowing students who do not graduate by age 22 but who continue schooling at an approved adult high school to count as a transfer out of their original high school for the GCI calculation.</li> <li>• Further reduce the number of standardized assessments.</li> <li>• Expand the use of performance assessments used to verify credit to include geometry, earth science, and biology</li> <li>• Encourage the use of electives, especially career-related courses that could be approved to satisfy graduation requirements in other areas.</li> </ul>	<p>The exclusion is maintained in the proposed regulations. The agency notes this recommendation. The proposed regulations will permit the Board to establish the GCI through guidance, thus the Board could consider this proposal after the regulations are adopted.</p> <p>The agency notes this recommendation. The proposed regulations will permit the Board to establish the GCI through guidance, thus the Board could consider this proposal after the regulations are adopted.</p> <p>The agency notes this recommendation. The proposed regulations reduce the number of verified credits required for graduation and provide additional ways to acquire certain verified credits. School divisions may apply for alternative accreditation programs in special circumstances.</p> <p>The agency notes this recommendation. The proposed regulations will permit the Board to establish the GCI through guidance, thus the Board could consider this proposal after the regulations are adopted.</p> <p>The proposed regulations are intended to provide a balanced approach to student assessment. Federal law requires a minimum number of standardized tests be assessed in English, mathematics and science.</p> <p>To earn a Standard or an Advanced Studies diploma, the proposed regulations require one verified credit in mathematics and one in science. The end-of-course tests used to earn these verified credits are also used to meet the federal requirement for students to be assessed in these subject areas at least once in high school with a standardized test.</p> <p>The agency notes this recommendation. The proposed regulations encourage the integration of instruction across content areas. The Board could consider this proposal through amending its approved course list.</p>

Commenter	Comment	Agency response
	<p>For example, Practical Nursing could be considered a science course.</p> <ul style="list-style-type: none"> <li>• Thoroughly review approved industry certifications and those that can be used to satisfy verified credit requirements.</li> <li>• Consider additional flexibility for graduation requirements for students who transfer into Virginia late in high school. A frequent issue unique to Virginia diploma requirements is the Economics and Personal Finance course requirement.</li> </ul>	<p>The agency notes this recommendation. The Board could consider this proposal by amending its list of approved credentials.</p> <p>Some graduation requirements, such as Economics and Personal Finance, are required by <i>Code</i>. The agency encourages the use of virtual programs if flexibility is needed to receive the course content. Further, if a student transfers in the twelfth grade, it is encouraged to first attempt to have the sending school issue the diploma by transferring the credits back to the sending school.</p>
<p>Parents (2)</p> <p>Parent</p> <p>Parent of a student with a disability</p> <p>School board member</p> <p>Parent</p>	<p>Several comments were submitted or provided at public hearings that were specific to the <b>Profile of a Virginia Graduate</b>:</p> <ul style="list-style-type: none"> <li>• Consider emphasizing inclusion for students with disabilities to ensure that all children develop the soft skills emphasized in the Profile.</li> <li>• Noted that not everyone wants to go to college.</li> <li>• Focus should be made on trades such as mechanics, welding, etc.</li> <li>• Support expressed for access to industry certifications and career pathways as it will better prepare students to meet the expectations of the Profile. Requested consideration be given to use of industry credentials as substitutes for verified credit requirements at the high school level</li> <li>• Concern that citizenship is added as a factor in graduation but there are not quantifiable</li> </ul>	<p>The agency encourages inclusive practices as part of providing education in the least restrictive environment to students with disabilities.</p> <p>The proposed regulations emphasize multiple pathways to graduation for both college and career readiness.</p> <p>The proposed regulations emphasize multiple pathways to graduation for both college and career readiness, one of which includes earning a career credential, which could be in a trade.</p> <p>The agency notes the support of this proposal. Industry credentials are permitted to be used as a substitute for either science or history/social science verified credit in certain circumstances.</p> <p>The <i>Profile of a Virginia Graduate</i> describes the traits for community and civic responsibility. Each school division will determine how each of the 5Cs will be</p>

Commenter	Comment	Agency response
Several Administrators	<p>metrics or definitions.</p> <ul style="list-style-type: none"> <li>Guidance and capacity-building support requested for implementation, some noting that extensive staff development, modifications to scheduling, and reallocation of staff, and stressed that time and resources will be needed.</li> </ul>	<p>assessed.</p> <p>The agency intends to provide capacity building support and technical assistance as implementation nears.</p>
<p>Parent of a student with a disability</p> <p>Fine arts teacher</p> <p>School board member</p> <p>Teacher</p> <p>School counselor</p>	<p>Several comments were submitted or provided at public hearings that were specific to <b>career readiness and exploration</b>:</p> <ul style="list-style-type: none"> <li>Internships should be available for students with disabilities.</li> <li>The required middle school career investigations course could have a negative impact on all elective classes, especially those in the arts that are sequential in nature. Fine arts electives will be particularly affected.</li> <li>Some school divisions will have little opportunity to provide internships because of a lack of industry in the community</li> <li>Appreciation expressed for the Board’s emphasis on workforce readiness.</li> <li>Concern that school counselors will be needed to support academic and career planning, meanwhile their roles have shifted to non-counseling duties in recent years.</li> </ul>	<p>The proposed regulations will require school divisions to provide work-based learning opportunities, such as internships.</p> <p>The proposed regulations provide flexibility for school divisions to determine at what grade level the course will be provided at the middle school level, and to permit alternative means to be used to deliver the course content.</p> <p>Internships are one of a variety of work-based learning opportunities that may be provided. Work-based learning can be provided in a variety of ways, such as simulated workplaces, and local government settings.</p> <p>The agency notes the support.</p> <p>The agency notes this concern. School divisions can involve teaching staff and other school professionals in the academic and career planning process.</p>
Parent	<p>Several comments were submitted or provided at public hearings that were specific to <b>graduation requirements</b>:</p> <ul style="list-style-type: none"> <li>Noted opposition to the verified credit system, because the</li> </ul>	<p>The proposed regulations reduce the number of verified credits required for graduation,</p>

Commenter	Comment	Agency response
School psychologist	<p>system increases the pressure for students to pass the SOL tests and penalizes students with disabilities and their teachers.</p> <ul style="list-style-type: none"> <li>Desire expressed for more flexibility and opportunities to explore careers and other interests, a reduction in the graduation credits for mathematics. Mathematics courses should be tied to everyday life and typical jobs.</li> </ul>	<p>and introduces additional methods of earning some verified credits</p> <p>The proposed regulations expand career exploration and require schools to provide work-based learning opportunities. No reduction in mathematics credits is proposed. As the 5Cs are implemented, opportunities exist to apply concepts across curriculum areas such as mathematics.</p>
Student	<ul style="list-style-type: none"> <li>Concern expressed for difficulties students have accruing credits when they transfer into the state. When students are required to meet Virginia’s credit requirements, they do not have the opportunity to take the courses that are of most interest to them, but are forced to re-take coursework they may have completed previously in another state.</li> </ul>	<p>Section 60 of the regulations includes new language providing more flexibility for transfer students, particularly with regard to verified credits and tests taken in other states.</p>
Approximately 20 teachers through submitted letters and public comment	<ul style="list-style-type: none"> <li>Fine arts should be a separate graduation requirement and not shared with career and technical education.</li> </ul>	<p>There has been no change in the fine arts credit, as §22.1-253.13:4.D.5 of the <i>Code</i> establishes this requirement.</p>
Citizens (2)	<ul style="list-style-type: none"> <li>Consider allowing a two-year sequence of computer programming courses to meet the requirements for two years of foreign language and include a one-semester course in written communication mandatory for all students. (Two commenters)</li> </ul>	<p>This has not been included in the graduation requirements. A student may take a two-year sequence of computer programming courses as sequential electives. In addition, instruction in writing is provided in all grade levels and assessed in several grades.</p>
Teacher	<ul style="list-style-type: none"> <li>Support expressed for the development of performance-based assessments for history and social science.</li> </ul>	<p>The agency notes the support for this proposal.</p>
	<p>Several comments were submitted or provided at public hearings that were specific to <b>graduation requirements for students with an individualized education plan (IEP)</b>:</p>	

Commenter	Comment	Agency response
<p>Parent of a student with a disability</p> <p>Parent of a student with a disability</p> <p>Parent of a student with a disability</p> <p>Parents of a student with a disability (2)</p>	<ul style="list-style-type: none"> <li>• Noted there is a lack of clear guidance on how and when to implement the Standard Diploma with credit accommodations and the Applied Studies Diploma.</li> <li>• Noted that many disabled students are being tracked off the Standard Diploma track</li> <li>• Concern expressed that public and private post-secondary schools do not recognize the Applied Studies Diploma for admission.</li> <li>• Concerns expressed about the inability of children with disabilities to earn a regular diploma when they pass their courses, but continue to fail their SOL tests.</li> </ul>	<p>The agency is in the process of developing guidance addressing this topic.</p> <p>The agency is in the process of developing guidance addressing this topic.</p> <p>The agency is in the process of developing guidance to establish more consistent expectations for this diploma among IEP teams.</p> <p>The proposed regulations reduce the number of verified credits required to earn a diploma, and provide opportunities for credit accommodations for qualified students with disabilities.</p>
<p>Citizen</p> <p>Superintendent</p> <p>Citizen</p> <p>Administrator</p>	<p>Several comments were submitted or provided at public hearings that were specific to <b>assessments</b>:</p> <ul style="list-style-type: none"> <li>• Remediation should not be required because it is rote remediation used to inflate passing statistics.</li> <li>• Virginia’s assessment components should be updated. In the interim, consider allowing school divisions with better assessment measures to use alternatives.</li> <li>• School divisions should be required to notify parents of the alternative testing methods that are being used in the schools.</li> <li>• Continue reducing SOL testing and increase the expectations that school divisions incorporate performance-based assessments that focus on problem solving, critical thinking, and collaboration.</li> </ul>	<p>The <i>Code</i> requires students identified in need of mathematics or reading intervention services must receive these services. These students to participate in remediation for recovery credit.</p> <p>The proposed regulations introduce new approaches to assessment through the introduction of performance assessments for verified credit. School divisions may nominate alternative tests used as part of the verified credit system.</p> <p>Schools are encouraged to communicate this information with parents. The regulations require schools to annually provide parents information about certain policies and testing.</p> <p>The agency notes the support for reducing SOL testing and the incorporation of performance assessments. Federal requirements and state law continue to require testing at certain grade levels.</p>

Commenter	Comment	Agency response
<p>Citizen</p> <p>Teacher</p> <p>A School board member, a Division superintendent, and an administrator</p> <p>Parent (via Town Hall)</p> <p>Parent (via Town Hall)</p>	<ul style="list-style-type: none"> <li>• Reduce the number of SOL tests and focus on the 5Cs</li> <li>• Reinstate the writing assessment in 5th grade to prepare students for those assessments in middle and high school.</li> <li>• Performance-based assessments will allow teachers to engage students in authentic experiences to focus on supporting growth. (Three commenters)</li> <li>• Virginia should move beyond using a single test to determine if a student has the appropriate skills, as it places pressure on students. Consider a more balanced approach that includes multiple measures and student growth.</li> <li>• Support noted for changing the system of SOL testing, as it is stressful and does not evaluate the whole student. This is an outdated method of testing basic memorization and forces teachers to teach to the test.</li> </ul>	<p>The regulations reduce the number of end-of-course tests that students will be required to take to earn a diploma and require students to demonstrate skills in each of the 5Cs.</p> <p>State law limits the SOL tests administered in the fifth grade to reading, mathematics, and science.</p> <p>The agency notes the support for performance based assessments.</p> <p>The proposed regulations introduce performance assessments to be used as a part of the assessment system. Schools also may administer approved substitute tests. The regulations implement and recognize student growth as a component of the accreditation system.</p> <p>The agency notes the support, and notes that the implementation performance assessments and local alternative assessments are intended to implement more balanced approaches to evaluate student achievement.</p>
<p>Citizen</p> <p>Parent</p>	<p>Several comments were submitted or provided at public hearings that were specific to the <b>proposed accreditation system</b>:</p> <ul style="list-style-type: none"> <li>• Opposition to a system where a school that failed standardized testing requirements is deemed accredited.</li> <li>• Concern that the proposed accreditation system would allow a school failing the benchmarks for English to be accredited based on improvement made.</li> </ul>	<p>In the proposed accreditation system, when one or more school quality indicators are at Level Three, the school will be designated “Accredited with Conditions.” Further, the current system does not recognize when students do not pass the test, but demonstrate significant growth.</p> <p>The proposed system intends to recognize school and student level progress along with passing rates in content areas. The current system only recognizes when a school meets benchmarks.</p>

Commenter	Comment	Agency response
Parent	<ul style="list-style-type: none"> <li>The proposed system will still rely on SOL testing and students with an IEP are not receiving appropriate support to pass those tests.</li> </ul>	<p>The proposed system will include an achievement gap indicator that, which will hold schools accountable for raising the achievement of student subgroups, including students with disabilities.</p>
Administrator	<ul style="list-style-type: none"> <li>The proposed system will select and sort school divisions based on demographics, especially the chronic absenteeism indicator.</li> </ul>	<p>The current system results in selection and sorting of schools by demographics. The proposed system improves upon this by emphasizing division- and school-level improvement planning actions that can be taken to improve performance in an indicator.</p>
School Board member	<ul style="list-style-type: none"> <li>Further consideration should be given to school divisions that have a high percentage of children living in poverty.</li> </ul>	<p>The proposed system will recognize high performance in high poverty schools that can share best practices with similarly-situated schools.</p>
School Board member	<ul style="list-style-type: none"> <li>The current accreditation system fails to reflect the achievement gaps of students of color and economically disadvantaged students, and fails to celebrate the success that schools have achieved over the years because their gains have not met the targets set by the state.</li> </ul>	<p>The proposed system addresses these concerns.</p>
Citizens (several) and administrators (2)	<ul style="list-style-type: none"> <li>Support expressed for the use of multiple measures that will determine a school's performance and accountability status.</li> </ul>	<p>The agency notes the support for this proposal.</p>
Administrator	<ul style="list-style-type: none"> <li>Concern expressed about the potential of impacting a school accreditation status if high performing students opt-out of SOL assessments due to having already met the verified credit requirement. Suggestion made to align the required SOL assessments to the required number of verified credits.</li> </ul>	<p>High schools are held accountable for the performance of all students, not only the high-performing students. Keeping the same number of end-of-course assessments available will provide students several opportunities to acquire verified credit.</p>
Administrator	<ul style="list-style-type: none"> <li>Suggestion for further reduction of the SOL requirements as a component of school accreditation for science and history/social science at all grade levels to enhance the</li> </ul>	<p>The agency notes the support for reducing SOL testing; however, federal requirements and state law continue to require testing at certain grade levels. Further, the "11 semester rule" for English learners already applies to all content areas in the accreditation system.</p>

Commenter	Comment	Agency response
Division superintendent	<p>instructional experience and quality of life for students and teachers, and provide more actionable performance information than what is available through SOL test results. Also consider extending the 11 semester rule to these two content areas as it currently applies to English and mathematics.</p> <ul style="list-style-type: none"> <li>The proposed system should use measures that are poverty neutral and do not unfairly impact one type or group of schools or students. Continue consideration of additional measures that are research-based and support student achievement.</li> </ul>	<p>The proposed accreditation system includes criteria for selecting school quality indicators, including: research must demonstrate that the indicator is related to academic performance, standard data must exist for the indicator, data must be reliable and valid, performance in the indicator must be able to be impacted through policies and actions, the measure must differentiate among schools based on progress of all students and reporting groups, the indicator cannot unfairly impact one type of schools, and the indicator should moderately, or strongly correlate with school level pass rates.</p>
<p>Citizens (2) and teachers (2)</p> <p>Division superintendents (2)</p> <p>Citizens (2)</p>	<p>Several comments were submitted or provided at public hearings that were specific to the <b>incorporation of student growth into the proposed accreditation system:</b></p> <ul style="list-style-type: none"> <li>Support for the inclusion of student growth in the accreditation system.</li> <li>Support noted for the inclusion of growth measures, and other methods should be considered as authentic measures of growth.</li> <li>Concern that year-end testing in grades 3 through 5 do not consider growth in grades K through 2. (Two commenters)</li> </ul>	<p>The agency notes the support.</p> <p>The agency notes the support, and the proposed regulations permit the addition of other measures of growth in the future.</p> <p>Local school divisions can assess for student growth in the earlier grades. If the accreditation system were to consider growth in the earlier grades, additional tests would need to be administered.</p>
Teachers (several)	<p>Several comments were submitted or provided at public hearings that were specific to <b>history/social science and the proposed accreditation system:</b></p> <ul style="list-style-type: none"> <li>Concern that there will be no state accountability for social</li> </ul>	<p>School divisions will continue to be required to provide instruction in the SOL for social</p>

Commenter	Comment	Agency response
Citizen	<p>studies. Some school divisions have diverted attention away from social studies instruction and increased focus on science at the elementary level due to the elimination of SOL assessments.</p> <ul style="list-style-type: none"> <li>Concern that accountability for history and social science will be eliminated and impact student’s understanding of civic responsibility. Assessments are necessary to focus on learning and understanding of the world.</li> </ul>	<p>studies, and the number of standard credits required for graduation remains unchanged. The implementation of other ways to assess in this subject area, such as performance assessments, are intended to provide a balanced assessment approach, emphasizing the 5Cs.</p> <p>School divisions will continue to be required to provide instruction in the SOL for social studies, and the number of standard credits required for graduation remains unchanged. The implementation of other ways to assess in this subject area, such as performance assessments, are intended to provide a balanced assessment approach, emphasizing the 5Cs, including civic engagement.</p>
Approximately 200 parents and citizens	Several comments were submitted or provided at public hearings regarding the lack of <b>recess time</b> provided to elementary school students. Many specifically requested amendments to the definition of <i>instructional hours</i> and the <i>standard school day</i> to include recess rather than exclude it to provide flexibility to add more time for recess if they chose to do so.	The regulations require all schools to provide elementary students with recess time. Schools are permitted to provide additional time for recess; however, it may not count toward instructional time. The definition of recess is proposed to be amended to clarify that recess is to be a break from structured classroom instruction.
Several parents and citizens  Several parents and citizens	<p>Several comments were provided at public hearings regarding the lack of <b>family life education (FLE)</b>:</p> <ul style="list-style-type: none"> <li>Several commenters noted concerns about how FLE is being implemented in their locality.</li> <li>Some commenters noted the importance of providing FLE.</li> </ul>	The <i>Code</i> and the regulations provide each community with the opportunity to implement the Board’s FLE program, or develop a program consistent with the Board’s guidelines, or to opt out of providing FLE. Concerns about local implementation should be addressed with the local school board.
Citizen	<p>Several comments were submitted or provided at public hearings that were specific to other miscellaneous topics:</p> <ul style="list-style-type: none"> <li>A greater focus should be made on interdisciplinary learning, environmental literacy, and civic action.</li> </ul>	The regulations emphasize interdisciplinary science courses, and provide a new diploma seal recognizing excellence in science and the environment. The Board has also amended its approved course list to permit environmental courses to be used to satisfy graduation requirements. Civic responsibility has been emphasized as a component of the 5Cs.

Commenter	Comment	Agency response
Citizen	<ul style="list-style-type: none"> <li>World languages should be taught at every grade level.</li> </ul>	Sections 80 through 100 of the regulations require world language to be offered in middle school and high school, and encourage such offerings in elementary school.

**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.*

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
<u>8VAC20-131-5</u>	NA	This section includes additional definitions for these regulations.	<p>Definition of the term “authentic performance assessment” has been added.</p> <p>Definition of the term “Board of Education” or “board” added, as prescribed in the <i>Constitution of Virginia</i> and the <i>Code of Virginia</i>.</p> <p>Definition of “class period” revised for clarity.</p> <p>Definition of the term “combined school” has been deleted.</p> <p>Definition of the term “department” added to reference the Virginia Department of Education.</p> <p>Definition of the term “eligible students” has been deleted.</p> <p>Definition of the term “English Learner” has been added as now referenced in the Elementary and Secondary Education Act.</p> <p>Definition of the term “growth” has been added to establish that growth applies to student-level progress.</p> <p>Definition of the term “instructional day” has been added.</p> <p>Definition of the term “instructional hours”</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			<p>has been added.</p> <p>Definition of the term “planning period” revised to mean a segment of time in middle and secondary schools during the instructional day that is unencumbered of any teaching or supervisory duties, is not less than 45 minutes or the equivalent of a class period, whichever is greater, and which includes passing time for class changes.</p> <p>Definition of the term “planning time” for elementary teachers has been added in accordance with the <i>Code of Virginia</i> at § 22.1-291.1.</p> <p>Definition of the term “recess” has been amended for clarity.</p> <p>Definition of the term “reconstitution” has been deleted.</p> <p>Added definition of “reporting group,” as that term is applied to the achievement gap school quality indicator used for accreditation purposes.</p> <p>Definition of “standard school year” revised to replace “teaching hours” with “instructional hours.”</p> <p>Definition of “standard unit of credit” revised to reflect flexibility in Board of Education guidelines for local school board alternatives to 140 clock hour requirement.</p> <p>Definition of “student” revised to replace term “person with Limited English Proficiency” with “for whom English is a second language.”</p> <p>Definition of “student periods” has been deleted.</p> <p>Definition of “verified units of credit” revised to include additional methods of receiving a verified credit, including locally awarded verified credits and authentic performance assessments.</p>
<u>8VAC20-131-10</u>	NA	This regulation describes the purpose of the regulations to provide the	The mission of the public education system to educate students so that they will be equipped for an informed and successful

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>foundation of high quality educational programs, encourage continuous improvement, foster public confidence, assure recognition of Virginia’s public schools by other institutions of learning, and establish a means of determining the effectiveness of schools.</p>	<p>private life is amended to eliminate the word “private,” to impact a student’s whole life – not just his or her private life.</p> <p>Language revised to indicate that the regulations will provide the foundation for the provision of a high quality public education, and the intent statement is revised and expanded.</p> <p>Requires the Board to promulgate regulations 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, as established in the Standards of Quality.</p>
<p><u>8VAC20-131-20</u></p>	<p>NA</p>	<p>Requires schools to have current philosophy, goals, and objectives, and establishes criteria for such.</p>	<p>Establishes factors affecting school quality and continual improvement and overall goals and objectives for student learning, achievement, and preparation.</p> <p>Establishes expectations for preparation of graduates who have explored and understand what opportunities exist for them after high school and who have the knowledge and abilities necessary for the next phase of their lives as adults</p> <p>Requires the philosophy, goals, and objectives of individual schools to reflect and encompass the means by which both the Standards of Learning (SOL) and Standards of Accreditation (SOA) are to be achieved</p> <p>Establishes the Board’s objective to provide an education foundation that ensures students are ready to be successful in a global economy, which includes a changing and growing technology.</p> <p>Explains that the Board is redesigning the</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			<p>public school experience so students will be adequately prepared for future challenges.</p> <p>Establishes the expectation for college-, career-, and citizenship- ready students to have mastered academic knowledge, workplace skills, career exploration and planning, and civic and community responsibility.</p>
<p><u>8VAC20-131-30</u></p>	<p>NA</p>	<p>In kindergarten through the eighth grade, students are expected to take Virginia assessment program tests and accelerated students are required to take tests of the grade level enrolled or the test for the grade level of the content received in instruction.</p> <p>Students are not required to take more than one test in any content area per year.</p> <p>With such funds as may be appropriated by the General Assembly, the board shall provide criteria for an expedited retake of an SOL test.</p> <p>Recommends that students in kindergarten through eighth grade not be required to attend summer or weekend remediation solely due to failing a science or history/social science SOL test.</p> <p>Requires students in middle and secondary schools to take all applicable SOL tests at the end of the course, and a corresponding verified credit shall be awarded to students with passing scores.</p>	<p>Clarifies that students who are accelerated shall only take the test aligned with the highest grade level, following instruction on the content</p> <p>Language added to clarify that expedited retakes are an exemption to the prohibition on requiring students to take more than one test in any content area per year.</p> <p>Language referencing “with such funds as may be appropriated by the General Assembly” deleted in reference to criteria for an expedited retake of any SOL test.</p> <p>Specifies that any student failing all SOL assessments for the relevant grade level in grades three through eight or failing an end-of-course test required for verified credit shall be required to receive remediation, as required by the Standards of Quality.</p> <p>Requires division certification that policies prevents changes in students’ course schedules to avoid end-of-course SOL assessments.</p> <p>Exempts students from taking an end of course SOL test if they have already acquired the number of verified credits needed to graduate, unless the test is required by federal accountability rules.</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
<u>8VAC20-131-50</u>		<p>Establishes the requirements for a high school diploma.</p> <p>Students earning a diploma must earn a certain number of credits in mathematics, laboratory science, and career and technical education areas.</p> <p>Students completing certain requirements shall receive the Governor's Seal or Board of Education Seal.</p>	<p>This section is amended to only be applicable to students in the ninth grade class through 2017-2018. <i>Refer to the new section 8VAC20-131-51 for graduation requirements for students entering the ninth grade in 2018-2019 or thereafter</i></p> <p>In accordance with the Standards of Quality (§ 22.1-253.13:4), a computer science course credit earned by students may be considered a science, mathematics, or career and technical education course credit.</p> <p>Technical edit to clarify eligibility for the Governor's Seal and Board of Education Seal.</p>
NA	<u>8VAC20-131-51</u>	<p>Currently, graduation requirements are set forth in 8VAC20-131-50. That section is proposed to be retained, to reflect graduation requirements for students who enter the ninth grade prior to the 2018-2019 school year.</p>	<p>This proposed section will set forth the graduation requirements for students entering the ninth grade in the 2018-2019 school year or thereafter.</p> <p>The proposed graduation requirements are intended to provide multiple paths toward college, career, and citizenship readiness, and instructional programs leading toward a diploma are required to be aligned with the Board's <i>Profile of a Virginia Graduate</i>.</p> <p>Pathways toward graduation shall provide opportunities tied to instruction to achieve workplace and citizenship skills through experiences such as internships, externships, credentialing, and blended learning, which may be offered for credit toward graduation.</p> <p>Provisions are included to clarify that middle school students shall receive credit toward graduation for successfully completing high school courses.</p> <p>For clarity, the definitions and methods of receiving a standard and verified unit of credit are repeated from 8VAC20-131-5 and 8VAC20-131-110.</p> <p>No more than one locally awarded verified credit may be used to satisfy graduation requirements.</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			<p>The requirements for receiving a Standard or Advanced Studies Diploma, previously presented in 8VAC20-131-50, have been reorganized in this new section and clearly provide the requirements in tables and eliminate footnotes.</p> <p>The substantive changes to the prior graduation requirements that were set forth in 8VAC20-131-50 include:</p> <ul style="list-style-type: none"> <li>• Reduces the number of required verified credits from six (Standard) and nine (Advanced) to five for each.</li> <li>• Permits the Board to approve additional mathematics courses used to satisfy graduation requirements for a Standard Diploma.</li> <li>• Courses used to meet laboratory science course requirements shall include interdisciplinary courses that incorporate SOL content from multiple academic areas.</li> <li>• In accordance with the Standards of Quality (§ 22.1-253.13:4), a computer science course credit earned by students may be considered a science, mathematics, or career and technical education course credit.</li> <li>• Requires students seeking an Advanced Studies diploma to complete two sequential electives, as required by HB895/SB336 (2016).</li> <li>• Requires students to complete either advanced coursework or earn a career and technical education credential for either a Standard or an Advanced Studies diploma as required by HB895/SB336 (2016).</li> <li>• Requires students to acquire and demonstrate skills in the “5Cs” – critical thinking, creative thinking, collaboration, communication, and citizenship, in accordance with the Board’s <i>Profile of a Virginia</i></li> </ul>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			<p><i>Graduate.</i></p> <p>Incorporates requirements for an Applied Studies Diploma, a Certificate of Program Completion, or a high school equivalency credential which are currently set out in the <i>Code</i>.</p> <p>Adds a new diploma seal: “Seal for Excellence in Science and the Environment.”</p> <p>Replaces the term “foreign language ” with “world language.”</p>
<p><u>8VAC20-131-60</u></p>	<p>NA</p>	<p>This section provides the graduation requirements for students who transfer into Virginia’s public high schools.</p>	<p>Specifies the tests to be accepted by school divisions from a sending state, country, private school, or Department of Defense Educational Activity school for the award of verified credit in courses previously completed at another school or program of study.</p> <p>Provides that any substitute test approved by the Board for verified credit shall be accepted in lieu of the applicable SOL if the applicable standard credit has been earned by the student.</p> <p>Consolidates all graduation requirements for transfer students into subsection G. Previously, only verified credit requirements were described.</p> <p>Specifies whether diploma requirements provided in 8VAC20-131-50 or 8VAC20-131-51 are applicable to transfer students, depending on the year and grade in which the student transfers, to comply with enactment clause 6 in HB895 (2016).</p>
<p><u>8VAC20-131-70</u></p>	<p>NA</p>	<p>This regulation describes the requirements for the school divisions’ program of instruction and learning objectives.</p>	<p>Adds requirement for school boards to develop and implement a program of instruction that is aligned to the SOL and meets Board requirements, as currently set out in the <i>Code</i>. Subject areas to be emphasized are specified.</p> <p>Adds expectation for instructional programs and learning objectives to ensure students acquire knowledge, skills, competencies and experiences needed for success, and acquire and demonstrate proficiency in the “5Cs.”</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		Requires gifted/talented students to be taught by teachers with special training or experience with such students.	Sets expectation for instructional programs and learning objectives to include career exploration in elementary and middle schools. In the later school years, expectations are set forth for workplace and civic readiness.  Eliminates this requirement.
<u>8VAC20-131-80</u>	NA	Requires elementary schools to provide instruction in certain subject areas.	Adds requirement for elementary schools to provide instruction in career exploration.  In accordance with the Standards of Quality, requires provision of early identification of reading and mathematics problems and provide instructional strategies for assisting students in those areas.  In accordance with the Standards of Quality, reading intervention services should be provided by school divisions to students who are in kindergarten through grade three and who demonstrate deficiencies in reading.
<u>8VAC20-131-90</u>	NA	Requires middle schools to provide instruction in certain subject areas.  Requires middle school students to be provided 140 clock hours in English, mathematics, science, and history and social science, however sixth grade students may be provided an alternative schedule, so long as those four subject areas total 560 clock hours.  Requires students with reading difficulties to be provided additional instruction in reading, which may include summer school.	Adds requirement for middle schools to provide a course in career investigation. This course may be delivered through alternate means provided that the alternative is equivalent in content and rigor.  Replaces the 140 clock hour requirement in each of the four academic disciplines with “a total of 560 instructional hours” per year in the four academic disciplines. Language referencing an alternative schedule of instruction for sixth-grade is deleted.  In accordance with the Standards of Quality, adds a requirement to require certain students in need of mathematics remediation in grades 6-8 to be provided with additional instruction in mathematics, which may include summer school, and algebra readiness intervention.
<u>8VAC20-</u>	NA	Requires high schools to	Adds requirement for secondary schools to

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
<u>131-100</u>		<p>provide instruction in certain subject areas.</p> <p>Requires high schools to offer career and technical education choices.</p> <p>Permits classroom driver education to count for 36 class periods of health education.</p> <p>Requires students with reading difficulties to be provided additional instruction in reading, which may include summer school.</p>	<p>provide a program of instruction which encompasses the requirements of the Profile of Virginia Graduate, including student knowledge, skills, and competencies; the acquisition and demonstration of the 5Cs; and the offering of opportunities for internships, externships, work-based experiences, and credentialing.</p> <p>Adds requirement for such career and technical education choices to incorporate knowledge of regional workforce needs and opportunities.</p> <p>Adds requirement for high schools to offer opportunities for participation in work experiences, such as internships, externships, and other work-based learning experiences, and to attain workforce and career readiness and industry credentials.</p> <p>Permits the 36 class periods to be calculated as the equivalent of 36 class periods in minutes.</p> <p>In accordance with the Standards of Quality, adds a requirement to require certain students in need of mathematics remediation in the ninth grade to be provided with algebra readiness intervention services.</p>
<u>8VAC20-131-110</u>	NA	<p>Establishes the standard unit of credit used to meet graduation requirements, which is based on a minimum of 140 clock hours of instruction and successful completion of the course.</p> <p>Establishes the verified unit of credit and describes the methods of earning such credits, and permits locally awarded verified credits to be awarded in science and history and social science.</p>	<p>Permits waiver of the 140 clock hours of instruction as provided in the Standards of Quality, and in accordance with Board guidelines, effective with students enrolled in the 2015-2016 school year.</p> <p>Adds to the methods of achieving a verified credit:</p> <ul style="list-style-type: none"> <li>Students entering the ninth grade for the first time in the 2018-2019 school year or thereafter and who do not pass certain SOL tests and who meet Board criteria may receive locally awarded verified credits in English, mathematics, laboratory science or history and social</li> </ul>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		Sets criteria for board-approved additional tests used to confer verified credit, including requirement that the test be administered on a multistate or international basis.	<p>science according to Board guidelines. Not more than one verified credit may be counted toward graduation requirements.</p> <ul style="list-style-type: none"> <li>For history and social science and English (writing), an authentic performance assessment can be used to demonstrate mastery of content.</li> </ul> <p>Adds option for a statewide-administered test be considered for approval as an additional test.</p>
<u>8VAC20-131-120</u>	NA	Permits credit to be awarded for middle and secondary summer school courses in 70 clock hours if the credit is for a repeat course	Eliminates this provision
<u>8VAC20-131-140</u>	NA	<p>Requires middle and secondary schools to provide early identification and enrollment of students in a college preparation program including an emphasis on experiences to motivate disadvantaged and minority students to attend college</p> <p>Establishes requirements for Academic and Career Plans (ACP) to be developed during the middle school years and updated in the ninth and eleventh grades.</p>	<p>Emphasis on college preparation is replaced with equal emphasis on college <u>and career</u> preparation.</p> <p>Provides that current requirements for ACPs shall only be effective through the 2017-2018 school year.</p> <p>New requirements for ACPs effective with the 2018-2019 school year are provided, including:</p> <ul style="list-style-type: none"> <li>Requirements for elementary, middle, and high schools to provide for the identification by all students of personal interests, and to support planning for post-secondary and career preparation.</li> <li>Requires elementary students to begin career exploration through development of an Academic and Career Plan Portfolio, which is to be used as the foundation for the ACP that is developed</li> </ul>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			<p>in the seventh grade and completed by the end of the fall semester of the eighth grade year.</p> <ul style="list-style-type: none"> <li>Requires middle school students to select a career pathway and complete a career investigations course, or an equivalent alternative, which is to be used as a basis for developing the ACP.</li> <li>Requires the ACP to be reviewed and updated annually.</li> <li>Provisions are made for students who transfer after eighth grade to complete an ACP.</li> </ul>
<u>8VAC20-131-150</u>	NA	Establishes a standard school year as 180 instructional days, and a standard school day for grades one through 12 as an average of 5 ½ instructional hours, excluding breaks for meals and recess.	<p>Language added to include 990 instructional hours as the length of the standard school year.</p> <p>Specifies that the standard school day includes passing time for class changes.</p>
<u>8VAC20-131-180</u>	NA	<p>Requires credit for work completed by students receiving home instruction to be awarded when it is completed under supervision of a licensed teacher, person eligible to be licensed, or other appropriately licensed professional.</p> <p>Permits students receiving home instruction to enroll in and receive credit for supervised correspondence courses.</p>	<p>Amended to specify that homebound instruction is to be provided under the supervision of a licensed teacher, qualified in the relevant area, as required by <i>Va. Code</i> §§ 22.1-253.13:2 and 22.1-299.</p> <p>Reorganized language regarding alternative means of instruction and virtual courses combined into one section. Clarifying language regarding standard and verified credits also added. Language regarding correspondence courses deleted and replaced with the term “virtual courses.”</p>
<u>8VAC20-131-190</u>	NA	Requires schools to provide a variety of materials and equipment.	Adds “resources” to list of supports for the instructional program.
<u>8VAC20-131-200</u>	NA	The regulation provides the requirements for extracurricular and other school activities, including recess.	In accordance with Standards of Quality requirements, adds requirement for schools to provide a physical fitness program for all students in kindergarten through grade five for 100 minutes per week on average. Also

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			adds requirement for schools to make available a physical fitness program for all students in grades 6-12 with a goal of 150 minutes per week on average.
8VAC20-131-210	NA	Recognizes the principal as the school's instructional leader and manager and establishes several responsibilities for each role.	<p>Repetitive introductory paragraph regarding principal deleted.</p> <p>Revises and clarifies several of the principal's responsibilities. The revisions focus on fostering the success of all students through several core principles, including community engagement, a culture of continuous improvement, compliance with regulations and laws, effectively managing resources, and ensuring test security, including a prohibition on student's access to cell phones during test administration.</p>
8VAC20-131-220	NA	Establishes the roles of professional teaching staff, including serving as a role model for effective communication and the correct use of language and spelling, and striving to strengthen basic skills of students in all subjects.	<p>Revises the "correct use of language and spelling" with "the use of Standard English."</p> <p>Closure of achievement gaps among groups of students added as an area of aspiration.</p>
8VAC20-131-240	NA	<p>Establishes minimum guidance counselor staffing levels for middle and secondary schools.</p> <p>Establishes standard teaching load, including maximum numbers of class periods and student periods, and planning periods required for middle and secondary school teachers.</p> <p>Requires each middle and high school teacher to be provided one planning period per day or the equivalent, as provided in the Standards of Quality.</p>	<p>Replaced outdated reference to guidance counselor with school counselor.</p> <p>Eliminated staffing requirements for secondary school counselors, and replaced with reference to requirements set out in <i>Code</i>.</p> <p>Revised standard teaching load and planning periods required for middle and secondary school teachers so that they are identical.</p> <p>Revised language to eliminate references to student periods used to calculate a teacher's standard load. References instead are made to the numbers of students taught per week.</p> <p>Revised to clarify and reference definition of "planning period."</p> <p>Specifies that elementary classroom teacher shall be provided at least an average of 30 minutes per day during the students' school week as planning time as required by the <i>Code of Virginia</i>.</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
8VAC20-131-260	NA	<p>Requires a fire drill to be conducted once weekly during the first month of school and once monthly during the remainder of the year.</p> <p>Requires at least two lock down drills each school year, in September and January.</p>	<p>Language revised, as provided by 2016 legislation, to require a fire drill at least twice during the first 20 school days and two additional fire drills during the remainder of the school term.</p>
8VAC20-131-270	NA	<p>As part of parent and community school communications programs, schools shall provide annually the School Performance Report Card.</p>	<p>Renames the School Performance Report Card to the School Quality Profile.</p> <p>Requires the School Quality Profile to include, but not be limited to: accountability, assessments, enrollment and demographics, college and career readiness, finance, learning environment, and teacher quality.</p>
8VAC20-131-280 through 8VAC20-131-360	NA	<p>These sections establish the process for accrediting public schools, improvement actions required of schools not meeting the requirements for full accreditation, certain procedures to waive these regulations, and effective dates.</p>	<p>These sections are proposed to be repealed and replaced with Sections 8VAC20-131-370 through 8VAC20-131-430.</p>
	8VAC20-131-370		<p>Establishes the principles and purpose of school accountability and accreditation systems, and describes the components of such systems.</p> <p>Provides that schools are to be accredited based upon meeting certain minimum standards and on continuous improvement of performance levels on school quality indicators.</p> <p>Provides that components of the accountability system include the federal accountability provisions required under the Every Student Succeeds Act of 2015 (ESSA) and the Individuals with Disabilities Education Act (IDEA).</p>
	8VAC20-131-380	<p>The existing accreditation system is described in 8VAC20-131-280 through 8VAC20-131-300, which are to be repealed.</p>	<p>Provides that school quality is to be measured for each school using multiple school quality indicators including student academic outcome measures and other factors associated with student learning.</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			<p>The school quality indicators include:</p> <ul style="list-style-type: none"> <li>• Academic achievement in English, including measures of growth in elementary and middle schools, and progress toward English proficiency in English learners</li> <li>• Academic achievement in mathematics, including measures of growth in elementary and middle schools</li> <li>• Academic achievement in science</li> <li>• Academic achievement gaps in English and mathematics</li> <li>• Graduation and completion index for high schools only</li> <li>• Dropout rate in high schools only</li> <li>• Chronic absenteeism rates</li> <li>• College, career, and civic readiness index for high schools only (effective for the 2021-22 school year)</li> </ul> <p>Provides that schools will be held accountable on each of the adopted school quality indicators, based on its measurement against performance benchmarks for a given school quality indicator.</p> <p>Establishes three performance levels:</p> <ul style="list-style-type: none"> <li>• Level One: At or Above Standard</li> <li>• Level Two: Near Standard</li> <li>• Level Three: Below Standard</li> </ul> <p>Provides that benchmarks are used to designate performance levels for each school quality indicator. Performance levels are used to describe whether a school's performance in a given school quality indicator meets standards or demonstrates adequate improvement.</p> <p>Provides that a performance level will be assigned for each applicable school quality indicator for each school.</p> <p>Specifies the criteria the Board is to consider when selecting school quality indicators and the process that the Board is to follow in determining the benchmarks that will form the upper and lower limits for each performance level.</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			<p>Describes the school quality indicators that are to be used, and sets benchmarks for each performance level.</p> <p>Performance levels described based on minimum levels of performance, which can be adjusted through board guidance as schools continuously improve, with adequate notice provided to school boards.</p> <p>Provides that effective with the 2018-2019 school year, performance levels will be applied to school quality indicators for accreditation purposes, except for the college, career, and civic readiness index, which will not be applied until the 2021-2022 school year.</p> <p>Provides that during the transition year of 2018-2019, the designation “Accredited” may be awarded using the new accreditation rules or the 2017-2018 rules.</p> <p>Provides that if a school has a grade configuration where no state assessments are required to be administered, such schools shall be paired with another school for accreditation purposes.</p> <p>Relocates and revises the provisions for when assessments for English Learner and transfer students apply to a school’s academic performance calculations. These provisions are currently set out in 8VAC20-131-280.D.</p> <p>Permits the Board to adopt special provisions for any indicator. Previously, only dropout rate included language for special provisions.</p> <p>Permits the Board to add or remove assessments, and to adopt special provisions for school quality indicators when assessments are revised or phased in.</p> <p>Permits the Board to adopt measures of student growth to be incorporated into the calculation of certain school quality indicators.</p> <p>Includes language permitting school boards</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
	8VAC20-131-390	The existing accreditation system is described in 8VAC20-131-280 through 8VAC20-131-300, which are to be repealed.	<p>to appeal performance level designations in limited circumstances that would warrant special consideration.</p> <p>Provides that schools shall be accredited provided that actions required by 8VAC20-131-400 are completed, and that compliance with certain SOA requirements has been documented by the principal and school superintendent.</p> <p>Establishes school accreditation ratings which will be assigned for the academic year 2018-2019:</p> <ul style="list-style-type: none"> <li>• “Accredited”</li> <li>• “Accredited with Conditions”</li> <li>• “Accreditation Denied”</li> </ul> <p>Provides that performance levels for school quality indicators will be reviewed on an annual basis, and that the resulting actions required by 8VAC20-131-400 must be taken.</p> <p>Establishes a triennial accreditation cycle for schools that meet the requirements for “Accredited” status for a consecutive three-year period.</p>
	8VAC20-131-400	Actions required of schools that are not meeting expectations are currently described in 8VAC131-310 and 8VAC20-131-315, which are to be repealed.	<p>Requires all schools to develop comprehensive plans as required by Code, and requires improvement plans and corrective action plans to be incorporated into the comprehensive plans.</p> <p>Establishes actions required of schools and school divisions based upon performance levels in each school quality indicator and other factors.</p> <p>School improvement plans for Level Two indicators would require local school boards approval, and such plans could be subject to a department-established review process.</p> <p>If a school is at Level Two in an academic area, such schools would undergo a department academic review, and school improvement plans would be subject to a department-established review process, which may include peer review from another school division.</p> <p>Corrective action plans would be required for</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			<p>Level Three indicators.</p> <p>Provides a process by which a division may be required to enter into a state superintendent to local superintendent agreement, depending on the level of direction and intervention needed.</p> <p>Establishes a process by which a school board would be required to enter into a memorandum of understanding to delineate school improvement responsibilities, when a school division fails to adopt or implements components of a corrective action plan.</p> <p>Establishes the process by which the Board would consider designating a school as “Accreditation Denied” when a school fails to adopt and implement corrective action plans with fidelity.</p> <p>Provides, as provided in the Appropriation Act, that when a school board has failed or refused to meet certain school improvement obligations, the payment of At-Risk Add-On funds shall be withheld to the school division until it corrects its failures.</p> <p>Language from existing SOA and SOQ related to Board authority to pursue additional remedies including court action to seek compliance with school laws.</p>
	8VAC20-131-410	The Virginia Index of Performance Program is established in 8VAC20-131-325, which is to be repealed.	<p>Relocates the provisions for the existing Virginia Index of Performance Program for recognizing high performing schools from 8VAC20-131-325.</p> <p>Establishes recognition for schools demonstrating exemplar performance on school quality indicators.</p>
	8VAC20-131-420	Alternative accreditation plans and certain waivers may be granted in accordance with 8VAC20-131-280.C and F, 8VAC20-131-290.D, and 8VAC20-131-350, which are to be repealed.	Relocates and revises provisions permitting the Board to approve alternative accreditation plans and to waive certain provisions of the SOA.
	8VAC20-131-430	Effective dates are currently described in 8VAC20-131-360, which is to be repealed.	<p>Establishes that the revised SOA will be effective for the 2018-2019 school year.</p> <p>Clarifies the effective dates for phasing in</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			revisions to graduation requirements, locally awarded verified credit provisions, academic and career planning requirements, and application of the career and college readiness indicator as a school quality indicator.