



Virginia  
Regulatory  
Town Hall

## Final Regulation Agency Background Document

Agency Name:	20
VAC Chapter Number:	131
Regulation Title:	Regulations Establishing Standards for Accrediting Public Schools in Virginia
Action Title:	Final regulatory action
Date:	8/10/00

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package .

### Summary

*Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.*

Section 22.1-19 of the Code of Virginia requires that the Board of Education "... provide for the accreditation of public elementary, middle, and high schools in accordance with standards prescribed by it." Further, the Standards of Quality for Public Schools in Virginia (SOQ), in ? 22.1-253.13:3.F of the Code of Virginia, require that local school boards "... maintain schools which meet the standards of accreditation prescribed by the Board of Education." The standards also require the Board of Education to approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and individual schools and that such criteria become an integral part of the accreditation process. The current standards were adopted in September 1997. The Board introduced proposed revisions to the accrediting standards in October 1999 and an additional proposal for revisions in April 2000.

The Board held an initial series of six statewide public hearings on the standards in May 1999. Another set of five hearings was held in November 1999 during a public comment period from November 1999 through April 2000. Another period of public comment was held from June to July 2000. In written and oral statements during the hearings and comment periods, the public and local school officials voiced

agreement with the premise that schools and students should be held to rigorous standards; however, most speakers disagreed with the premise of evaluating schools solely on the basis of test scores. In addition, many of the speakers at the hearings raised the question of what the Board was going to do to help schools that have difficulty meeting the standards. Therefore, the latest revisions of the standards reaffirm the Board's desire for improved academic achievement and performance-based evaluation of schools but offers fairness and flexibility for students and schools.

The goals of the proposed revisions considered by the Board in July 2000 were: 1) To reaffirm the Board's commitment to Virginia's academic standards; 2) To identify and target for early intervention and intensive assistance those schools that need the most help and attention so that remedial action can be undertaken immediately; 3) To provide flexibility for schools that achieve or fail to achieve the standards, and in a constructive way, to recognize schools that have made major strides yet have not met the standards; and 4) To encourage Virginia students and public schools to exceed the current minimum standards. These revisions do not lower a single standard or extend the timetable for reaching the standards.

At its meeting on July 28, 2000 the Board adopted revised standards. It is anticipated that the standards will take effect at the end of September for immediate implementation. Most of the standards adopted by the Board in 1997 have been retained, although many sections were rewritten or re-sequenced for clarity to define the Board's continued desire to adopt standards that will improve school performance, provide measurable objectives for student performance, assist low-performing schools, and reward high performing schools.

### Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

The Board of Education adopted final *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131 et.seq.) on July 28, 2000.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.*

Section 22.1-19 of the Code of Virginia requires that the Board of Education "... provide for the accreditation of public elementary, middle, and high schools in accordance with standards prescribed by it." Further, the Standards of Quality for Public Schools in Virginia (SOQ), in Section 22.1-253.13:3.F of the Code of Virginia, requires that local school boards "... maintain schools which meet the standards of accreditation prescribed by the Board of Education."

### Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

These proposed revisions to the *Regulations Establishing Standards for Accrediting Standards for Accrediting Schools in Virginia* refine the requirements related to accountability at the student level, student recognition, and public school accreditation.

The Code of Virginia, in Section 22.1-19, requires the Board of Education to accredit public elementary, middle and secondary schools in accordance with standards prescribed by it. In addition, Section 22.1-253.13:3 (B) of the Code, the Standards of Quality (SOQ), requires the Board to promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act. Finally, the SOQ

requires the Superintendent of Public Instruction to develop, and the Board of Education to approve, criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools and that such criteria become an integral part of the accreditation process.

The Regulations Establishing Standards for Accrediting Public Schools in Virginia ("regulations" or "standards"), adopted in September 1997, govern the purpose, philosophy, goals and objectives; academic achievement; requirements for graduation; school accountability; school leadership; staffing and support services; facilities and student safety; school communication; and procedures for accreditation.

The requirements have been revised to clarify the requirements of the standards and to help schools continue to focus attention and place emphasis on student academic performance. In addition, the regulations have been revised to refine: 1) student-level consequences related to the testing program and the impact of such changes on a school's overall accreditation rating; 2) the new accreditation ratings; and 3) language inconsistencies in the current regulations.

The Board of Education's annual retreat in April 1999 focused on consequences and rewards as a part of education reform in the country. Educators from around the country with expertise in high-stakes school accountability met with the Board to discuss their experience with low-performing schools and targeted assistance to those schools. In addition, the Board held a series of public hearings across the state in May 1999 to garner public input prior to revising the standards. Subsequent meetings were held with division superintendents and principals to gather input for potential revisions that would clarify the accountability requirements for students and schools. During January and February 2000, the Board continued to receive comments on the proposal. In response to the public comment received, additional revisions have been made to the proposed regulation while maintaining the integrity of the standards.

**Substance**

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.*

These regulations form the basis for the day-to-day operation of the educational program in each public school in Virginia. The regulations contain provisions to govern philosophy, goals and objectives; academic achievement; school accountability; building and student safety and instructional support services; school leadership; involving and reporting to parents; and procedures for accreditation. The regulations were revised to: 1) identify and target for early intervention and intensive assistance those schools that need the most help and attention, so that remedial action can be undertaken immediately; 2) to define consequences and rewards for schools that achieve, or fail to achieve, the standards, in a constructive way that recognizes schools that have made major strides, yet have not met the standards, and to recognize and reward schools that have exceeded the standards; 3) to provide flexibility for schools that achieve, or fail to achieve, the standards, and in a constructive way to recognize schools that have made major strides, yet have not met the standards; 4) to encourage Virginia students and schools to exceed the current standards; 5) to introduce a remediation recovery program; 6) to introduce a new Modified Standard Diploma; and 7) to allow additional tests for student use to earn verified credit.

**Issues**

*Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the 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 include a sentence to that effect.*

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The regulations continue to require that the accreditation status of schools be determined primarily on the basis of student academic performance. Students' performance will be measured using the statewide Standards of Learning (SOL) assessment program, additional tests that are administered on a national or international basis, and, beginning in 2001-02, the performance of students with disabilities on alternate assessments. Local school boards, principals and superintendents will continue to certify compliance with pre-accreditation eligibility requirements in the following areas: staffing; instructional programs; school facilities and safety; school and community communications; and instructional support services requirements. The advantages to the public in the revision of the standards are that the consequences and rewards to schools are more clearly delineated. There are no identified disadvantages to the public with these revisions.

### Statement of Changes Made Since the Proposed Stage

*Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.*

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As a result of a review of public comment and the Board's continued desire to improve the academic performance of students and schools, the Board has adopted the following major revisions to the standards:

1. A mechanism was established to allow tests such as Advanced Placement (AP) and International Baccalaureate (IB) to be used with Standards of Learning (SOL) tests for earning verified credits for high school graduation at a student's option. Results on these tests also would count in the school's pass rates for accreditation purposes.
2. A transition period from 2000-01 through 2002-03 (students in grades 7, 8, and 9 in fall 2000) during which they will have to pass six SOL tests to graduate: two in English and four of their choosing. This flexibility is being allowed since these students have not had the benefit of the Standards of Learning for their entire school careers.
3. A new diploma, the Modified Standard Diploma, was created for certain students with disabilities who are unlikely to meet the requirements for a Standard Diploma but may achieve above the level of the Special Diploma.
4. A student-selected SOL test for earning a verified unit of credit may include computer science, technology, or other subjects prescribed by the Board of Education was introduced to provide an alternative to having only academic courses used for this purpose. In addition, students may earn verified credits for elective courses identified by the Board as directed by the General Assembly.

- 5 . A student may have an opportunity for expedited retest on SOL end-of-course examinations.
- 6 . A school may institute a remediation recovery program that has been established by the Board in English (Reading, Literature, and Research) and mathematics to allow a student who is retained in grade and who has not previously passed the related SOL test(s) to receive additional instruction and to retake the SOL test(s).
- 7 . Students in grades K-8 may participate in a remediation recovery program for English (Reading, Literature, and Research), mathematics, or both. In grades 9-12, the remediation recovery program includes opportunities to retake the end-of-course SOL mathematics tests and the eighth-grade English (Reading, Literature, and Research) and mathematics SOL tests. Schools receive "bonus points" for their pass rates when students are successful in this program.
- 8 . The six standard units of credit, that a student must earn in elective courses for a Standard Diploma must include at least two sequential electives.
- 9 . A student will be able to demonstrate mastery of the academic content of a course and receive the recommendation of the school division superintendent to receive a standard of unit of credit and be permitted to sit for the related SOL test to earn a verified unit of credit, without 140 clock hours of instruction.
- 10 . New diploma seals to recognize outstanding student achievement in response to mandates of the General Assembly were created:
  - a . The *Board of Education Career and Technical Seal* would be awarded to students who demonstrate outstanding achievement in academic and career and technical studies.
  - b . The *Seal of Advanced Mathematics and Technology* will be awarded to students who demonstrate outstanding achievement in mathematics and technology.
- 12 . A series of intermediate annual benchmarks for SOL test pass rates in the four core academic areas of English, math, science and history/social studies between 2000-01 and the end of the 2003-04 academic year that clearly define the expected progress of schools were established. These benchmarks would increase each year in a "stairstep" approach (see chart in attachment). Schools that have student pass rates at or above these annual benchmarks will be "Provisionally Accredited."
- 13 . A new accreditation sub-category, "Provisionally Accredited/Needs Improvement", was created for schools that do not reach the annual benchmarks, but which are within 20 percentage points of the benchmarks for use between now and the end of the 2002-2003 academic year. Schools that are 20 or more percentage points below the annual benchmarks will be "Accredited with Warning in (specified academic area or areas)."
- 14 . The third-grade science and history/social science test scores will not be used to calculate accreditation ratings during the period from 2000-01 through 2002-03. The third grade scores may be used by combining them with the fifth-grade science and history/social science scores if they will benefit the school.

15. The pass rate in third- and fifth-grade English required for schools to be rated "Fully Accredited" will be 75 percent beginning in 2003-04.
16. Schools that are "Accredited with Warning" in either English or math will be expected to adopt an instructional model or method with a documented track record of success at raising student achievement in reading or math.
17. An "Academic Review" of each school that is "Accredited with Warning" will be conducted by an individual or a team supervised by the Department of Education. This academic review will focus on whether the school has aligned its curriculum with the SOL, whether the daily class schedule could be restructured to devote more time to academic areas of weakness, whether student achievement data are being used effectively to target areas of weakness, and whether staff development resources are being used efficiently to improve areas of weakness. This academic review report would become a key document in both the development of the school's improvement plan and later evaluations of the school for remedial actions, should the school fail to achieve accreditation on schedule.
18. Each school "Accredited with Warning" must file an annual report with the state detailing its progress in implementing its School Improvement Plan. Together with the report of the baseline academic review, these reports will form a record of the school's improvement efforts that will be important in evaluating the school should the it fail to achieve accreditation by the end of the 2005-2006 academic year.
19. Any school that has failed to achieve accreditation under current academic standards by the end of the 2005-2006 academic year will be rated in the category of "Accreditation Denied," as in the current SOA, unless the school meets criteria to be rated "Accreditation Withheld/Improving School"--a new rating established in the revised standards. This designation is for schools that have reached the pass-rate standard in English, have at least a combined 60 percent pass rate in the other academic areas, and have increased their pass rates by at least 25 percentage points since 1998-1999 in the academic areas in which they have fallen short. Schools may retain this designation for up to three years as long as they continue to make progress in the areas short of the 70 percent pass-rate standard.
20. Beginning immediately, accreditation will be determined by using a three-year rolling average of student pass rates or the current year's scores, whichever is greater. Additionally, the scores of transfer students and students identified as Limited English Proficient (LEP) will be used in calculating of the accreditation rating of a school if those scores benefit the school.
21. Schools that achieve a pass rate above that required for fully accredited status may receive waivers from state regulations.
22. The important role of principals in the accountability process is recognized and recommendations are made to give principals the maximum amount of authority necessary to run their schools.
23. The standards state explicitly that any student who receives a Virginia high school diploma has a diploma of equal value to all other graduates, regardless of the

accreditation status of his or her school. The accreditation status of the school would not be reported on student transcripts.

- 24. Superintendents must verify in writing by July 1 of each year that the curriculum of his or her school division has incorporated the SOL into each school’s curriculum and that the SOL are being taught in the classroom to all test-eligible children.

**Public Comment**

*Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.*

**Summary of the Written Public Comments to the Proposed Revisions  
October 3, 1999 – April 28, 2000**

On October 3, 1999, the Board of Education approved the release of the proposed revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) for public comment. The proposed regulations were published in the Virginia Register on November 22, 1999. On November 30, 1999, the Board held five public hearings to receive public comment concerning the proposed revisions. The proposed SOA affirmed the Board’s commitment to high academic standards; established new accreditation ratings; established rewards and incentives for students, teachers, principals, schools, and school divisions; established consequences for low-performing schools; and clarified existing provisions. Of the nearly 700 citizens that attended the hearings, 206 individuals spoke before the Board. Participants stated their support of high standards and addressed positive attributes of the SOA, in addition to voicing their concerns. The Board continued to receive public comment through April 2000. Written comments were submitted through letters, e-mails, and facsimiles.

<b>Written Public Comment Received from October 3, 1999 – April 28, 2000</b>	
Total number of comments from parents	19
Total number of comments from educators	6
Total number of comments from school superintendents	0
Total number of comments from school board members	0
Total number of comments from organizational groups	2
Total number of comments from school financial officers	0
Total number of comments from citizens (others)	7
<b>Total number of written comments submitted</b>	<b>34</b>

Regulation Section:  
8 VAC 20-131-30      Student Achievement Expectations

Subpart B

Kindergarten through Eighth Grade

Support for section	Criticism of section	Suggestions for section
	It seems that things are being done backwards. (2)	... support and promote any legislation or rulings that would eliminate the SOL test requirement that relates to...retention.... (2)
	I passed all of the tests last year in the 5 <sup>th</sup> grade but there were a lot of people in my class that did not. Just think how they felt because of a test. (3 - signed by 27 students)	SOL tests should no longer be given to schools to take. (3)
	It makes little sense, on the basis of a single test, to depict as failures those students, teachers, and schools who by other objective measures of quality are clearly successful. (6)	The Board of Education should develop a more refined and complete definition of student achievement as well as new procedures for determining educational quality, using a broad spectrum of measures based on widely accepted strategies for validation. (Some examples given: attendance and retention rates, mastery of advanced topics, fluency in sophisticated workplace skills) (6)
	From what I have heard of the SOL examinations, they are a highly flawed means of testing student achievement. (10)	Therefore, they should not serve as a primary indicator of student or school performance. (10)
	As a student I feel that all of the students in our state wish we wouldn't have to take them [SOL]. (11)	You can tell that a student will pass by looking at their report cards. (11)
The SOL tests are a good way to monitor students' acquisition and comprehension and retention of what they have been taught. These tests are also good indicators of the level of education that is being provided by school systems as well as the individual teachers within. (12)	...I do not believe that these tests should be able to justify retaining a student from progressing to a higher grade. (12)	

	We support multiple criteria for school accreditation and student accountability. (14)	Revise the student accountability standards to include opportunities for repeat testing, a means to address inconsistent performance indicators and quarterly assessment of the SOL. (14)
	...what was originally designed to be used as a tool to evaluate how much of the subject matter presented in the classroom is retained by the student, can later become the determining factor in promoting the child to the next grade. (16)	This is not right. What happens when you have a teacher who does not do a good job of presenting the subject matter so the student will remember it...? (16)

Regulation Section:  
 8 VAC 20-131-30 Student Achievement Expectations  
 Subpart C Middle and Secondary Schools

Support for section	Criticism of section	Suggestions for section
	SOL tests should no longer be given to schools to take. (3)	
	...by having the SOL, the teachers are having such a hard time teaching everything that they are actually teaching less. (27)	Get rid of the SOL. (27)

Regulation Section:  
 8 VAC 20-131-30 Student Achievement Expectations  
 Subpart D Students with Disabilities

Support for section	Criticism of section	Suggestions for section
	A critical measure of the success of state-level education reforms is equitable achievement outcomes for all children, including ESL students and students with exceptional needs on the SOL	We ask the Board to empanel a “citizen’s watch-group” to monitor the performance of ESL students and students with exceptional needs on the SOL exams. This group will make recommendations for

	exams. (6)	adjustments about how these populations are being prepared to reach the standards. (6)
	My son is a smart child; he just learns differently. SOL do not take into consideration children like him. [Son has ADD] (13)	
	<p>Students with disabilities who will not take part in the alternate assessment may be thought of as comprising two sub-groups:</p> <p>(1) those students who should participate fully in the SOL curriculum, including appropriate credit-bearing courses, but who may have great difficulty passing the proper SOL tests to receive the six required verified credits, even with testing accommodations; and (2) those students whose needs may be most effectively met by partial participation in the SOL, but who will not participate in the alternate assessment. (21)</p>	<ul style="list-style-type: none"> <li>• Evaluate and revise, as appropriate, the existing accommodations for the SOL assessment that do not change the nature of the test.</li> <li>• Investigate and develop computer-assisted versions of the SOL assessments.</li> <li>• Develop an alternate version of the current SOL assessment that is SOL-based, but would assess student performance by some means other than a paper and pencil test.</li> <li>• Allow out-of-grade-level SOL assessment based upon the recommendation of the IEP committee.</li> <li>• Break both grade-level assessments and end-of-course tests into smaller “chunks” so that students could be assessed as they master the subject matter.</li> <li>• Administer SOL tests given at grade 3, 5, and 8 on a more frequent basis. (21)</li> </ul>
	I am the parent of an LD student who will have great difficulty passing the SOL as they are currently regulated. (28)	
	School has become torture, especially for my son who has learning disabilities. (29)	
	I’m told in our school district that there has not been any student with an IEP that has	

	passed these tests....I agree that the SOL are going to give accountability back to the schools/teachers where they need to be, but I am not sure with students like ___ that this will be a good measurement. (30)	
	I have Attention Deficit Disorder.... Because of this, I have to be taught differently than others.... But because of the SOL, we have to rush through things in order to get all of the information that you say we need to have by April. (33)	

Regulation Section:  
 8 VAC 20-131-50 Requirements for Graduation  
 Subpart A High School Diploma

Support for section	Criticism of section	Suggestions for section
	We support multiple criteria for school accreditation and student accountability. (14)	Implement additional diploma options. (14)

Regulation Section  
 8 VAC 20-131-50 Requirements for Graduation  
 Subpart B Requirements for a Standard Diploma

Support for section	Criticism of section	Suggestions for section
	All rests on this one test administration. No other option. My proposal grants some flexibility and accountability through an alternative test option and day/time that the student may choose. (22)	Vocational/technology students to achieve the diploma would be required to (1) achieve a 2.0 cumulative G.P.A. during their high school years (grades 9-12) and (2) pass the SOL tests in their junior year with a final attempt in their senior year or pass the SAT tests with a combined score of 900 or higher in their

		junior or senior year. (22)
	I see that certain Algebra/Geometry courses are required to graduate. What about the children that are having trouble with basic math? (25)	Get back to the basics. (25)
		Should the Board consider an alternative to the algebra/geometry requirement, we suggest a program similar to the CORD Applied Mathematics. (32)

Regulation Section:  
 8 VAC 20-131-50 Requirements for Graduation  
 Subpart C Requirements for An Advanced Studies Diploma

Support for section	Criticism of section	Suggestions for section
	All rests on this one test administration. No other option. My proposal grants some flexibility and accountability through an alternative test option and day/time that the student may choose. (22)	College bound students to achieve an advanced diploma would be required to (1) achieve a 3.0 (B) cumulative G.P.A. during their high school years (grades 9-12) and (2) either pass the SOL tests in their junior year or pass the SAT tests with a combined score of 1000 or higher in their junior or senior year. (22)

Regulation Section:  
 8 VAC 20-131-80 Instructional Programs in Elementary Schools  
 Subpart A Standards of Learning

Support for section	Criticism of section	Suggestions for section
	It is not a good thing to have the curriculum be dictated by the SOLs. (1)	
The Board of Education has made great strides with the Standards of Learning. (8)	So much emphasis on Social Sciences at such a young age robs them of the chance to adequately develop the reading and mathematics skills needed for success in later grades. (8)	Social Science testing should be either discontinued for Grade 3 or have no impact on school accreditation. (8)

	[With reference to social studies] there is so much information expected to be mastered and not enough time in class to master it. (9)	
	Teachers are not able to be as creative within their own classrooms as they must follow SOL curriculum which greatly limits their instruction time. Advanced students and learning disabled students are at a disadvantage with the instruction time being tailored to SOL. (23)	
	It is my opinion that the State Board of Education’s ideas are on the right track, but they have gone way overboard when it comes to the contents of the SOL tests that are being given to our children. Let’s get back to the basics of writing, reading, and arithmetic.... (24)	
	Rethink the Social Studies curriculum, particularly on the secondary level. (31)	

Regulation Section:  
 8 VAC 20-13-90      Instructional Programs in Middle Schools  
 Subpart A              Standards of Learning

Support for section	Criticism of section	Suggestions for section
	It is not a good thing to have the curriculum be dictated by the SOLs. (1)	
	Rethink the Social Studies curriculum, particularly on the secondary level. (31)	

Regulation Section:  
 8 VAC 20-131-110      Standard and Verified Units of Credit  
 Subpart B                Graduation Requirements

Support for section	Criticism of section	Suggestions for section
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	It is not a good thing to have the curriculum be dictated by the SOL. (1)	
	If the purpose is to get schools in line, that's good, but to punish students by withholding diplomas until they pass the SOL tests is very detrimental to the process....The theory that students can retake the test until they pass them is ridiculous. (2)	
	Denial of high school diploma – Research has revealed that holding all students to the same standards results in unacceptably high retention and failure rates. Legal challenges...will follow the denial of high school diplomas to substantial numbers of children. (6)	We ask that the State Board of Education immediately reconsider the following policies:... (2) denial of a high school diploma on the basis of a single measure.... (6)
I am not against setting standards to strive for in our educational system. We need to constantly try to improve our system and find new ways to motivate our students. (7)	...I hear the Virginia Department of Education is planning on implementing a system where a student who does not pass a SOL test in high school will not receive a diploma. This scares me to death. (7)	This is truly unfair to a student, to look at only one aspect of his abilities or talents. (7)
The Board of Education has made great strides with the Standards of Learning. (8)	If the Board proposes to prevent a student from graduating because he/she cannot pass a test, then it is, in effect, allowing graduation to be based solely on one test. (8)	The standard for graduation should be based on multiple criteria as many have suggested. (8)
	...appalled at the thought of denying a good student graduation based on a single test!!! (9)	
The SOL tests are a good way to monitor students' acquisition and comprehension and retention of what they have been taught. (12)	...there are many students who have desire to learn, but they are held back because the level of teaching they are receiving is not what it should be. (12)	It is for this reason the evaluation of students for the purpose of promotion, retention, and graduation should be based on multiple criteria, including, but not limited to classroom performance, teacher-

		developed assessment and assessment of the Standards of Learning. (12)
	What does the state of Virginia propose to do with all of these young people who will not have a high school diploma? (15)	Please consider the requirements of passing these tests. (15)
	If we use scores like AP and Dual Enrollment, these students might be excused from the SOL tests which will lower a school’s overall score. A blend of the SOL score with other data from the classroom (earned course grade, portfolios, etc.) used to grant a verified credit is a good idea. (31)	

Regulation Section:

8 VAC 20-131-240 Administrative and Support Staff; Staffing Requirements  
 Subpart E Planning Time

Support for section	Criticism of section	Suggestions for section
	In proposing to give teachers only 12% of their instructional time at the high school level for planning, you are in most cases reducing the time teachers have for doing the necessary planning...that increases student performance. ...If these recommendations remain intact, the teacher shortage will increase, and the student performance will decrease. (5)	

Regulation section:

8 VAC 20-131-240 Administrative and support staff, staffing requirements  
 Subpart F Secondary Classroom Teacher’s Standard Load

Support for section	Criticism of section	Suggestions for section
	I...understand class size requirements have been	

	removed, another element that research has shown decreases student performance....If these recommendations remain intact, the teacher shortage will increase, and the student performance will decrease. (5)	
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Regulation Section:

8 VAC 20-131-280 Expectations for School Accountability

Subpart C2 Performance of Schools and the Percentage of Students Achieving a Passing Score on SOL Tests

Support for section	Criticism of section	Suggestions for section
	By setting the passing scores at the high end of the range, the Board of Education has ensured substantial numbers of students and schools will never meet the standards. (6)	The state needs to allocate adequate financial resources so that each school can provide the programs needed to promote student learning. (6)
The Board of Education has made great strides with the Standards of Learning. (8)	The effect of denying accreditation based on a set of pass rates does establish school accreditation based solely on one test. (8)	I sincerely hope that the Board and the organizations on your list can find an acceptable alternative or combination of criteria. (8)
	From what I have heard of the SOL examinations, they are a highly flawed means of testing student achievement. Therefore, they should certainly not serve as the primary indicator of student or school performance. (10)	
	We support multiple criteria for school accreditation and student accountability. (14)	Broaden school accountability standards to recognize other standardized student achievement measures. (14)

Regulation Section:

8 VAC 20-131-280 Expectations for School Accountability

Subpart E Calculating the SOL Pass Rates for Limited English Proficient (LEP) Students

Support for section	Criticism of section	Suggestions for section
We were heartened by the		We ask the State Board of

<p>actions of the State Board of Education when it allowed over five years of schooling before the test scores of ESL students would be counted into the school’s report card. (6)</p>		<p>Education to empanel a “citizen’s watch-group” to monitor the performance of ESL students and students with exceptional needs on the SOL exams. This group will make recommendations for adjustments about how these populations are being prepared to reach the standards. (6)</p>
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Regulation Section:  
 8 VAC 20-131-300      Application of the Standards  
 Subpart C 9              Reconstituted Status

Support for section	Criticism of section	Suggestions for section
	<p>Experience across the country has provided no compelling evidence to support the benefits of state takeovers of schools and districts based on low test scores. (6)</p>	<p>Instead, the state needs to allocate adequate financial resources so that each school can provide the programs needed to promote student learning. (6)</p>

Other Comments:  
 Basic Diploma for Students with Disabilities

Support for section	Criticism of section	Suggestions for section
<p>I have reviewed your plan for the Basic Diploma for Students with Disabilities. Generally, I think it is a good idea. (17)</p>		<p>I believe the Basic Diploma should be an option for any high school student – not just students with disabilities. (17)</p>
<p>My husband and I want to extend our support to you for this new program [the Basic Diploma for Special Education Students]. (18)</p>		
<p>...express my support for the Basic Diploma program...This option will ensure a standard for students with disabilities who are not participating in the Virginia Standards of Learning. (19)</p>		<p>This diploma option should not be limited to students with disabilities. (19)</p>
		<p>Make sure that the Basic</p>

	Diploma is a not a “second class” diploma. (31)
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Other Comments:  
Testing Schedule and Scoring

Support for section	Criticism of section	Suggestions for section
		...would prefer not to move the testing dates later into May because we use success on the SOL tests as a criterion for exam exemptions. (20)
		Here is issue to be addressed: true end of course testing (the very last day of school). (31)
...we do want you to know that we are committed to better standards for our students and are interested in anything we can do to help make the Virginia Standards of Learning a useful tool for our students, their parents, our school, and our division...We applaud your decision to recommend that SOL testing be done during the last two weeks of school and appreciate your willingness to recommend that there be a local scoring option for immediate feedback for students, parents, and schools. (32)		

Other Comments:  
Assessments

Support for section	Criticism of section	Suggestions for section
		Design assessment measures for additional high school courses (e.g. vocational education, fine/practical arts, general math, and other general level courses. (21)
		Investigate the impact that these assessments have on the referral rate for special education and the rate of drop-

		outs due to failure on the assessments as they are now constructed. (21)
		Develop and provide on a comprehensive basis supplementary resources to support the preparation of students with disabilities in the SOL assessment process. (21)
		There is a Web site ( <a href="http://www.edutest.com">www.edutest.com</a> ) that charges parents and schools for practice SOL tests. Why would the state not provide such a service at no charge? How does such a firm gain access to such information, and yet parents or schools cannot have privy to this information? (23)
	Analogy given – Grading schools and teachers on an average score on a test of a child’s progress without regard to influences outside the school, the home, the community served, and the like is similar to evaluating a dentist based on the number of cavities each patient has at age 10, 14, and 18 with no consideration for mitigating circumstances. (26)	
		Base item analysis on the SOL. Not only does that give the teacher and the school data for improvement, it also gives the receiving teacher an academic picture of the individual student which will enable the teacher to develop a plan for the student based on demonstrated strengths and weaknesses. (31)
	We are making a mistake allowing our children to be judged with the SOL. (34)	

**Summary of the Comments to the Proposed Revisions  
June 5, 2000 to July 5, 2000**

On October 3, 1999, the Board of Education approved the release of the proposed revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) for public comment. The proposed regulations were published in the Virginia Register on November 22, 1999. On November 30, 1999, the Board held five public hearings to receive public comment concerning the proposed revisions. The proposed SOA affirmed the Board's commitment to high academic standards; established new accreditation ratings; established rewards and incentives for students, teachers, principals, schools, and school divisions; established consequences for low-performing schools; and clarified existing provisions. Of the nearly 700 citizens that attended the hearings, 206 individuals spoke before the Board. Participants stated their support of high standards and addressed positive attributes of the SOA, in addition to voicing their concerns. The Board continued to receive public comment through April 2000.

In April 2000, the Board of Education approved the release of a second draft of proposed revisions to the SOA. Along with the release of the second draft, the Board provided a period for which the public would be able to submit written comments based on the changes made in response to the November public hearings and written comments received. During this period, the Board of Education received 114 letters, e-mails, and facsimiles from the groups represented in the table below.

Respondents	Total Number of Comments
Parents	26
Educators	33
School boards	10
School superintendents	8
School financial officers	2
Organizational groups	13
Citizens (others)	22
<b>Total comments submitted</b>	<b>114</b>

**Summary of Comments Provided:**

The compilation of data from all 114 letters submitted regarding the June 5, 2000 draft of the SOA identifies six areas of the SOA that received a significant amount of remarks.

*Topic:* The Use of Multiple Criteria in Determining Student Achievement

*Related Code Section:* 8VAC 20-131-30(C)

*SOA Language:* The Board may approve other measures or means of assessment to verify student achievement in accordance with guidelines adopted for verified units of credit described in 8 VAC 20-131-110.B. of these regulations.

*Summary of Comments:* The majority of comments focused their attention on the fact that graduation and accreditation are still dependent on some type of standardized test. Of the 23 respondents addressing this issue, 13 respondents commented that the SOA places too much weight on standardized test scores (whether SOL, IB, AP, etc) as the way to evaluate students and schools. Three respondents felt that allowing other measures or means of assessment to be used for earning verified units of credit takes the pressure off schools to make sure the students know the SOL content, and weakens the accountability system. Two respondents supported the SOA language assuming that the SOA language stated above might allow for the demonstration of competency in a structured manner that would not be restricted to pencil and paper.

*Topic:* The Basic Diploma (New to the June 5, 2000 proposed SOA)

*Related Code Section:* 8VAC 20-131-50(D)

*SOA Language:* The Basic Diploma program is intended for certain students at the secondary level who are unlikely to meet the requirements for a Standard Diploma.

*Summary of Comments:* The majority of comments focus their attention on the fact that the diploma represents a significant retreat from the requirements of the standard diploma and is a step to downgrade the standards. Respondents felt it would be a return to the general track curriculum and would establish a dual system. Of the 22 respondents addressing this issue, 14 respondents provided criticism and eight respondents were supportive of the idea. Ten respondents offered suggestions to enhance this section (i.e. limiting the diploma to special education students only).

*Topic:* Mandated Recess

*Related Code Section:* 8VAC 20-131-80(A)

*SOA Language:* In addition, each school shall provide instruction in art, music, and physical education and health and shall provide students with a daily recess during the regular school year as determined appropriate by the school.

*Summary of Comments:* Ten respondents provided their input concerning the decision to add this requirement to the second revision of the SOA. Of the 10 respondents, five criticized the regulation, while two provided their support. The focus of the criticism was that the requirement of recess will have consequences, such as an extended school day, inconsistent interpretations, and an effect on other mandated requirements. The suggestions provided endorsement of a more specific definition of recess.

*Topic:* Verified Units of Credit

*Related Code Section:* 8VAC 20-131-110(B)

*SOA Language:* The board may approve multiple criteria including other assessments or measures for the purpose of awarding verified credit. Such criteria may include substitute tests for which the student may earn a verified unit of credit.

*SOA Language:* A local school board is authorized to award to a student a verified unit of credit in a course where such student's performance on a SOL test is inconsistent with other recognized indicators of academic achievement.

*Summary of Comments:* The respondents addressing the topic of verified units of credit were evenly divided when it came to the idea of allowing alternative methods for obtaining the credit. Some felt that the Board should be commended while others felt that graduating students who do not take the SOL tests will take needed pressure off schools and send a message that the SOL tests do not matter. Two respondents were pleased to see the addition of the language allowing the local school to award to a student verified credit when a student's performance on a SOL test is inconsistent with other indicators. One respondent made the comment that the SOA language referring to alternative measures only refers to the utilization of other standardized test.

*Topic:* School Accountability

*Related Code Section:* 8VAC 20-131-280(C)

*SOA Language:* The awarding of an accreditation rating shall be based on the percentage of students passing SOL tests or approved alternative measures on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or the most current year's scores, whichever is higher.

*Summary of Comments:* Seven respondents address this topic of the SOA, and three of the respondents supported the idea of basing accreditation of a trailing three-year average. One local school board made the suggestion that the Board might consider basing accreditation of elementary schools on student academic growth in the basic tools of learning. Another respondent provided a suggestion that an equivalent, but separate manner to aggregate the SOL, basic diploma tests, and the alternate assessment should be employed as this would add to the criteria for school accreditation and avoid compromising the integrity of the SOL testing program.

*Topic:* Application of the Standards

*Related Code Section:* 8VAC 20-131-300(C)

*SOA Language:* A school will be fully accredited when its eligible students meet the pass rate of 70% in each of the four core academic areas except in the third and fifth grades where effective with academic year 2003-2004 and beyond, the pass rates shall be 75% in English. In addition, the scores of the third grade science and history/social science SOL tests shall not be used in the

calculation of a school’s accreditation rating. In schools housing both third and fifth grades, the pass rate in English and mathematics at the third and fifth grades shall be combined.

*Summary of Comments:* Fifteen respondents address this topic. However, only two provided their support. Nine respondents felt that by not counting science and/or history scores in the accreditation of a school (elementary level), a message that these subjects are not important in the primary grades is conveyed. In addition, some respondents felt that a potential de-emphasis on K-3 science instruction will have a negative effect on science SOL scores in later grades. Three respondents commented that combining the test results at grades three and five hides poor performance and does not show true progress being made.

**Written Comments:**

The following sections of the SOA document were addressed by written comment. As many respondents provided comments on more than one section of the SOA, the numbers in parenthesis in the tables below correspond to the actual document submitted during the written comment period.

*Regulation Section:*

8 VAC 20-131-30 Student Achievement Expectations  
Subpart A (part)

Support for section	Criticism of section	Suggestions for section
	The requirement that a division superintendent shall certify to DOE that the division’s promotion/retention policy does not exclude students will not always be adhered to. Example: I know of two instances in my district where students performing poorly in math were ask by their teachers to drop those classes to protect SOL scores. What action will DOE take if it learns that a superintendent’s certification is false? (66)	

*Regulation Section:*

8 VAC 20-131-30 Student Achievement Expectations  
Subpart B (part)

Support for section	Criticism of section	Suggestions for section
	We are moving in the wrong direction when we place less of an emphasis on science. (51)	
	Science deserves to be regarded as important as English and math.	

	We are moving in the wrong direction. (52)	
	The SOL tests are used as the sole determiners of whether students are scholastically successful and schools are state accredited. I believe this unyielding reliance on a single item for determining high stakes outcomes will become the program’s fatal flaw when graduation and accreditation are denied. (67)	
	Not counting the science scores sends the message that science is not important in the primary grades. The potential de-emphasis on K-3 science instruction will have a severe negative effect on Science SOL scores in the fifth grade. (69)	
	It takes more than a test score to determine whether the high standards you have set are being met. Such tests should not be used as barriers to graduation or used as the sole criteria for any important educational decision. The current SOA and first draft revision don't require re-taking any K-8 tests in the first place, so this adds a re-take requirement that didn’t exist before. The language in this section is conflicting when it discusses required remediation. (73)	

*Regulation Section:*

8 VAC 20-131-30 Student Achievement Expectations  
Subpart C

<b>Support for section</b>	<b>Criticism of section</b>	<b>Suggestions for section</b>
The opportunity for the verified credits to be awarded in an alternate method allows for the demonstration of competency in a structured manner that need not be restricted to pencil and paper. (90)	Graduating students without taking the SOL test and permitting alternative measures of assessment takes the pressure off schools to make sure the students know the SOL content. (1)	The Board should consider eliminating the testing requirement for high school students who have met the criteria for a particular subject area. For example, if a student enrolled in chemistry has already passed the Biology and Earth Science tests, that student should not be required to sit for the

		chemistry test. (11)
The opportunity for verified credits to be awarded in an alternate method such as in computer science, technology, and other areas is a positive revision. (98)	Permitting students to graduate without passing the SOL tests and allowing the use of alternative measures of assessment would negate student accountability and weaken the whole process. (45)	The Board should include nationally validated vocational licensure for one of the math or science credits. (98)
Although expanded record keeping will occur to permit students who choose to substitute approved alternative means of earning verified units of credit in lieu of using SOL tests, this concept has great merit. (102)	Permitting students to graduate without passing the SOL tests takes the pressure off schools to make sure the students know the SOL content and weakens the whole process. (46)	As alternatives to passing scores on end-of-course tests, include Advanced Placement and International Baccalaureate examinations. (114)
	The state takes a position that does not permit school districts to substitute end-of-course SOL tests for final exams. I do not think that an SOL test should contribute more than 50% to a student's final exam. (66)	
<b>Support for section</b>	<b>Criticism of section</b>	<b>Suggestions for section</b>
	The SOL tests are used as the sole determiners of whether students are scholastically successful and schools are state accredited. I believe this unyielding reliance on a single item for determining high stakes outcomes will become the program's fatal flaw when graduation and accreditation are denied. (67)	
	Our accountability system is relying too heavily on standardized test scores as the way to evaluate students and schools. (72)	
	Academic performance is too complex to be reduced solely to a number. To have real accountability, one must also consider the work students are actually doing on a day-to-day basis in school. (73)	
	Using one or even several standardized tests to account for a student or a school's achievement is not the path to go. (74)	
	We are relying too heavily on standardized test scores as the way to evaluate students and schools. (75)	
	The SOL "are placing a barrier to	

	these students graduation from college.” The SOL assume that every student will attend college. (76)	
	High-stakes use of SOL tests for advancement and graduation cannot be the overriding determinant of a child's knowledge and understanding of the subject. A handful of multiple choice questions simply cannot serve that purpose, except perhaps in math. Your proposal to allow other standardized tests to substitute for the SOL tests does not resolve the problems inherent with standardized, primarily multiple-choice tests. (78)	
<b>Support for section</b>	<b>Criticism of section</b>	<b>Suggestions for section</b>
	The proposed changes to the SOA do not fix the fundamental problem with our accountability system. The over-reliance on standardized test scores as the way to evaluate students and schools in Virginia is wrong. (79)	
	The SOA relies far too heavily on high stakes tests to determine a student’s graduation and a school’s accreditation. A one-size-fits-all testing system is inequitable. (80)	
	Graduation and accreditation are still dependent on single criteria standardized tests. Allowing substitute tests like AP and IB exams still makes diploma decisions depend on test scores, allowing those to outweigh all other factors. (81)	
	The proposed changes to the SOA do not fix the fundamental problem with our accountability system. The over-reliance on standardized test scores as the way to evaluate students and schools in Virginia is wrong. Allowing substitute tests like AP and IB exams still makes diploma decisions depend on test scores, allowing those to outweigh all other factors. (85)	
	I strongly disagree with SOL testing. I am a student who struggles. I am also stressed out	

	because my test scores determine whether or not I graduate. (88)	
	The proposed changes to the SOA do not fix the fundamental problem with our accountability system: its over-reliance on standardized test scores. (91)	
	High-stakes use of SOL tests for advancement and graduation cannot be the overriding determinant of a child's knowledge. (100)	

*Regulation Section:*  
 8 VAC 20-131-30 Student Achievement Expectations  
 Subpart D

Support for section	Criticism of section	Suggestions for section
	There are no requirements to provide testing accommodations to meet individual needs of students with disabilities. Thus many students are still likely to be denied a Standard or Advanced Studies diploma only because their disabilities make taking certain types of tests extremely difficult. (73)	

*Regulation Section:*  
 8 VAC 20-131-30 Student Achievement Expectations  
 Subpart E

Support for section	Criticism of section	Suggestions for section
	There is no exemption or language accommodation for high-school SOL tests, just a one-time exemption for K-8 tests. (73)	

*Regulation Section:*  
 8 VAC 20-131-50 Requirements for Graduation  
 Subpart A (part)

Support for section	Criticism of section	Suggestions for section
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		Consider that the timetable for holding students accountable should be amended to reflect the fact that the seniors in 2007 will be the first class with twelve years of SOL instruction. (114)
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*Regulation Section:*  
 8 VAC 20-131-50 Requirements for Graduation  
 Subpart B (Footnote) Requirements for a Standard Diploma

Support for section	Criticism of section	Suggestions for section
Allowing alternative measures for earning verified credit is a most welcome addition. Students should have their skills recognized. (42)	As a result of taking “double block” courses (for the standard diploma) in algebra or the sciences in order to pass SOL tests, students no longer have the opportunity to take elective career and technical courses. (65)	An alternate route to the standard diploma is necessary to provide both encouragement and recognition for career and technical programs. Students choosing a career would be required to obtain a professional or trade certification in lieu of verified academic credits. (65)
		We hope that the intent of this change is to permit certain technical and career education courses leading to an industry certification to satisfy the alternative measures for earning verified credit. If so, this should be clarified to school divisions. (93)
Support for section	Criticism of section	Suggestions for section
		Consider adopting diploma requirements using a model similar to New York Regents Diploma. New York offers a standard diploma based on teacher assigned grades and credits as well as the Regents Diploma, for which end-of-course tests are required. (114)
		The Virginia Board of Education should allow school boards to define significant other academic data as determiners of achievement in granting diplomas (108)

*Regulation Section:*  
 8 VAC 20-131-50 Requirements for Graduation

Subpart C (Footnote) Requirements for the Advanced Diploma

Support for section	Criticism of section	Suggestions for section
The Advanced Diploma 4-credit science requirement can now be met by the IB program’s science sequence. (73)		

*Regulation Section:*

8 VAC 20-131-50 Requirements for Graduation  
 Subpart D (part) Requirements for the Basic Diploma

Support for section	Criticism of section	Suggestions for section
The basic diploma should go a long way toward reducing high school dropouts. This diploma tract will allow the schools to help these students. (42)	<b>By offering a basic diploma you are allowing schools to maintain the status quo by not improving their curriculum, not hiring qualified teachers, and not demanding each student to be competent in reading, writing, and mathematics. (1)</b>	Should only be used for special education students. (1)
Overall, we support the basic diploma idea. However, This diploma should not become accessible to students for whom it is not intended. The basic diploma program should not dilute math expectations. (63)	This option should not be provided to students with no proven disability. It would prevent them from attaining the minimum SOL standard. (45)	Should only be used for special education students. (45)
We support the Basic Diploma <u>only if</u> the Board limits the diploma option to a <u>targeted</u> population and provides an alternate route for the standard diploma that allows students to receive verified credits for passing an industry, professional, or trade certification exam. (82)	This diploma takes away the incentive for schools to improve the curriculum in alternative programs and hire qualified teachers. It also reduces the requirement for four years of English to three. (46)	Should only be used for special education students. (46)
I am glad to see that the Board has adopted this suggestion, at least for special education students. However I am concerned about the way in which this diploma will be implemented. Special education students must not be "tracked" at an early age. To comply with IDEA, Virginia must continue to allow the IEP team to make decisions regarding students' progress through the school. (87)	I am concerned that all students are not expected to achieve the higher standards and are provided an option for a basic diploma. I am concerned that these students who fail the SOL test in their freshman year will count in our success/failure rate. What is the incentive to do well if they know they have another option? (50)	The determination to identify students should be made earlier than ninth grade. (50)

<p>We appreciate the initiation of the Basic Diploma. (109)</p>	<p>The Basic Diploma may deny opportunities for students who are unable to pass the SOL tests in all subjects. (81)</p>	<p>A more appropriate modification to the SOA would be to have an alternative route to a standard diploma. (83)</p>
<p><b>Support for section</b></p>	<p><b>Criticism of section</b></p>	<p><b>Suggestions for section</b></p>
<p>The introduction of the Basic Diploma is a welcomed addition. (90)</p>	<p>The creation of this option will result in the lowering of expectation for far too many students. The potential is that this diploma will be a return to the general track curriculum which is a pathway to low skill and low paid jobs in a high performance workplace. (83)</p>	<p>Restrict entrance to the basic diploma by limiting the type of assessment measures used. Establish an acceptable level of performance. All ninth grade students should be enrolled in a course at or above the level of algebra. Ensure that the basic diploma includes applications of algebra, geometry, personal finances and statistics. The numeracy test must include the use of modern technology. (63)</p>
<p>We support this part of the SOA document. (101)</p>	<p>The creation of this option will result in the “lowering of expectation for far too many students.” This diploma is a return to the general track curriculum. This will reinforce a dual track system. (65)</p>	<p>Three units of math beyond general math, with at least one unit to be earned at the level of Algebra I should be required. (98)</p>
	<p>The requirements for the basic diploma represent a significant retreat from the requirements of the current standard diploma. Graduation standards for this group should not be lowered. Issuing a basic diploma to regular students is a step to downgrade the standards. There are too many unanswered questions (many questions are addressed in this written comment document). (68)</p>	<p>The process of learning should be promoted instead of obtaining a meaningless product. The following is proposed:</p> <ol style="list-style-type: none"> <li>1. The basic diploma should be for special education students only.</li> <li>2. The basic diploma should be studied to determine the true impact prior to implementing.</li> <li>3. Maintain the standard diploma and offer vocational/technical options. (68)</li> </ol>
	<p>This is one more way to judge students and determine their paths (i.e. occupational programs). (91)</p>	<p>Although we support the basic diploma, we hope that this is not the “tracking and dumbing down of the curriculum that occurred in the seventies.” Students should still be required to meet the curriculum objectives set forth by the local school divisions. (93)</p>
<p><b>Support for section</b></p>	<p><b>Criticism of section</b></p>	<p><b>Suggestions for section</b></p>
	<p>Many students who fail even one required high school SOL test (e.g. algebra) will be inappropriately tracked into this occupational program. (85)</p>	<p>An Alternative Standard diploma might be a better way to go (example provided). (110)</p>
	<p>The basic diploma will require</p>	

	<p>local divisions to restore different math sequences that were eliminated when "algebra for all was mandated." The rush to put things into place is creating a hardship for children and families.</p> <p>In addition, the basic diploma is not a reasonable alternative for those students who could and should be encouraged to aspire to more, if not for the tests. Why are there no special seals for basic diploma students? Are these students unworthy of any recognition, no matter how hard they work? (73)</p>	
	<p>The proposal to create a less demanding "Basic Diploma" appears to treat the issue of standards negatively. This option should be removed. (105)</p>	
	<p>The proposed Basic Diploma offers so little academic preparation that it will fall far short in meeting the expectations of business and industry leaders for better academically prepared workers. This will also serve to track students. (110)</p>	
	<p>This option will result in the lowering of expectation for far too many students. We cannot and should not let a reduced value Basic Diploma become a choice in Virginia. The basic diploma is not appropriate. (111)</p>	

*Regulation Section:*

8 VAC 20-131-60      Transfer of Credits

Part A

<b>Support for section</b>	<b>Criticism of section</b>	<b>Suggestions for section</b>
	<p>Some transfer students will take fewer tests than under the current SOA, but some will have to take more (Advanced Studies Diploma students who enroll at 9th or beginning of 10th). Certain tests would be specified; thus, transfers may have to take SOL</p>	

	<p>tests for courses taken elsewhere and either repeat the courses or take a chance on taking tests without repeating the courses (if schools allow this). Many will lose electives. (73)</p>	
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*Regulation Section:*

8 VAC 20-131-80 Instructional Program in Elementary Schools  
Subpart A

<b>Support for section</b>	<b>Criticism of section</b>	<b>Suggestions for section</b>
<p>We are in favor of having a mandatory recess for elementary school children. However, the wording for recess should specify that the time allotted is for unstructured playtime. (4)</p>	<p>Recess should not be mandatory. If this remains the day will increase or something else will have to go; music or art perhaps. (39)</p>	<p>Add the wording "unstructured playtime" to the SOA. (4)</p>
<p>I am very pleased that the board added this to the SOA. (8)</p>	<p>This section should be deleted. Regulations should not be developed as an emotional response to a recurring issue. (42)</p>	<p>A full-fledged recess should be required, not just "letting kids stand behind their desks for three minutes." (73)</p>
<b>Support for section</b>	<b>Criticism of section</b>	<b>Suggestions for section</b>
	<p>This decision will have consequences. This clearly reflects the parents whose own time to provide playtime for their children is difficult to provide. Taxpayers must be aware that this will come at a price. Lengthening the day may result in higher pay for teachers. (40)</p>	<p>Structured recess should be required. (98)</p>
	<p>If the board believes that schools have a responsibility for helping develop the bodies of children in addition to minds, mandated physical education and fitness should be included in the SOA, not daily recess (81).</p>	<p>If the inclusion of a mandatory recess can be implemented within the current day, there would be no additional cost. However, if the day will need to be extended this would have a great fiscal impact on divisions. (102)</p>
	<p>The provision of a separate recess time must be evaluated in light of other state mandated instructional requirements. In addition, the term may be identified differently throughout the state. (113)</p>	

*Regulation Section:*

8 VAC 20-131-80 Instructional Program in Elementary Schools  
Subpart C Instructional Time

Support for section	Criticism of section	Suggestions for section
		Specify the amount of time to spend on each subject area (i.e. 90min. reading). (42)

*Regulation Section:*  
 8 VAC 20-131-90 Instructional Program in Middle Schools  
 Subpart C

Support for section	Criticism of section	Suggestions for section
The current SOA provision, stricken from the first draft, allowing parents to request that grades for high school courses taken in middle school be purged was a welcomed addition. (73)		
Allowing parents to request that grades for high school courses taken in middle school be purged was a welcomed addition to the revision (85).		

*Regulation Section:*  
 8 VAC 20-131-90 Instructional Program in Middle Schools  
 Subpart D

Support for section	Criticism of section	Suggestions for section
	It appears that there will be no more summer school for high school credit courses, except repeats, because of the 140 clock-hour requirement. Thus, students will no longer be able to use summer school to make room for additional courses. (81)	Should there be a statement in regards to the minimum amount of instructional time to be spent on the core subjects at the sixth grade level? (42)
	The 140 clock-hour requirement will place a heavy burden on our schools. Our expenditures will significantly increase and we would be forced to modify school schedules. In addition, busing would be a concern. (113)	
Support for section	Criticism of section	Suggestions for section
	It appears that there will be no More summer school for high School credit courses, except Repeats, because of the 140	

	clock-hour requirement. Thus, students will no longer be able to use summer school to make room for additional courses. (85)	
	It appears that there will be no More summer school for high school credit courses, except repeats, because of the 140 clock-hour requirement. Thus, students will no longer be able to use summer school to make room for additional courses. (91)	

*Regulation Section:*

8 VAC 20-131-110 Standard and Verified Units of Credit (part)

<b>Support for section</b>	<b>Criticism of section</b>	<b>Suggestions for section</b>
It is a commendable idea to use alternate means for verified units of credit, such as AP and dual enrollment. (42)	Graduating students without taking the SOL test takes needed pressure off schools. (1)	Do not to reduce the required minimum hours of instruction. (66)
We support this part of the SOA document. (101)	The new language has eliminated the possibility to use dual enrollment courses for verified credit. (42)	No single source of information should stand alone when making promotion decisions. (105)
Although expanded record keeping will occur to permit students who choose to substitute approved alternative means of earning verified units of credit in lieu of using SOL tests, this concept has great merit. (102)	Graduating students without taking the SOL test takes needed pressure off schools. Graduating students who do not take the SOL tests sends a message that the SOL tests do not matter. (46)	
This local board appreciates the autonomy afforded them to award verified credit under certain circumstances. (113)	Over 70% of Virginia’s high schools use block scheduling. Under these circumstances, a large majority of Virginia’s secondary schools will not meet accreditation requirements. I find the vagueness of this section to be inconsistent with the rigorosity of section 20-131-325 C. (66)	
We endorsed the proposal to grant local school boards the authority to award verified credit in a course where such student’s performance on an SOL test is inconsistent with other recognized indicators of	SOA language suggests that factors other than test scores, (i.e. multiple criteria) may be considered in making diploma decisions, but recent explanations have made clear that the only other criteria to be approved will	

<p>academic achievement. (105)</p>	<p>be other standardized test scores. The procedures being used to determine acceptable substitute tests and score do not follow the advice given by members of the SOL Test Technical Advisory Committee during their meeting with Department officials on January 4, 2000. (73)</p>	
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*Regulation Section:*

8 VAC 20-131-190  
Subpart B (existing)

Library Media, Materials, and Equipment  
Materials and Equipment

Support for section	Criticism of section	Suggestions for section
		<p>The availability of high speed internet access should be a requirement for each library media center and each instructional classroom. (42)</p>

*Regulation Section:*

8 VAC 20-131-210 Role of the Principal  
Subpart A

Support for section	Criticism of section	Suggestions for section
		<p>Relocate the phrase "safe and secure environment in which to learn" so it is listed as the first result of effective school management, coming before student achievement and effective use of resources. (42)</p>

*Regulation Section:*

8 VAC 20-131-230 (existing) Role of Support Staff

Support for section	Criticism of section	Suggestions for section
		<p>Change this section so that it refers back to the previous description of the principal's role. An additional school-level support person needs to be strongly considered. (42)</p>

*Regulation Section:*

8 VAC 20-131-240 Administrative and Support Staff Required  
Subpart A (part)

Support for section	Criticism of section	Suggestions for section
		The elementary school level should delineate case loads, class size, and unencumbered planning time. In section C, the word student should be changed to “each student”. (42)

*Regulation Section:*

8 VAC 20-131-270 School and Community Communications  
Subpart A and B (part)

Support for section	Criticism of section	Suggestions for section
Information from the most recent three-year period allows one to make a comparison of the data and change in trends. (42)	Why shouldn't other state standardized test data be used? (42)	Utilize technology to disseminate school information to the community. Report Card - The accreditation rating awarded to the school should be placed at the beginning or end of the report card to enable parents to evaluate all data leading to the rating. The average daily attendance and average daily membership should also be included. Reference number of teachers and assignment for personnel locally endorsed (42)

*Regulation Section:*

8 VAC 20-131-280 Expectations for School Accountability  
Subpart C (part)

Support for section	Criticism of section	Suggestions for section
Basing accreditation on a three-year average of pass rates or the current year's pass rate, whichever is higher is a positive change. (85)	504 plans are not governed under IDEA and should be included when discussing participation in an alternate assessment. (42)	An equivalent, but separate manner to aggregate the SOL, basic diploma tests, and the alternate assessment should be employed. This would add to the criteria for school accreditation and avoid compromising the

Support for section	Criticism of section	Suggestions for section
Basing accreditation on a three-year average pass rate is a positive change. (98)	I am opposed to the regulation that does not allow the exclusion of "0" scores for purposes of calculating school accreditation ratings. (94)	integrity of the SOL testing program. (42) Consider basing accreditation of elementary schools on student academic growth in the basic tools of learning. (114)
The three-year average allows adequate time for individual schools to assess curriculum areas needing improvement and to initiate corrective measures. (113)	The new categories of test scores to be taken into account in evaluating school performance may raise schools' total pass rates, depending on what "manner" is chosen, but accreditation will still depend almost solely on test scores. In addition, the language in the SOA doesn't explain how the number who fail and later pass will count towards accreditation; the SOA will still say accreditation is based on the percentage of test takers who pass, which combines those who pass on the second try with all other passers. If, as has been said, the re-takers will count as test passers (i.e. the numerator), but not as test takers (i.e. the denominator), this will help schools by falsely inflating pass rates. (73)	
We support this part of the SOA document (pass rates). (101)		

*Regulation Section:*  
 8 VAC 20-131-280 Expectations for School Accountability  
 Subpart E (part)

Support for section	Criticism of section	Suggestions for section
	Transfer issue must be evaluated for special circumstances. (60)	It should be a local decision as to count or not to count a transfer student's scores. (42)
		Consider a proposal that would require a student to be enrolled a certain number of days prior to the testing window, especially for a student who has been enrolled in a school in another state. (60)

*Regulation Section:*

8 VAC 20-131-290 Procedures for Certifying Accreditation Eligibility

Subpart B (part)

Support for section	Criticism of section	Suggestions for section
		What happens if a parent can prove that the SOL were not covered? How will this affect certifications, students, and/or assessment results? (42)

*Regulation Section:*

8 VAC 20-131-300 Application of the Standards

Subpart A (part)

Support for section	Criticism of section	Suggestions for section
The changes positively reflect the desire to provide appropriate ratings that reflect the school’s status. By removing “High Honors” the system is one of expectation and not competition. (42)		

*Regulation Section:*

8 VAC 20-131-300 Application of the Standards

Subpart C (part) Accreditation Ratings Defined

Support for section	Criticism of section	Suggestions for section
We support this part of the SOA document (definitions). (101)	By combining the test results at grades three and five hides poor performance and does not show the true picture of progress being made. (1)	After the phase in period there should be only four labels utilized, accredited school, conditionally accredited school, non-accredited school, and provisionally accredited school (for a new or newly organized school). (42)
Support for section	Criticism of section	Suggestions for section
The merging of the third and fifth grade scores is a positive change. (98)	We are moving in the wrong direction when we place less of an emphasis on science. (51)	The 75 percent score for English should be reconsidered. (99)
	Science deserves to be regarded as important as English and math. We are moving in the wrong direction. (52)	The statement, “To retain this rating, a school must continue to show annual improvement in each academic area in which the pass rate is below 70%” should be placed at the beginning and end of section C. Additionally,

		allowing the total score to be accumulated over the course of seven years allows for flexibility in the progress rate...(61)
	By combining the test results at grades three and five hides poor performance and does not show the true picture of progress being made. (45)	
	By combining the test results at grades three and five hides poor performance and does not show the true picture of progress being made. Additionally, dropping the pass rate for science and history permits schools to ignore the two subject areas in the primary grades. (46)	
	By not counting the science scores you are sending the message that science is not important in the primary grades. In addition, the potential de-emphasis on K-3 science instruction will have a severe negative effect on science SOL scores in the fifth grade. (64)	
	Our accountability system is relying too heavily on standardized test scores as the way to evaluate students and schools. (72)	
	Not counting the science scores sends the message that science is not important in the primary grades resulting in the subject being ignored. (92)	
<b>Support for section</b>	<b>Criticism of section</b>	<b>Suggestions for section</b>
	Not counting the science scores sends the message that science is not important in the primary grades. The potential de-emphasis on K-3 science instruction will have a severe negative effect on Science SOL scores in the fifth grade. (69)	
	By not counting social studies and science scores, more focus will occur on reading and math in early grades and less on science and social sciences. (73)	
	Raising the pass rate in grades three and five for English is premature. In addition, elimination of science and social	

	studies from consideration in determining third grade pass rates is contrary to maintaining high standards and it removes accountability from kindergarten through grade three. (93)	
	Disallowing third grade science and history scores from the SOA process for the 1999-2000 school year does not make sense. Rules should not be set after the fact. (95)	
	By not counting the science scores you are sending the message that science is not important in the primary grades. (97)	

*Regulation Section:*

8 VAC 20-131-300 Application of the Standards  
 Subpart D (part) Action requirements for ratings

Support for section	Criticism of section	Suggestions for section
		What is the purpose on evaluating the superintendent if a third of his schools do not pass the SOL assessments? (42)

*Regulation Section:*

8 VAC 20-131-325 Recognitions and Rewards for School Accountability Performance  
 (part)

Support for section	Criticism of section	Suggestions for section
We support this part of the SOA document. (101)	If we really want to ensure high quality education for all and encourage all kids to reach higher, why would we free schools of requirements like offering AP or dual enrollment courses, additional fine arts courses beyond the one credit needed to graduate, summer school, or maintaining adequate libraries? (73)	
	By rewarding the schools for gains when the gains did not bring the school to full accreditation could send a inconsistent message. (42)	

	If we really want to ensure high quality education for all and encourage all kids to reach higher, why would we grant waivers to schools reaching an 80% pass rate? Requirements like offering AP or dual enrollment (college-level) courses or additional fine arts courses may be compromised. (85)	
<b>Support for section</b>	<b>Criticism of section</b>	<b>Suggestions for section</b>
	If we really want to ensure high quality education for all and encourage all kids to reach higher, why would we grant waivers to schools reaching an 80% pass rate? Requirements like offering AP or dual enrollment (college-level) courses or additional fine arts courses may be compromised. (91)	

*Regulation Section:*

8 VAC 20-131-335 Special Provisions

<b>Support for section</b>	<b>Criticism of section</b>	<b>Suggestions for section</b>
This could allow, and should be used, for delaying or imposing a moratorium on testing in a given subject pending completion of review and any revisions of the SOL for that subject. (73)		

**Detail of Changes**

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.*

See “Statement of Changes Made Since the Proposed Stage” above.

**Family Impact Statement**

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

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The primary objectives of the Board of Education in revising the standards were to reaffirm the Board's commitment to the standards adopted in 1997 and to define a system of consequences and rewards for students, professional personnel, schools, and school divisions. Student achievement on SOL tests will continue to be used as the primary basis of evaluating schools. Funding for the staffing levels is provided through state basic aid to support the requirements of the Standards of Quality. Therefore, there is no negative impact on the authority of the family or the family unit. There is positive benefit to families who send their children to public schools that have high academic standards and are accountable to the community for ensuring that the high standards are upheld and, to the greatest extent possible, attained.