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Regulatory
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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Education
Virginia Administrative Code (VAC) citation	8 VAC 20-30-10
Regulation title	Regulations Governing Adult High School Programs
Action title	Changes to incorporate recent amendments to the <i>Code of Virginia</i> ; discontinue of the Literacy Passport Tests (LPT); and modify the Standards of Accreditation pertaining to high school diplomas
Document preparation date	10/28/2003

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The *Regulations Governing Adult High School Programs* (8 VAC 20-30-10 et seq.) were last amended in 1985 and are not currently consistent with the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia*. (8 VAC 20-131-10 et seq.). The purpose of this intended regulatory action is twofold. First, adult high school programs, where adults are able to earn a standard or advanced studies diploma, will be required to maintain the same high standards as regular day school programs. Second, the change provides a high-standard alternative diploma, to be named the Adult High School Diploma, for adults who are unable to complete the current requirements for a Standard or Advanced Studies Diploma.

The goal of this regulatory action is to clarify the process by which adults can earn a high school diploma and diploma types for which they may be eligible.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General

Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The promulgating authority is the Virginia Board of Education. The legal authority to promulgate changes to 8 VAC 20-30-10 is found in the *Code of Virginia*, Sections 22.1-223 through 22.1-226. The *Code of Virginia* provides discretion to the Board of Education in promulgating “appropriate standards and guidelines for adult education programs.” Authority is mandatory.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the regulation is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

Two substantive changes are currently recommended to the existing regulations, pending the public review during the public comment periods. The first recommendation is to ensure that Standard and Advanced Studies Diplomas issued through adult high school programs are consistent with the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. Adult education students may earn a Standard or Advanced Studies Diploma if they meet the Standards of Accreditation requirements that are in place at the time they enroll in adult education. The second recommendation is intended to create a new diploma, the Adult High School Diploma, which will be available only to adult students. The Adult High School Diploma is intended to accommodate the unique circumstances that preclude many adults from earning a Standard or Advanced Studies Diploma. It will be available to students who complete the External Diploma Program (EDP). This program is currently offered in several school divisions in the commonwealth. This diploma will also be issued to students who meet the credit requirements that were in place at the time that they were enrolled in the ninth grade.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

The Board of Education, through emergency regulations (8 VAC 20-680-10 et seq.), intends to create a General Achievement Diploma (GAD). The GAD is appropriate for younger adults who have been out of school a short time. However, it is unlikely that adults who have been out of school for a long time will complete all of the requirements of the GAD. Additionally, the GAD does not solve the problem of what type of diploma to issue to adults who complete the External Diploma Program.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

The proposed *Regulations Governing Adult High School Programs* will not erode the authority and rights of parents in the education, nurturing, and supervision of their children. These regulations promote flexibility for adults seeking to earn a diploma. This flexibility is designed to accommodate adult students and their family needs. Individuals involved in adult high school programs also can benefit from curriculum designed to assist them in parenting skills. Adults earning high school diplomas will be prepared to assist in meeting their children's educational needs.

Current educational and U.S. Department of Labor research suggests that a high school diploma or other secondary credential makes individuals more marketable for employment and increases their economic earnings compared to individuals without a diploma. The new regulations will encourage economic self-sufficiency. The flexibility that these regulations provide in the methods and means for earning a diploma should make a high school diploma more attainable. Evidence suggests that individuals who earn a diploma later in life experience considerable pride and satisfaction.

These regulations will not adversely affect an individual's marital commitment.

Today there are over one million adults in Virginia over the age of eighteen years that do not have a high school credential. Many adults return to school after many years out of the classroom. They have numerous obstacles to overcome, including a high incidence of undiagnosed learning disabilities, limited English proficiency, significant gaps in previous education, high mobility rates, and economic and societal hardships due in part to the lack of a secondary credential. Adult high school programs offer quality education with measured achievement and accountability as part of the National Reporting System (NRS) of the U. S. Department of Education. Adults are offered an opportunity to earn a high school credential, increase their employability, and contribute positively to the economy, their families, and the communities of the commonwealth. Illiteracy costs Virginia taxpayers nearly \$300 million a year due to unemployment, welfare dependency, and loss of tax revenue.