



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	20
<b>VAC Chapter Number:</b>	160
<b>Regulation Title:</b>	Regulations Governing Secondary School Transcripts
<b>Action Title:</b>	Revision of the Regulations Governing Secondary School Transcripts
<b>Date:</b>	April 5, 2000

This information is required pursuant 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*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Regulations Governing Secondary School Transcripts standardize the manner in which schools record and report the courses each student has taken and the student's academic performance in high school.

The Board of Education's Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 *et. seq.*) contain graduation requirements for students earning high school diplomas in Virginia. The Standards of Accreditation require that beginning with the ninth-grade class of 2000-2001 (graduating class of 2004), students will be required to earn a prescribed number of verified units. This requirement for verified units affects students who are currently taking high school credit-bearing courses in grade seven or earlier. Each student in middle and secondary schools shall take all applicable end-of-course Standards of Learning tests following course instruction. Students who achieve a passing score on an end-of-course

Standards of Learning test and receive a passing grade in the course shall be awarded a verified unit of credit in that course. To keep with the changes in the Standards of Accreditation (SOA), a revision to the Board of Education's Regulations governing Secondary School Transcripts is necessary to account for and exhibit verified units of credit on the students' transcripts.

## 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 must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

Article VIII, § 4 of the Virginia Constitution vests general supervisory authority for the public schools in the Virginia Board of Education, as follows:

The general supervision of the public school system shall be vested in a Board of Education of nine members, to be appointed by the Governor, subject to confirmation by the General Assembly. ( <http://legis.state.va.us/vaonline/li1h.htm> )

Additionally, the Code of Virginia authorizes the Board to promulgate regulations necessary to carry out those powers and duties given to it. § 22.1-253.13:3 (B) of the Code authorizes the Board to promulgate Standards of Accreditation which include student outcome measures, course and credit requirements for graduation from high school and assessments to measure student progress, as follows:

B. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.) which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs, administrative and instructional staffing levels and positions, pupil personnel services, special education program standards, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

In establishing course and credit requirements for a high school diploma, the Board shall provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements which shall include Standards of Learning Testing, as necessary.

The Board shall include in the student outcome measures which are required by the Standards for Accreditation, end-of-course or end-of-grade tests for various grade levels and classes, as determined by the Board, in accordance with the Standards of Learning.

These Standards of Learning assessments shall include, but need not be limited to, end-of-course or end-of-grade tests for English, mathematics, science, and social studies.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-253.13C3>

Further, § 22.1-253.13:4 authorizes the Board to prescribe requirements for completion of high school programs, as follows:

C. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made for students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-253.13C4>

In a letter to the Superintendent of Public Instruction, dated March 21, 2000, the Office of the Attorney General certified that the agency has the legal authority to promulgate the proposed regulation, and that it comports with applicable state and federal law.

## Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed 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.*

In June 1995, the Board of Education adopted new Standards of Learning in the core subject areas of mathematics, science, English, and history and social sciences. The new standards raised the academic expectations for all students in Virginia's public schools. Subsequently, the Board of Education adopted revised Standards of Accreditation. Thus, the Regulations Governing Secondary School Transcripts need to be revised to require that verified units earned by students be recorded on the students' transcripts.

The high school transcript forms a perpetual record of the students' academic progress. Therefore, the proposed revisions are important to the public's welfare in order to ensure that all students' transcripts are complete and accurate and provide the documentation necessary to affirm that students have met the requisite academic requirements for earning the high school diploma.

## 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 providing detail of the regulatory action's changes.*

The Standards of Accreditation require that students earn *verified units of credit* in addition to the standard unit of credit. A *verified unit of credit* is awarded when, in addition to successfully completing a 140-hour course, the student passes the associated Standards of Learning test. Beginning with the ninth graders in 2000-01, a student must earn verified units of credit in order to graduate. That is, for the Standard diploma a student must earn 22 units of credit and six verified units of credit. For the Advanced Studies diploma, a student must earn 24 units of credit and nine verified units of credit.

SOL tests have been developed for the following specific high school courses:

<b>English</b>	Grade 9-11 SOL—there are two tests: a reading, literature, and research multiple choice test and a writing test made up of an essay and multiple-choice items.
<b>Math</b>	Algebra I Algebra II Geometry
<b>History</b>	World History to 1000 A.D. plus World Geography World History from 1000 A.D. to Present plus World Geography U. S. History World Geography
<b>Science</b>	Earth Science Biology Chemistry

In high school, the tests are given for certain high school courses and are given each year in the fall, spring, and summer. If a student does not pass a SOL test that is needed for the verified credit for a diploma, then the student needs to retake the test until he or she passes it in order to qualify to earn either the Standard or Advanced Studies Diploma.

The proposed substantive change in the regulations is the provision that the total verified credits earned will be recorded on the student transcript. This provision is not contained in the current regulations, and the change is proposed in order to indicate whether a student has met all requirements for graduation, which includes earning verified units as specified in the Standards of Accreditation. No additional changes in the current regulations are anticipated at this point in the regulatory review process.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

The Board of Education's analysis of the proposed revision indicates no disadvantages to the public or to the Commonwealth. The advantage is that the proposed revisions, once implemented, would create changes in the high school transcript. These changes would provide information to schools, colleges, potential employers, military recruiters, and other persons and entities that have legitimate access to the student transcript. Such persons and entities would be able to determine readily that the student has met all requirements for graduation, including the requirements of the Standards of Accreditation related to verified credits.

## Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

The Board of Education anticipates minimal fiscal impact accruing to the locality or to the state as a result of this revision in the Regulation Governing Secondary School Transcripts.

## 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 cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

The following changes to the current regulations are proposed to 8 VAC 20-160-30:

- (1) Language is added to the regulations to require that the accreditation status of a high school shall not be included on the student transcript provided to colleges, universities or employers.
- (2) The total number of verified credit earned is added to the list of items required to be recorded on a student transcript.

- (3) The requirement to record the passing score on the end-of-course Standards of Learning tests has been deleted.
- (4) Wording has been added to clarify that the student’s Standards of Learning (SOL) Test Scores shall not be placed on the high school transcript.

No additional changes in the current regulations is anticipated at this point in the regulatory review process.

**Alternatives**

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

The Board of Education considered the alternative of requiring that no SOL test information be included on the transcript. This option was rejected because of the requirement for verified credit in the Standards of Accreditation and the subsequent need to ensure that all students met this diploma requirement. The alternative of making no changes in the current regulation was rejected for the same reason. Finally, the Board considered the alternative of requiring that passing scores be recorded on the transcript. This option was rejected because local school division personnel and parents from throughout the state emphatically recommended that these scores not be placed on the transcripts.

**Public Comment**

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

The Virginia Department of Education did not receive any negative or opposing public comments during the NOIRA comment period.

**Clarity of the Regulation**

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

The regulation was presented to and approved by the Board of Education. It was sent out for public comment and there were no questions or negative comments. The Board of Education will conduct a Public Hearing after receiving approval to do so.

**Periodic Review**

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

The regulations will be reviewed by July 1, 2003.

The measurable goal will be that 100 percent of the transcripts of affected high school graduates will have the appropriate information recorded as required.

**Family Impact Statement**

*Please provide an analysis of the proposed regulatory action that assesses the potential 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.*

These regulations are anticipated to have no impact on family stability, family income, or the institution of the family. The provision is expected to give students and their families additional documentation that academic requirements for a high school diploma have been met by all students who receive this diploma. The provision will also give the parents of public school students additional assurances that high school transcripts contain the information required by the Standards of Accreditation.