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## Proposed Regulation Agency Background Document

<b>Agency name</b>	State Board of Education
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	8VAC20-132 [new chapter]; 8VAC20-131
<b>VAC Chapter title(s)</b>	Virginia Standards of Accreditation (8VAC20-132); Regulations Establishing Standards for Accrediting Public Schools in Virginia (8VAC20-131)
<b>Action title</b>	Revisions to the Virginia Standards of Accreditation
<b>Date this document prepared</b>	April 9, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Regulations Establishing Standards for Accrediting Public Schools in Virginia ("SOA") have the goal of ensuring that an effective educational program is established and maintained in Virginia's public schools by (1) providing an essential foundation of educational programs of high quality for all schools for all students; (2) encouraging and promoting school quality and acknowledging achievement and continuous improvements by schools and school divisions in multiple areas; (3) fostering public confidence that graduating students have mastered multiple areas of learning to include academic subjects, workplace skills, career exploration and planning, and civic and community responsibility; (4) assuring recognition of Virginia's public schools by other institutions of learning; and (5) establishing the means of determining the effectiveness of schools as prescribed in the Standards of Quality at § [22.1-253.13:3](#) of the Code of Virginia, including student outcomes and growth measures and compliance with requirements for multiple inputs affecting school quality.

The State Board of Education is proposing to repeal the existing chapter and establish a new chapter for Establishing Standards for Accrediting Public Schools. The existing regulations created an accreditation system that did not transparently communicate information to the public about the quality of schools or

student learning outcomes. The existing regulations also used the process for accrediting schools as an accountability system to foster school improvement, rather than ensuring accreditation fosters the establishment of effective school-level educational programs. The new regulations will separate accreditation from accountability, creating two separate but inter-related systems. The proposed school accountability system would measure student outcomes and identify schools for supports, and the school accreditation system would determine full compliance with each of the inputs described in the SOA. The proposed regulations would also allow for flexibility in the future for the Board to continue to refine the accountability system and align to federal requirements, so Virginia would not have multiple systems of supports for divisions and schools.

## Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

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“Board” means the State Board of Education.

“NAEP” means the National Assessment of Educational Progress.

“SOA” or “Standards of Accreditation” means the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8VAC20-131).

“VDOE” means the Virginia Department of Education.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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In 2017, the Board completed a comprehensive review and update of the Standards of Accreditation. The Board approved numerous substantive revisions to the SOA, including the addition of new and modified school quality indicators to the state accreditation model as well as an increased emphasis on closing achievement gaps and continuous improvement, among others. The update also allowed the Board to incorporate expectations for student achievement as outlined in the Profile of a Virginia graduate and the 5Cs (critical thinking, creative thinking, communication, collaboration, and citizenship).

Since that action, it has become apparent that the Standards of Accreditation merit further review to align better with Board goals. Although Virginia’s public schools have long been regarded as among the best in the nation, the Commonwealth has seen widening gaps in student achievement and a significant slip in comparison with other states on numerous academic measures. For example, the National Assessment of Educational Progress (“NAEP”) shows that Virginia has wide gaps between student proficiency standards on state reading and math assessments and the grade-level proficiency benchmarks: only 38% of Virginia fourth graders and 33% of eighth graders were proficient in reading on the 2019 NAEP, compared with 75% and 76% respectively on the 2019 state fourth- and eighth-grade SOL reading tests.

Since 2017, NAEP scores have illustrated a downward trend after 20 years of high marks for Virginia's students. On the most recent 2022 NAEP release, the first release since the COVID-19 pandemic, Virginia's results showed a sharp decline in performance—even sharper than the rest of the nation. For example:

1. Grade 4 performance for Virginia's students on the NAEP scaled scores declined 2 times more than the national average in Math and 3 times more in Reading;
2. Grade 8 Reading fell below 1998 performance levels;
3. Grade 8 Math nearly fell to 2000 performance levels; and
4. Results for Virginia's Black, Hispanic, and students eligible for the National School Lunch Program (NSLP) showed no improvement in any grade or subject since 2000, with gaps in performance widening for some of these subgroups.

Further compounding these issues is pandemic-related learning loss, which one publisher of widely used K-12 assessments has shown to be worse in Virginia than the national average (see [Renaissance: How Kids Are Performing](#)). Moreover, statewide SOL assessment results for the 2022–2023 school year show that reading and math pass rates remain well behind 2018-19 pass rates for both elementary and middle school students. More than half of Grade 3–8 students either failed or are at risk of failing their reading SOL exam. Nearly two-thirds of Grade 3–8 students either failed or are at risk of failing their math SOL exam. Additional information can be found in the VDOE's [Our Commitment to Virginians](#).

The true state of Virginia's school system, however, is not adequately captured by the current accreditation system. For example, the current accreditation system shows that in 2023-2024 88% of schools are accredited, while 12% of schools are accredited with conditions. This binary reporting does not show an honest picture of how schools are able to support student learning. To create a more honest and transparent reporting of school performance, the Board will revise the current accreditation system and separate accreditation and accountability, increasing transparency to improve student success for all students and aid in the allocation of Commonwealth resources into Virginia schools. Without a clear picture of the relationship between school performance and student performance, neither the Board nor the General Assembly can find the proper solutions to the problems faced by Virginia students.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

The Board of Education's overall regulatory authority is found in § [22.1-16](#) of the Code of Virginia:

The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

The Board of Education's authority for promulgating regulations governing standards for accrediting public schools is found in § [22.1-253.13:3](#) of the Code of Virginia:

The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ [2.2-4000](#) et seq.), which shall include student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology

into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

## Purpose

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

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A revision to the SOA is essential to fixing the learning loss experienced by Virginia students before the damage becomes long-term and irreparable. The health of Virginia schools and the performance of Virginia students is essential to the health of the Commonwealth's civic and economic life. Failure to act immediately could have repercussions that last generations.

The current accreditation system blends what many other states separately refer to as accreditation and accountability, and it is one of the most complex in the nation. A primary issue that the Board will address is how these two aspects of the current system can be transformed to increase transparency of school and student performance. A transparent system will benefit students, parents, schools, and policy makers by providing more accurate data regarding the performance of students and schools. Further, by establishing a system for accountability, the Board will ensure the schools that are struggling most to address learning loss and academic gaps are identified for, and receive, supports from their division and the VDOE—which will create a single system for delivering interventions and assistance to low- performing schools.

## Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

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The Board has made numerous revisions to the Standards of Accreditation, especially in separating the accountability and accreditation system:

- New definitions and edits to existing definitions;
- Substantial revisions that result in a new Part VIII on School Accountability;
- Substantial revisions that result in a new Part IX on School Accreditation.

The Board has made conforming changes to the following sections in order to support the substantive revisions described above:

- Purpose;
- The philosophy, goals, and objectives of public education and the SOA;
- School and community communications.

The Board has also made a few organizational changes to increase clarity and has updated citations throughout the chapter.

## Issues

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

The primary advantages to the public include a positive impact on private citizens, school divisions, students, parents, school staff, and other constituents.

There are numerous advantages to the agency and the Commonwealth that will result from these updates to the SOA.

- Improving school accountability measures that will more clearly state the following:
  - Expectations for school accountability;
  - Measurement of school quality for accountability;
  - Identification of schools for improvement and identification of schools for required actions; and
  - Recognitions and rewards for school and division accountability.
- Improving the school accreditation process and descriptions to include the following:
  - Accreditation;
  - Waivers and alternative accreditation plans; and
  - Effective dates.
- Updating regulations to conform with these modifications to include the following:
  - Definitions found within the Standards of Accreditation;
  - The purpose of the Virginia Standards of Accreditation;
  - Philosophy, goals, and objectives of the Virginia Standards of Accreditation; and
  - School and community communication requirements.

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

## Requirements More Restrictive than Federal

*Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

Virginia continues to develop and implement regulations that will align state requirements with the current federal requirements. Through this action Virginia seeks to seize the opportunity to better align state requirements with federal requirements.

## Agencies, Localities, and Other Entities Particularly Affected

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact*

*which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

**Other State Agencies Particularly Affected**

No other state agencies will be particularly affected by this regulatory change.

**Localities Particularly Affected**

No localities will be particularly affected by this regulatory change.

**Other Entities Particularly Affected**

No other entities will be particularly affected by this regulatory change.

**Economic Impact**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.*

**Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:                  a) fund source / fund detail;                  b) delineation of one-time versus on-going expenditures; and                  c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>It is believed that any revenue costs or losses can be absorbed within existing resources and within operating costs for the Department of Education and the 131 school divisions.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>While there are 131 local school divisions in Virginia, the projected costs, savings, fees, or revenues resulting from the regulatory change is anticipated to be minimal and can be absorbed within existing resources.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>No economic benefits are anticipated from the regulatory change, nor is this regulatory change designed to produce an economic benefit for the agency.</p>

**Impact on Localities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.*

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>No significant economic costs, savings, fees, or revenues are anticipated from the resulting regulatory change.</p>
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Benefits the regulatory change is designed to produce.	An improvement of the school accountability measures and school accreditation measures.
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**Impact on Other Entities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.*

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	No individuals, businesses, or other nongovernmental entities will be affected by the regulatory change.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	No individuals, businesses, small businesses, or other nongovernmental entities will be affected by the regulatory change.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	No projected costs for individuals, businesses, small businesses, or other nongovernmental entities were identified in this regulatory change.
Benefits the regulatory change is designed to produce.	An improvement of the school accountability measures and school accreditation measures.

**Alternatives to Regulation**

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

The Board is required by statute to have standards for the accreditation of public schools, and the current system cannot be amended outside of the regulatory process. There are no alternatives to regulatory action.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

**Regulatory Flexibility Analysis**

*Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

These regulations are not expected to affect small businesses.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

**Periodic Review and Small Business Impact Review Report of Findings**

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

This action is not being used to announce a periodic review or a small business impact review.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
None	None	None



## Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

The Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or to Joseph Crook, Regulatory and Board Coordinator, at [Joseph.Crook@doe.virginia.gov](mailto:Joseph.Crook@doe.virginia.gov). In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

## Detail of Changes

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.*

*If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.*

**Table 1: Changes to Existing VAC Chapter(s)**

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
131-5	132-10	This section includes the defined terms used in this chapter.	Regulatory citations were updated to reflect the new chapter numbering. No impacts are expected because of these changes.  The limited definition of "Accreditation" has been expanded to include "public schools' compliance with the accountability system, based on student outcome and growth measures, the philosophy, goals, and

		<p>objectives of public education in Virginia, and standards for student achievement, instructional programs, school and instructional leadership, and school facilities and safety, school and community communications” in accordance with this chapter. This edit was made to clearly delineate the accreditation system from the accountability system, ensuring the accreditation system is based on the components outlined in the SOA. No substantive impacts are expected because of this change.</p> <p>A definition for “Accountability” was added to mean the system within the accreditation process used by the Virginia Department of Education to differentiate the performance of public schools and identify schools for improvement, based on student achievement, growth, and other school quality indicators in accordance with this chapter. This definition provide clarification for terms used within the regulation and will allow the Board to control the meaning of the term. Defining this term is important as it is used more than once in the regulatory chapter. This edit was made to clearly delineate the accreditation system from the accountability system, describing an accountability system that is focused on outcomes. No substantive impacts are expected because of this change.</p> <p>The limited definitional scope of the term “growth” or “student growth” has been expanded to include “the knowledge and skills required by the summative Standards of Learning tests.” Since the last revision of the regulations, the Virginia Growth Assessment has been introduced. This edit clarifies that student growth for purposes of accountability is based on summative results for year- over-year growth. No substantive impacts are expected because of this change.</p> <p>Technical edits were made to introduce the term “high school” which is used throughout the regulations and aligns</p>
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			<p>to federal terms and definitions. Edits were made throughout to use the defined term “high school” rather than “secondary school” given the introduction of the new definition.</p> <p>The term “reporting group” was updated from meaning a “subgroup” of students, to meaning a “group” of students. The descriptor of “such as” for common characteristics was updated to “including.” No substantive impacts are expected because of this change.</p> <p>The term “school” was updated because there is no longer a preaccreditation process. No substantive impacts are expected because of this change.</p> <p>The meaning of “Standards of Learning tests” or “SOL tests” was updated to include the “statewide, summative” assessments approved by the board for use in the Virginia Assessment Program that measure “mastery” of knowledge and skills required by the Standards of Learning, rather than the measure of “attainment” of knowledge and skills.</p> <p>Since the last revision of the regulations, the Virginia Growth Assessment has been introduced as a statewide assessment. This edit clarifies that the SOL tests are the summative assessments, differentiating it from the Virginia Growth Assessments. No substantive impacts are expected because of this change.</p>
131-10	132-20	This section provides an overview of the purpose of the school accreditation regulations.	The Standards of Accreditation was previously described as providing the foundation for the provision of a high-quality public education within a system of accountability and continuous improvement. The description of the Standards of Accreditation has been updated as providing the foundation for the provisions of a high quality public education, including a system of accountability and continuous improvement. This edit clarifies the accreditation system’s broader purpose under § 22.1-253.13:3 of the Code of

			<p>Virginia, distinct from the purposes of an accountability system. This edit, therefore, creates an accountability system that can be used in the accreditation system to meet statutory requirements. No impacts are expected because of this change.</p> <p>Section 22.1-253.13:3 A of the Code of Virginia requires the Board to promulgate regulations establishing standards for accreditation which shall include “student outcomes and growth measures.” The current text only identifies “student outcome measures.” No impacts are expected because of this change.</p> <p>Updates were made to the regulatory citations to reflect the new chapter numbering. No impacts are expected because of these changes.</p>
131-20	132-30	This section provides an overview of the philosophy, goals, and objectives of the school accreditation regulations.	Reference to “the school quality profile required by 8VAC20-131-270 A” has been updated to reflect the current “school performance report card required by 8VAC20-132-250 A.” No impacts are expected because of this change.
131-30	132-40	This section provides an overview of the student achievement expectations included within the school accreditation regulations.	Updates were made to the regulatory citations to reflect the new chapter numbering. Technical edits were made to use the defined term “secondary school” rather than “high school.” No substantive changes have been made within this section. No impacts are expected because of these changes.
131-50	132-50	This section provides specific details concerning the requirements for graduation (effective for students entering ninth grade prior to the 2018-2019 school year).	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-51	132-51	This section provides specific details concerning the requirements for graduation (effective with the students who enter the ninth grade in the 2018–2019 school year)	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-60	132-60	This section provides specific details concerning the requirements regarding transfer students.	Updates were made to the regulatory citations to reflect the new chapter numbering. Technical edits were made to use the defined term “secondary school”

			rather than “high school.” No substantive changes have been made within this section. No impacts are expected because of these changes.
131-70	132-70	This section provides the specific program of instruction and learning objectives, as required by the Standards of Quality.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-80	132-80	This section provides the specific instructional program requirements for students in elementary schools.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-90	132-90	This section provides the specific instructional program requirements for students in middle schools.	Updates were made to the regulatory citations to reflect the new chapter numbering. Technical edits were made to use the defined term “secondary school” rather than “high school.” No substantive changes have been made within this section. No impacts are expected because of these changes.
131-100	132-100	This section provides the specific instructional program requirements for students in secondary schools.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-110	132-110	This section provides the criteria to be used when calculating the standards and verified units of credit.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-120	132-120	This section provides specific criteria to be used when offering courses and instruction through summer school.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-130	132-130	This section details how elective courses shall be developed and approved by the division superintendent and local school board.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-140	132-140	This section provides specific guidance when and how school shall provide college and career readiness; career exposure, exploration, and planning; and opportunities for postsecondary credit.	Updates were made to the regulatory citations to reflect the new chapter numbering. Technical edits were made to use the defined term “secondary school” rather than “high school.” No substantive changes have been made within this section. No impacts are expected

			because of these changes.
131-150	132-150	This section details how the standard school year and school day shall be calculated.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-170	132-160	This section details the permissive standards of learning concerning family life education.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-180	132-170	This section details when and how credit for work shall be awarded for off-site instruction.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-190	132-180	This section details how each school shall maintain library media, materials, and equipment.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-200	132-190	This section details how extracurricular and other school activities; recess shall be under the direct supervision of the staff, organization and how it shall be approved the be school board.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-210	132-200	This section details how the principal is the recognized instructional leader and manager of the school and the role of the principal within the school.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-220	132-210	This section details how the professional teaching staff shall be responsible for providing instruction the role of professional teaching staff within the school.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-230	132-220	This section details the role of support staff and how the support staff shall work with the principal and professional teaching staff to promote student achievement and successful attainment of the school's goals.	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-240	132-230	This section provides	Updates were made to the regulatory

		details concerning the administrative and support staff; and the staffing requirements, staff- student ratios, and the teacher’s standard load.	citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-260	132-240	School facilities and safety	Updates were made to the regulatory citations to reflect the new chapter numbering. No substantive changes have been made within this section. No impacts are expected because of these changes.
131-270	132-250	This section provides detailed requirements concerning the school and community communications.	<p>In this chapter, the term “School Quality Profile” was updated to “school performance report card” to be consistent with the language of the Elementary and Secondary Education Act (<a href="#">P.L. 89-10</a>, as amended).”</p> <p>Technical edits were made to use the defined term “secondary school” rather than “high school.”</p> <p>Specific indicators found within the “school performance report card” shall now also include: “School performance, disaggregated by student reporting groups, on each school quality indicator described in 8VAC20-132-270 B, the school’s overall performance category described in 8VAC20-132-270 E, and whether the school is identified for improvement under 8VAC20-132-280.”</p> <p>These edits align the state regulations to the federal requirements for state reporting under the Elementary and Secondary Education Act (<a href="#">P.L. 89-10</a>, as amended). No impacts are expected because of these changes.</p>
131-370	132-260	This section details the current expectations for school accountability and accreditation. This section will be updated to specifically include the expectations for school accountability.	<p>This section has separated school accountability from accreditation within the regulatory text as a means of determining the quality and effectiveness of schools for the purposes of all prior requirements and the added purpose of “informing the accreditation of schools by the board based on the conditions specified within this chapter.”</p> <p>Technical edits were made to use the defined term “secondary school” rather than “high school.”</p>

		<p>Rather than reference some “components of the” accountability system, the accountability system will now “be used to publish the annual school performance report card, as referenced in 8VAC20-132-250 A 2, which provides information to parents, citizens, the community, businesses and other agencies, and the general public about school characteristics and about a comprehensive range of school indicators” and “identify schools, based on student outcome and growth measures, to develop effective multi-year school support plans to improve performance on school quality indicators, which shall be taken into consideration in accrediting schools alongside compliance with the remaining standards of accreditation.”</p> <p>The prior version of this section included “the state accreditation provisions for schools and school divisions as presented in this part.” This version of this section now includes fulfilling “the state accountability provisions for schools and divisions as presented in this part and the federal accountability provisions required under the Elementary and Secondary Education Act (<a href="#">P.L. 89- 10</a>, as amended) and the Individuals with Disabilities Education Act (<a href="#">20 USC § 1400</a> et seq.).” The accountability system no longer includes the requirement to include “the Code of Virginia's Standards of Quality, which provide the foundational education program to be offered by school divisions, including priorities for instructional programs supporting the Standards of Learning and encompassing requirements for assessments and school accreditation” or that “each school shall be accredited based on achievement of the conditions specified in 8VAC20-131-400 and on continuous improvement of performance levels on measures of selected school quality indicators as described in 8VAC20-131-280.”</p> <p>Subsection A details the system of school accountability by providing a</p>
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			<p>means of determining the quality and effectiveness of schools for the purpose of:</p> <ul style="list-style-type: none"> <li>• Building on strengths in schools and addressing specific areas needing improvements;</li> <li>• Driving continuous improvement in school achievement for all schools;</li> <li>• Identifying areas for technical assistance and the use of school improvement resources;</li> <li>• Providing a comprehensive picture of school quality information to the public; and</li> <li>• Informing the accreditation of schools by the Board based on the conditions specified in 8VAC20-132-300.</li> </ul> <p>Subsection B details the accountability system, which presents expectations and standards for schools and school divisions. These changes shall be used to publish the annual school performance report card, as referenced in 8VAC20- 132-250, which provides information to parents, citizens, the community, businesses and other agencies, and the general public about school characteristics and about a comprehensive range of school indicators. These changes will also fulfill the state accountability provisions for schools and divisions as presented in this part and the federal accountability provisions required under the Elementary and Secondary Education Act (P.L. 89-10, as amended) and the Individuals with Disabilities Education Act (20 USC § 1400 et seq.). Additionally, these changes will identify schools, based on student outcome and growth measures, that require multi-year school support plans to improve performance on school quality indicators, which shall be taken into consideration in accrediting schools consistent with 8VAC20-132-300 alongside compliance with the standards for student achievement, instructional programs, school and</p>
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			<p>instructional leadership, school facilities and safety, and school and community communications in this chapter.</p> <p>These changes align the accountability system with the Elementary and Secondary Education Act (<a href="#">P.L. 89-10</a>, as amended) and the Individuals with Disabilities Education Act (<a href="#">20 USC § 1400 et seq.</a>)</p> <p>No negative impacts are expected because of these changes.</p>
131-380	132-270	<p>This section details the requirements concerning the measurement of school quality for accreditation.</p>	<p>The section has separated school accountability from accreditation with the regulatory text as a means of clearly stating the “requirements for indicator selection.” Prior reference to “academic performance” was clarified through the use of “student academic outcomes, such as academic achievement and success beyond high school” and by clarifying the use of indicators “so that the indicator is measured consistently and comparably statewide.” This section also revised the use of “measures” to use “the indicator” meaningfully differentiates among schools based on progress of all students and student reporting groups. The indicator will not be used to “unfairly impact one type or group of schools or students.”</p> <p>Technical edits were made to use the defined term “secondary school” rather than “high school.”</p> <p>For clarity, rather than reference “specific indicators” the new section specifically uses the term “school quality indicators” to speak to “accountability” rather than “accreditation.” The prior version of this chapter used ambiguous and sometimes conflicting terms regarding “academic achievement.” In the new section it is now clear which School Quality Indicators will be used to measure performance for all schools (e.g., academic achievement), elementary and middle schools only (e.g., growth), and high schools only (e.g., graduation rates). “Readiness for all students” now have clear</p>

			<p>measures by defining chronic absenteeism, and the extent to which a school's "students demonstrate preparedness for postsecondary experiences" and "the progress of EL students toward achieving proficiency in English." Clear enumerated standards are stated for schools to use when "calculating the academic achievement and student growth indicators" for EL and transfer students, aligned with the requirements of the Elementary and Secondary Education Act (<a href="#">P.L. 89-10</a>, as amended).</p> <p>Subsection A clarifies the criteria for selecting indicators for school accountability. This subsection will ensure indicators reflect academic outcomes and are standardized, reliable, and valid. These changes should make the regulations more focused and consistent in the measurement of school performance.</p> <p>Subsection B updates were made to the specific quality indicators for accountability. This subsection emphasizes the academic achievement, growth, graduation rates, and readiness requirements. These changes should broaden the evaluation of school performance, highlighting areas that may need improvement.</p> <p>Subsection C adjusted the requirements for EL and transfer student performance calculations, aligning to federal requirements. This section will allow for a more fair assessment to be made of the schools who accommodate these students. These changes should allow for a more accurate reflection of school performance, while also considering student mobility and language proficiency.</p> <p>In subsection D, the use of "School Performance Calculation and Weighting" has been included to describe how the school quality indicators are weighted to determine an overall performance category for elementary and middle schools and for high schools. Rather than using "benchmarks" in the prior</p>
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		<p>chapter section, this new method for weighting of indicators for annual meaningful differentiation is consistent with the requirements of the Elementary and Secondary Education Act (<a href="#">P.L. 89-10</a>, as amended). Subsection D introduces new performance calculations and weighting for school differences. This subsection creates a comprehensive evaluation system. These changes should allow for a more balanced assessment of schools based on varied performance metrics that affect annual differentiation.</p> <p>Subsection E will establish annual performance categories for public reporting. This subsection should enhance transparency and clarity in school performance reporting. These changes should allow for better public understanding of school performance, separate from accreditation status.</p> <p>Subsection F will lower the performance categories if a school is identified as needing targeted support. This subsection should address underperformance in specific student groups. These changes should increase the focus on improving outcomes for identified student groups.</p> <p>Subsection G will maintain the Board's ability to modify assessment and quality indicators. This subsection will maintain flexibility in school quality measurements. These changes should allow for responsive adjustments to assessment and accountability systems.</p> <p>Subsection H will allow for the continued pairing of schools for quality differentiation in non-tested grades. This subsection will ensure a more fair assessment across all school configurations. These changes should result in a more consistent and equitable evaluation of schools, including those without specific grade-level tests. These changes are necessitated by Federal regulations and will bring the regulatory requirements in line with the Federal requirements. Elementary and</p>
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			<p>Secondary Education Act (<a href="#">P.L. 89-10</a>, as amended).</p> <p>No substantive impacts are expected because of these changes.</p>
131-400	132-280	<p>This section currently provides detailed requirements concerning the application of the school quality indicator performance levels to actions. This section will be updated to provide specific requirements concerning the identification of schools for improvement and required actions.</p>	<p>In this section, schools will be categorized into three support levels based on the school quality indicators and weights detailed in 8VAC20-132-270, aligned with the Elementary and Secondary Education Act. Starting in the 2025-26 school year and identified triennially thereafter, schools scoring in at least the lowest 5% statewide or with graduation rates below 67% will receive comprehensive support. Targeted support schools will be identified annually starting in the 2025-26 school year from among those schools not identified for comprehensive support.</p> <p>Schools will be identified for targeted support if any group of students in the school, on its own, is performing at the level of schools in the lowest 5% receiving comprehensive support. If schools continue to need targeted support after three years (i.e., the 2028- 29 school year), such schools will receive additional targeted support; these designations will also be reviewed triennially. Schools and divisions must develop and implement multi-year support plans for schools receiving comprehensive, targeted, or additional targeted support, including needs assessments, resource identification, and evidence-based strategies, with either the division's or the Department's oversight. Plans are revised based on progress and compliance, with the potential for increased Department intervention if necessary. The board will periodically review the identification criteria for these support categories.</p> <p>Subsection A provides new criteria for school identification for support. The new criteria are focused on the specific performance metrics to categorize schools for targeted assistance. This subsection should streamline the identification and support process,</p>

			<p>eliminating two systems of support. These changes should allow schools to receive more tailored support based on clear performance criteria, potentially improving educational outcomes.</p> <p>Subsection B describes the process for divisions and schools in developing and implementing school support through a formalized plan and by requiring multi- year plans to be based on comprehensive needs assessments.</p> <p>This subsection should ensure that support plans include evidence-based interventions and are strategic and focused on long-term improvement. The changes align to federal requirement and should encourage all schools to engage in more thorough planning and assessment, leading to more effective and sustainable improvement efforts.</p> <p>Subsection C describes how comprehensive support will now include a standardized template for creating support plans, with specific obligations for resource assessment and strategy implementation. This subsection should provide a more structured framework for the most struggling schools, ensuring consistent and impactful interventions. These changes should allow for school receiving comprehensive support to experience increased support and structured planning, aiming for significant performance boots.</p> <p>Subsection D describes the school division’s role in developing support plans for schools needing additional targeted or comprehensive support, integrated into the division’s long-range plans. This subsection should ensure division-wide alignment and support for schools needing improvement, leveraging divisional resources and planning. These changes should lead to a more cohesive and strategic support at the division level, promoting better overall school performance and use of resources.</p>
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			<p>Subsection E describes how the Board will review performance scores triennially to adjust the criteria for identifying schools needing various support levels. This subsection should ensure the identification process remains relevant and reflects actual school performance and needs over time. These changes through a periodic review, will likely lead to adjustments in how schools are categorized for support, ensuring the process remains fair and targeted towards current educational challenges.</p> <p>These changes align with the Elementary and Secondary Education Act (<a href="#">P.L. 89- 10</a>, as amended) and Title I, Part A of the Elementary and Secondary Education Act (<a href="#">P.L. 89-10</a>, as amended)</p> <p>Technical edits were made to use the defined term “secondary school” rather than “high school.”</p> <p>No substantive impacts are expected due to these changes. Schools are already identified under the current accountability system, as required by federal law, for these supports. These edits remove the duplicative supports under accreditation.</p>
131-410	132-290	This section provides detailed information how and when a school is eligible for certain recognitions and rewards and division accountability	<p>In this section no substantial changes were made. The new requirements maintain the existing framework for recognizing schools and division that exceed or improve upon established quality indicators and implement innovative practices. This section provides for the continuation of this recognition program as it aims to consistently incentivize and acknowledge high performance and innovation in education. The recognition program will continue to encourage schools and divisions to strive for excellence and innovation, with potential benefits including public acknowledgement, tangible rewards, and regulatory waivers.</p> <p>No substantive changes have been</p>

			<p>made within this section. No impacts are expected because of these changes.</p>
<p>131-390</p>	<p>132-300</p>	<p>This section provides detailed information concerning accreditation.</p>	<p>Unlike 131-390, the new requirements in 132-300 emphasize a holistic and continuous improvement approach to school accreditation, integrating student outcomes and growth measures with traditional compliance checks that better reflect the full scope of requirements articulated in the SOA. Schools must annually document compliance across several areas, focusing on instructional programs, safety, community communication, and implementation of comprehensive division and school plans. A school may be “fully accredited,” “conditionally accredited,” or have “accreditation denied.” There is now a more detailed process to ensure schools receiving comprehensive support are making sufficient progress on student outcome and growth measures to be “Fully Accredited.” The changes aim to encourage continuous improvement and ensure schools are meeting statutory and regulatory operating requirements. Thus, accreditation fully reflects compliance and educational outcomes stated in the SOA. Schools identified for comprehensive support must demonstrate improvement and adherence to a corrective action plan, providing pathways for improvement and recognizing progress as well as acknowledging when schools are not meeting standards for student outcomes and growth. All schools will need to submit evidence of compliance with the SOA policies.</p> <p>Technical edits were made to use the defined term “secondary school” rather than “high school.”</p> <p>Subsection A introduces a comprehensive accreditation process based on accountability, student outcomes, and growth measures, including detailed compliance standards. This subsection should ensure schools meet holistic educational operational standards and improve student outcomes through the</p>



		<p>creation of documentation based on each component of accreditation. These changes are likely to ensure operational compliance while focusing on continuous improvements in comprehensive schools.</p> <p>Subsection B details annual reporting requirements, emphasizing evidence-based documentation of compliance and performance. This subsection standardizes and streamlines reporting, ensuring schools meet education standards. These changes will require schools to regularly demonstrate adherence to defined standards, impacting ongoing operations and planning.</p> <p>Subsection C establishes the new accreditation designations based on evidence submission and performance criteria. This subsection will provide clear, outcome-based accreditation statuses that reflect school performance accurately. These changes will likely lead to a new layer of focus on operational compliance while influencing improvement strategies for comprehensive schools.</p> <p>Subsection D maintains that schools violating standards may have their accreditation withheld, emphasizing compliance. This subsection should allow for the enforcement and adherence to the educational standards and further ensure quality. These changes will continue to ensure schools are complying with regulations to remain fully accredited.</p> <p>Subsection E upholds the withholding of accreditation for test security violations and maintaining strict security standards. This subsection deters testing irregularities and maintains the integrity of the assessment process. These changes should further encourage schools to adhere to test security protocols by also impacting their accreditation status.</p> <p>Subsection F modifies the triennial review cycle for accreditation,</p>
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			<p>introducing conditions for schools under comprehensive support. This subsection ensures ongoing evaluation and support for schools needing improvement. These changes focus on sustained improvement and compliance, affecting schools' strategic approaches to accreditation.</p> <p>Subsection G requires division-level reviews for divisions with many underperforming schools, ensuring broader accountability and support. This subsection is used to identify and address systemic issues affecting school performance. These changes may lead to significant changes in divisional strategies and resource allocation, while also providing divisions with clear entry and exit criteria for entering into memorandum of understanding.</p> <p>Subsection H links at-risk add-on funds to the successful submission and implementation of corrective action plans. This subsection financially incentivizes schools and divisions to meet improvement standards. These changes, through financial consequences, could drive faster and more effective improvement efforts.</p> <p>Subsection I will allow the Board to enforce compliance with educational standards, ensuring schools meet the minimum requirements. This subsection maintains education quality and holds schools accountable. These changes could lead to legal actions and more rigorous enforcement of standards.</p> <p>Subsection J provides a process for appealing accreditation designations, offering schools a channel for further review. This subsection will ensure fairness and consider extenuating circumstances in accreditation decisions. These changes will give schools an opportunity to contest or clarify accreditation outcomes, potentially affecting their status.</p> <p>There have been no substantive changes to the process for obtaining</p>
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			<p>alternative accreditation.</p> <p>The likely impact for comprehensive schools is a more dynamic and responsive accreditation system that encourages sustained educational improvement.</p>
131-420	132-310	<p>This section provides detailed information concerning waivers and alternative accreditation plans for schools.</p>	<p>The new requirements maintain the board's authority to grant waivers for up to five years for non-mandatory state or federal regulations, except in specified areas. The scope of non-waivable regulations has been updated with new code references. Waiver requests must still include a justification, and the process for granting waivers for specific graduation requirements is now limited to board initiative or local school board requests, emphasizing a case-by-case approach. Provisions for students with disabilities regarding graduation requirements remain unchanged. The criteria for innovative or experimental program waivers remain consistent, requiring detailed plans for approval. The changes streamline the waiver process, updating references to align with current regulations and clarify the conditions under which graduation requirement waivers can be granted. This reflects a focused approach to accommodate specific needs while maintaining educational standards.</p> <p>Subsection A remains largely unchanged from 8VAC20-131-430. It continues to allow waivers for certain education requirements with specific exclusions. This subsection maintains the flexibility while ensuring core educational and safety standards are met. Schools can still seek exemptions from certain rules, potentially fostering innovative educational approaches while adhering to essential standards.</p> <p>Subsection B retains the process for requesting waivers, including conditions under which graduation requirement waivers can be granted. This subsection will allow for exceptions in special circumstances, thereby ensuring fairness and responsiveness to individual cases. By enabling schools to adapt to unique situations, school will</p>

			<p>be able to provide relief while maintaining overall education integrity.</p> <p>Subsection C remains unchanged in allowing waivers for experimental or innovative programs, and the requirement for providing detailed proposals. This subsection is included to encourage innovative educational.</p>
131-430	132-320	<p>This section provides the updated effective dates for these regulatory requirements.</p>	<p>The effective dates in subsections A, B, and C, mirror the requirements in 8VAC20-131-430 A, B, and C, respectively.</p> <p>Subsection A, without any substantial changes, includes the graduation requirements for different cohorts. This subsection maintains consistency in graduation requirements while updating regulatory references. Continuity in expectations is maintained for students' graduation requirements across different entry years.</p> <p>Subsection B, similar to section A, includes the locally awarded verified credit requirements are maintained with updated regulatory reference. This subsection ensures clarity and continuity in the policy for locally awarded verified credits. This further provides stable criteria for awarding verified credits to students, facilitating ongoing local assessment practices.</p> <p>Subsection C, describing the academic and career planning requirements, remain consistent with updated section references. This subsection continues the emphasis on the importance of academic and career planning in educational pathways, and the sustained focus on preparing students for postsecondary success through planned academic and career pathways.</p> <p>Subsection D describes the implementation date for the remainder of the chapter as it is updated to the 2025- 2026 academic year. This subsection provides a timeline for the full implementation of the updated regulatory framework. This subsection</p>

			<p>further extends the timeline for schools to comply with the new requirements, offering all school more preparation time.</p> <p>Unless otherwise specified, subsection D makes the remainder of the new chapter effective with the 2025-2026 academic year. This will allow for updated, consistent, educational standards and planning.</p>
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If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

**Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace**

<b>New chapter-section number</b>	<b>New requirements to be added to VAC</b>	<b>Other regulations and laws that apply</b>	<b>Change, intent, rationale, and likely impact of new requirements</b>
N/A	N/A	N/A	N/A

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

**Table 3: Changes to the Emergency Regulation**

<b>Emergency chapter-section number</b>	<b>New chapter-section number, if applicable</b>	<b>Current <u>emergency</u> requirement</b>	<b>Change, intent, rationale, and likely impact of new or changed requirements since emergency stage</b>
N/A	N/A	N/A	N/A