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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-132
VAC Chapter title(s)	Virginia Standards of Accreditation
Action title	Revisions to Regulations for School Accountability under the Virginia Standards of Accreditation
Date this document prepared	September 24, 2026

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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

This regulatory action will enable the State Board of Education to revise Part VIII of the Virginia Standards of Accreditation (8 VAC20-132) related to the state's new school accountability system, the School Performance and Support Framework (SPSF). HB643 ([Chapter 649](#) of the 2026 Uncodified Acts of Assembly) requires the Board to consider these specific regulatory revisions to strengthen the SPSF based on an extensive [review and analysis](#) by the Joint Legislative Audit and Review Commission (JLARC) published in December 2025 immediately following the SPSF's implementation.

These regulatory revisions would enable the Board to reconsider how the identification of schools for improvement (based on all students in the school and based on consistent underperformance of an individual group of students) affects a school's overall SPSF rating. The regulatory action will also enable the Board to consider options to rebalance the weight of proficiency on state assessments and individual

student growth on assessments – two required indicators – when calculating overall ratings for elementary and middle schools in Virginia.

Although this regulatory action focuses primarily on Part VIII of [8VAC20-132](#), related amendments to other sections of the Standards of Accreditation may be considered if necessary to fully effectuate the SPSF changes under review.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

“ATSI” means schools identified, consistent with federal and state requirements, for additional targeted support and improvement due to the consistent underperformance of individual student groups.

“Board” means the State Board of Education.

“CSI” means schools identified, consistent with federal and state requirements, for comprehensive support and improvement due to performing .

“JLARC” means the Joint Legislative Audit and Review Commission.

“SOA” or “Standards of Accreditation” means the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8VAC20-132).

“SPSF” means the School Performance and Support Framework, Virginia’s school accountability system established in Part VIII of the Standards of Accreditation (8VAC20-132).

“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.”

In 2026, the General Assembly passed HB643 ([Chapter 649](#) of the 2026 Uncodified Acts of Assembly). The legislation, which took effect July 1, 2026, requires the Board of Education to consider certain changes to the School Performance and Support Framework (SPSF), Virginia’s new school accountability system.

The SPSF was first implemented in December 2025 using data from the 2024-2025 school year following regulatory action to update the Standards of Accreditation (8VAC20-132) to create a single school accountability system that meets all requirements of both federal and state law. The Joint Legislative Audit and Review Commission (JLARC) released an analysis, with policy recommendations, of the SPSF’s initial development and design in December 2025. Several of JLARC’s recommendations were then incorporated into the legislative language in HB643, creating a new legislative mandate by which the Board must consider adopting the recommended actions from JLARC to strengthen the SPSF following its initial implementation.

Two of JLARC's recommendations that the Board must consider implementing, per HB643, would require regulatory changes to certain 8 VAC20-132-270 and 8 VAC20-132-280 provisions (specifically 8 VAC20-132-270 D1 and F and 8 VAC20-132-280 A1). [HB643](#) states the following, in part:

"The Board of Education (the Board) shall consider the following changes to the School Performance and Support Framework (the Framework) adopted by the Board in order to implement the School Accountability standards set forth in Part VIII (8VAC20-[132-60](#) et seq. of the Virginia Administrative Code) of the Virginia Standards of Accreditation: ...

2. Amend 8VAC20-[132-280](#) of the Virginia Administrative Code and such other regulations and rules as may be necessary to provide that (i) any school with a federal Comprehensive Support and Improvement designation shall be labeled as a school in the lowest performance category in the Framework, (ii) no school with a federal Targeted Support and Improvement (TSI) designation for one year shall be labeled in the highest performance category in the Framework, and (iii) no school with a federal Additional Targeted Support and Improvement designation or TSI designation for one or more of the same subgroups for two consecutive school years that scores in the second highest performance category in the Framework shall be labeled as a school in either of the two highest performance categories in the Framework. ...

4. Rebalance the weight assigned to growth, at least equally with proficiency, to more fully account for each school's contribution to student learning."

These statutory directives constitute the mandate for this regulatory action and provide the impetus for initiating regulatory amendments necessary to strengthen and refine the SPSF.

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 promulgating agency for this regulatory action is the State Board of Education.

The Board'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.

Additionally, HB 643 ([Chapter 649](#), 2026 Uncodified Acts of Assembly) mandates that the Board consider specific regulatory amendments related to the SPSF in response to the Joint Legislative Audit and

Review Commission's (JLARC) December 2025 evaluation and recommendations. This mandate provides the specific legal impetus for this regulatory action.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

Virginia's students are as capable as any in the nation and have high aspirations for their futures. Every student in the Commonwealth deserves an excellent education that ensures they can achieve these aspirations and graduate ready for life. Virginia's educators, principals, and local leaders are also fully capable of delivering on those aspirations for students. Statewide assessment and accountability systems, like the SPSF, are foundational pieces of a measurement and improvement system that supports our students by informing, supporting, and motivating educators, leaders, and families to take actions necessary to improve student outcomes.

These regulatory actions are needed to start the Board's legislatively mandated work of considering key recommendations from JLARC's analysis of the SPSF.

The VDOE's plan and timeline for considering JLARC's SPSF recommendations allows for distinct phases – time to prepare, time to preview, and time to implement – for each JLARC policy option, as well as additional refinements needed based on VDOE analysis and stakeholder feedback. It also includes a preview year to digest the cumulative impact of all SPSF changes. While multiple aspects of the SPSF will be changing over the next several years, the VDOE's commitment to high expectations for all students and for schools is not. We believe our students, educators, school leaders, and division leaders can meet high expectations when given the appropriate resources, tools, guidance, supports, and time to do so.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The Board is considering changes to two key aspects of the SPSF in Part VIII of the SOA.

First, federal law requires state accountability systems, like the SPSF, to account for the performance of particular student groups, such as students from each major racial/ethnic group, students with disabilities, students from economically disadvantaged backgrounds, and English learners, in addition to "all students" in a school. The SPSF meets this requirement through a business rule in 8 VAC20-132-270 F that lowers the performance category, or summative rating, by one level of schools that have been identified as having consistently underperforming student groups (targeted support and improvement, or TSI, and additional targeted support and improvement, or ATSI, schools). As named in HB643, the General Assembly would like the Board to consider alternatives for meeting this federal requirement. This could include updating the rule to specify that no school in TSI can receive the highest performance category or rating and that no school ATSI or in TSI for the same group of students for multiple years can receive the highest two performance categories. Relatedly, this regulatory action will enable the VDOE to allow the Board to consider another HB643 provision: ensuring all of the state's lowest-performing Title I schools – called comprehensive support and improvement, or CSI, schools receive the lowest performance category. Currently 8 VAC20-132-280 A1 only specifies CSI cannot receive the highest rating.

Second, federal law requires that certain accountability indicators receive “substantial” weight, including proficiency on state assessments (which is measured through a mastery index in the SPSF) and student growth, when states choose to include growth. The progress of English learners on English language proficiency assessments must also receive “substantial” weight. And together, these three indicators must receive “much greater” weight than other indicators of school quality. Currently, the Standards of Accreditation (8 VAC20-132-270 D1) cap the weight of growth at 40%, while the mastery index must be weighted somewhere between 50% and 70%. Updating the Standards of Accreditation would enable the Board to consider a more comprehensive set of options for “rebalancing” the weight of growth and proficiency, as required by HB643. For example, given that there are other required indicators besides proficiency and growth, the current Standards of Accreditation precludes weighting proficiency and growth equally while maintaining sufficient weight on the other required indicators.

Although this regulatory action focuses primarily on potential amendments to Part VIII of [8VAC20-132](#), conforming changes to other sections of the Standards of Accreditation may be considered if necessary to fully implement revisions to SPSF rules and indicator weights.

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.

There are no alternatives to regulation. HB643 requires the Board to consider these regulatory changes. Without amending the Standards of Accreditation, the business rules for how federal identification for support and improvement affect school’s summative ratings in the SPSF cannot be updated or amended in line with JLARC recommendations. Likewise, rebalancing the weight of growth and proficiency, which must also be considered by HB643, would not be possible without compromising other federal requirements related to the “substantial” weight of other mandated accountability indicators.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”

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

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. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The State Board of Education 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, and (iii) the potential impacts of the regulation.

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 email to Jim Chapman, Director of Board Relations, at Jim.Chapman@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 the proposed 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.