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Final Regulation Agency Background Document

Agency name	Board of Education
Virginia Administrative Code (VAC) citation	8 VAC 20-30
Regulation title	Regulations Governing Adult High School Programs
Action title	New adult high school diploma and revised regulatory language to more closely align other diploma requirements with Regulations Establishing the Standards for Accrediting Public School in Virginia (8 VAC 20-131)
Document preparation date	January 28, 2005

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

Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Do **not** state each provision or amendment or restate the purpose and intent of the regulation.*

Other than revising language in these regulations for the sake of clarity, there are three substantive changes proposed. First, it is recommended that an adult high school diploma be created and issued to individuals who were not required to earn verified credit at the time they entered the ninth grade but who meet the credit requirements that were in place at the time they entered the ninth grade. Second, an adult high school diploma would also be issued to individuals who successfully complete the External Diploma Program (EDP). Currently EDP candidates earn a standard high school diploma. Third, although adults would continue to be eligible to earn a standard or advanced studies high school diploma, they would be required to meet all credit requirements defined by the current *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131) at the time that they will graduate.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Virginia Department of Education submitted the revised *Regulations Governing Adult High School Programs* to the State Board of Education for final approval on January 12, 2005, and the regulations were approved.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

If the final text differs from the text at the proposed stage, please indicate whether the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

The legal authority to promulgate changes to 8 VAC 20-30-10 is found in the *Code of Virginia*, sections 22.1-223 through 22.1-226. The Board of Education is authorized to promulgate "appropriate standards and guidelines for adult education programs."

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The Regulations Governing Adult High School Programs were last amended in 1985 and are not currently consistent with the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131). The purpose of this intended regulatory action is threefold. First, it is recommended that an adult high school diploma be created and issued to individuals who were not required to earn verified credit at the time they entered the ninth grade but who meet the credit requirements that were in place at the time they entered the ninth grade. Second, an adult high school diploma would also be issued to individuals who successfully complete the External Diploma Program (EDP). Currently EDP candidates earn a standard high school diploma. Third, although adults would continue to be eligible to earn a standard or advanced studies high school diploma, they would be required to meet all credit requirements defined by the current *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131) at the time that they will graduate.

Today there are over 1,000,000 adults in Virginia over the age of 18 years that do not have a high school credential. Many adults return to school after many years out of the classroom. They have numerous obstacles to overcome, including a high incidence of undiagnosed learning disabilities, limited English

proficiency, significant gaps in previous education, high mobility rates, and economic and societal hardships due in part to the lack of a secondary credential. Adult high school programs offer quality education with measured achievement and accountability as part of the National Reporting System (NRS) of the U. S. Department of Education. Adults are offered an opportunity to earn a high school credential, increase their employability, and contribute positively to the economy, their families, and the communities of the Commonwealth. Illiteracy costs Virginia taxpayers nearly \$300 million a year due to unemployment, welfare dependency, and loss of tax revenue. The goal of this regulatory action is to clarify the process by which adults can earn a high school diploma and diploma types for which they may be eligible.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

Only three substantive changes are recommended to the existing regulations. First, it is recommended that an adult high school diploma be created and issued to individuals who were not required to earn verified credit at the time they entered the ninth grade but who meet the credit requirements that were in place at the time they entered the ninth grade. Second, an adult high school diploma would also be issued to individuals who successfully complete the External Diploma Program (EDP). Currently EDP candidates earn a standard high school diploma. Third, although adults would continue to be eligible to earn a standard or advanced studies high school diploma, they would be required to meet all credit requirements defined by the current *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131) at the time that they will graduate.

Issues

Please identify the issues associated with the proposed regulatory action, 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, please indicate.

Working-aged adults who do not have a high school diploma will have credible diploma choices tailored to their individual needs and life circumstances. High standards are associated with each diploma choice. Coupling the General Achievement Diploma (GAD) and the General Educational Development (GED) Certificate with the diploma options resulting from these proposed regulations, adults would have a menu of five different secondary credentials that certify educational attainment at the high school level. The proposed regulations pose no disadvantages to the public or the commonwealth.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
20-30-10		Change wording from “authorities” to “school officials.”	“School officials” is a more accurate description.
20-30-20		Add “grade” to describe “9 to 12 high school.”	More accurate description.
20-30-20 subsection 1.		Minor changes in language and the addition of “Such students would be able to earn a diploma, as provided in 8 VAC 20-131-50 et seq., but would not be eligible to earn an adult high school diploma.” *	To improve accuracy of description and to clearly define that students enrolled in K-12 who are taking classes in adult high school programs are not eligible to earn an adult high school diploma.
20-30-20 subsection 2.b.		Add “grade” to describe “9 to 12 high school.”	More accurate description.
20-30-20 subsection 2.c.		Change the word “identified” to “prescribed.”	More accurate description.
20-30-20 subsection 3.a.		Change earlier wording of this newly proposed section to read, “A diploma, as provided in 8 VAC 20-131-50 et seq., shall be awarded to an adult student who completes all requirements of the diploma regulated by the Board of Education, with the exception of health and physical education requirements, in effect at the time he will graduate.”	More accurate description.
20-30-20 subsection 3.b.		Change wording after semicolon in last sentence to read as new sentence, “The requirement for specific assessments may be waived if the assessments are no longer administered to students in Virginia public schools.”	More accurate description.
20-30-20 subsection 3.d.		Insert following new section, “A General Achievement Diploma, as provided in 8 VAC 20-680-10 et seq., shall be awarded to an adult student who completes all requirements of the diploma.” *	Identify another diploma option for adult students.
20-30-30		Revise language to read that teachers in adult high school programs must be “licensed and endorsed in the subject areas they teach.”	More accurate description.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
Katherine DeSilva	Supports regulatory action	None
Bonnie Moore	Supports regulatory action	None

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
20-30-10			Change wording from “authorities” to school officials.” “School officials” is a more accurate description.
20-30-10			Change wording from “regular school” to “high school.” “High school” is a more accurate description.
20-30-20			Change “Secondary school programs” to “Adult high school programs.” “Adult high school program” is a more accurate description.
20-30-20			Change “regular day school” to “grade 9 through 12 high school.” Nine through 12 high school is a more accurate description.
20-30-20 subsection 1			Changes made in wording to clarify whom eligible adult high school students are. Further language was added to clarify the use of adult high school programs with students enrolled in K-12 programs and the diploma options available to such students.
20-30-20 subsection 2.a.		108 hours of classroom instruction are necessary to earn one unit of credit. Credits may also be earned through completion of	Delete the section that describes earning credits through completion of competencies comparable to the regular high school program. This is addressed in subsection “e” (proposed subsection “b”). It also

		competencies comparable to the regular school program.	confuses the issue with the required hours of instruction.
20-30-20 subsection 2.b.		This subsection describes the units of credits required to earn a standard diploma.	Delete. This subsection is not appropriate for a discussion on credits and belongs in the newly proposed section on diplomas (proposed subsection 3).
20-30-20 subsection 2.c.		This subsection describes the units of credits required to earn an advanced studies diploma.	Delete. This subsection is not appropriate for a discussion on credits and belongs in the newly proposed section on diplomas (proposed subsection 3).
20-30-20 subsection 2.d.		This subsection describes other requirements to earn a high school diploma, in addition to earning specified units of credit.	Delete. This subsection is not appropriate for a discussion on credits and belongs in the newly proposed section on diplomas (proposed subsection 3).
20-30-20 subsection 2.e.	20-30-20 subsection 2.b.	This section describes the options for earning units of credit, other than satisfactory completion on specified hours of instruction.	No substantive changes are proposed in this subsection. The changes are proposed for the sake of clarity.
20-30-20 subsection 2.f.		This section states that students may not attend the adult high school program in order to earn a high school diploma early.	Delete. This subsection is not appropriate in the subsection on credits. The issue of students graduating early is addressed in the current SOA.
20-30-20 subsection 2.g.	20-30-20 subsection 2.c.	This section describes the transferability of credits earned in adult high school programs.	Changes in language are proposed only for the sake of clarity.
	20-30-20 subsection 3.a.		The subsection describes the requirements that individuals enrolled in adult high school programs must meet in order to earn a standard or advanced studies diploma and permits the Board of Education to authorize substitute assessments (in lieu of Standards of Learning tests).
	20-30-20 subsection 3.b.		The subsection describes the requirements to earn the newly proposed “adult high school diploma” and authorizes the Board to substitute assessments (in lieu of the Literacy Passport Test {LPT} which was required until July 1, 2003).
	20-30-20 subsection 3.c.		The subsection describes that the newly proposed “adult high school diploma” shall be awarded to individuals who successfully complete the EDP.
	20-30-20 subsection 3.d		The subsection describes the General Achievement Diploma option as provided in 8VAC20-680-10 et seq.
20-30-30			Wording changes are recommended for the sake of clarity.
20-30-40	20-30-40		Delete section 20-30-50 and combine with

and 20-30-50			section 20-30-40. Both sections deal with physical facilities. Wording changes are recommended for the sake of clarity.
20-30-60	20-30-50		Wording changes are recommended for the sake of clarity.
20-30-70	20-30-60		Wording changes are recommended for the sake of clarity.

Impact on family

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

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

Current educational and U.S. Department of Labor research suggests that a high school diploma or other secondary credential makes individuals more marketable for employment and increases their economic earnings compared to individuals without a diploma. The new regulations will encourage economic self-sufficiency. The flexibility these regulations provide in the methods and means for earning a diploma should make a high school diploma more attainable. Evidence suggests that individuals who earn a diploma later in life experience considerable pride and satisfaction. These regulations should not adversely affect an individual’s marital commitment.

The proposed regulatory action may result in increased numbers of adults with a high school diploma. Department of Labor statistics and data from the U.S. Department of Education’s National Adult Literacy Survey indicate that there is a correlation between income and education. Individuals with a high school diploma earn more than those without one. Similarly, individuals with two or more years of college earn more than those with only a diploma. Adults working towards earning a diploma are encouraged to continue further education.