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Final Regulation Agency Background Document

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| Agency name | Virginia Department of Education |
| Virginia Administrative Code (VAC) citation(s) | 8 VAC 20-30 and 8 VAC 20-680 |
| Regulation title(s) | <i>Regulations Governing Adult High School Programs and Regulations Governing the General Achievement Diploma</i> |
| Action title | Permanent amendments to comport with legislative changes made by HB 1061 and SB 489 (2012) to amend the <i>Regulations Governing Adult High School Programs</i> and repeal the <i>Regulations Governing the General Achievement Diploma</i> |
| Date this document prepared | May 13, 2015 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

The 2012 General Assembly passed, and the Governor signed into law, HB 1061 and SB 489, which amend § 22.1-253.13:4 of the *Code of Virginia* to strengthen postsecondary education and workplace readiness opportunities for all students, and to consolidate the number of Board of Education-approved diplomas.

The legislation eliminated the General Achievement Diploma by folding it into the Adult High School Diploma, which would be re-named the General Achievement Adult High School Diploma. The legislation added a requirement that adult students would need to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state

licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment in order to be awarded the diploma.

The General Achievement Adult High School Diploma would include the following requirements:

- Achievement of a passing score on the GED® examination (now amended to successful completion of the requirements to earn a high school equivalency certificate approved by the Board of Education);
- Successful completion of an education and training program designated by the Board of Education;
- Achievement of a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and
- Completion of other requirements as may be established by the Board.

The emergency regulations became effective July 17, 2013.

In 2014, HB 1007 replaced references of a General Educational Development (GED®) program or test throughout the *Code of Virginia* with "a high school equivalency examination approved by the Board of Education." This one update is reflected in the permanent regulations; otherwise, they are exactly the same as the emergency regulations.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

Not Applicable

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.

On April 23, 2015, the Board of Education approved the permanent amendments to the *Regulations Governing Adult High School Programs* and the repeal of the *Regulations Governing the General Achievement Diploma* to replace the emergency regulations.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Section 22.1-16 of the *Code of Virginia* states that 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 Title 22.1.

HB 1061 and SB 489, passed by the 2012 General Assembly and signed by the Governor, amended § 22.1-253.13:4 of the *Code of Virginia* to require the Board of Education to promulgate these changes to the regulations.

In 2014, HB 1007 replaced references to a General Educational Development (GED[®]) program or test throughout the *Code of Virginia* with "a high school equivalency examination approved by the Board of Education."

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation 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.

These amendments would make the emergency regulations permanent. The permanent regulations comport with the provisions of HB 1061 and SB 489, as passed by the 2012 General Assembly and signed by the Governor.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both.

These regulations are necessary to implement the provisions of HB 1061 and SB 489. The legislation eliminated the General Achievement Diploma by folding it into the Adult High School Diploma, which would be re-named the General Achievement Adult High School Diploma. The legislation added a requirement that adult students must earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment in order to be awarded the diploma. The legislation further provides that the General Achievement Adult High School Diploma would include the following requirements:

- Achievement of a passing score on the General Educational Development (GED[®]) examination (now amended to successful completion of the requirements to earn a high school equivalency examination approved by the Board of Education pursuant to HB 1007 (2014));
- Successful completion of an education and training program designated by the Board of Education;
- Achievement of a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and
- Completion of other requirements as may be established by the Board.

These regulations are designed to enhance preparedness for the workplace and for postsecondary education and strengthen educational and career opportunities for adult students. They also support

expanded learning opportunities for adult students by enhancing workplace skills through the attainment of a career and technical education credential for adult students earning the General Achievement Adult High School Diploma.

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.

This regulatory action comports with the Code and poses no disadvantages to the public or Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include 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 statement to that effect.

There are no applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No locality would be disproportionately affected.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulatory action will impact the family by providing opportunities for adult learners to gain career skills to become productive citizens and be prepared for postsecondary education and for employment. The increased rigor of the adult high school diploma addressed in the legislation will increase economic self-sufficiency and provide an increased opportunity to secure employment requiring a highly skilled work force.

Changes made since the proposed stage

*Please list all changes that were made to the text of the proposed regulation and the rationale for the changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. *Please put an asterisk next to any substantive changes.*

| Section number | Requirement at proposed stage | What has changed | Rationale for change |
|----------------|---|--|--|
| 8 VAC 20-30-20 | The regulations would set forth the requirements for a student to earn a General Achievement Adult High School Diploma by: 1. Successfully completing the requirements to earn a General Educational Development (GED®) certificate... | These regulations are being amended to replace references to a General Educational Development (GED®) program or test with "a high school equivalency examination approved by the Board of Education." | HB 1007 (2014) replaced references to a General Educational Development (GED®) program or test throughout the <i>Code of Virginia</i> with a high school equivalency examination approved by the Board of Education. |

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. Please distinguish between comments received on Town Hall versus those made in a public hearing or submitted directly to the agency or board.

There were no comments received during the public comment period on Town Hall or during the public hearing held March 26, 2015.

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections. Explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation.

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|---|--|
| 8 VAC 20-30-20 | | Minimum Requirements for Adult High School Programs | Consistent with the legislation, the proposed regulations would specify that only students not subject to compulsory attendance could be enrolled in adult high school programs, consistent with language in the legislation. Language permitting younger students to enroll in adult high school programs under exceptional conditions would be eliminated. |

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| | | | <p>The regulations would set forth the requirements for a student to earn a General Achievement Adult High School Diploma by;</p> <ol style="list-style-type: none"> 1. Successfully completing the requirements to earn a high school equivalency examination approved by the Board of Education. 2. Successfully completing an education and training program designated by the Board of Education by completing 20 standard units of credit in the following subjects: English (4 credits), mathematics (3 credits), science (2 credits), history and social science (2 credits), and electives (9 credits), as specified in the current Regulations Governing the General Achievement Diploma; and 3. Earning a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment. |
| 8 VAC 20-680-10 | | Eligibility Requirements for the General Achievement Diploma | HB 1061 and SB 489 would eliminate the General Achievement Diploma; therefore, the associated regulations would need to be repealed. |
| 8 VAC 20-680-20 | | Course, Credit, and Assessment Requirements | HB 1061 and SB 489 would eliminate the General Achievement Diploma; therefore, the associated regulations would need to be repealed. |