



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Education
Virginia Administrative Code (VAC) citation(s)	8 VAC 20-160-10 et. seq.
Regulation title(s)	Regulations Governing Secondary School Transcripts
Action title	Revisions of the Regulations Governing Secondary School Transcripts to align with postsecondary and business and industry needs
Date this document prepared	June 20, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please 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).

Changes in professional practice at postsecondary institutions and business and industry necessitated revisions to the *Regulations Governing Secondary School Transcripts* (8 VAC 20-160-10, et. seq). The Board of Education will be proposing revisions that best serve the students of the Commonwealth by aligning elements contained in the student transcript to the needs and demands of postsecondary partners.

The *Regulations Governing Secondary School Transcripts* are composed of the following sections: Definitions, Effective date, Format options, Profile data sheet, Advanced-level courses, and Elements for weighting.

The last full revision to the *Regulations Governing Secondary School Transcripts* was approved by the Board of Education in 2007.

In May 2016, the Board of Education approved an amendment to the wording of 8 VAC 20-160-30, Item #25, of the *Regulations Governing Secondary School Transcripts*, to add an opt-out policy to allow flexibility to certain students who did not want standardized test scores sent to postsecondary institutions. The amendment to add the opt-out policy was a result of numerous educator and constituent calls expressing concern with the mandate to send standardized test scores as a part of the official transcript.

Acronyms and Definitions

Please define all acronyms or technical definitions used in the Agency Background Document. .

N/A

Mandate and Impetus

Please 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, board decision, etc.). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "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."

The last comprehensive revision to the *Regulations Governing Secondary School Transcripts* was made by the Board of Education in 2007. Changes in professional practice and postsecondary expectations warrant a revision to align with the needs of our students, parents, and postsecondary stakeholders.

In addition, the need for revisions is necessitated by educator and constituent calls expressing concern with outdated language and programs, as well as the need to clarify how specific transcript elements such as absences, previous schools attended, and course work are listed.

Superintendent's Memorandum [#133-18](#) was released May 21, 2018, to address some of the urgent issues and stated that the revision process for the *Regulations Governing Secondary School Transcripts* would begin in 2019.

Legal Basis

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

The Board of Education’s authority for promulgating regulations governing standards for accrediting public schools may be 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, but not be limited to, 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, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.”

The Board’s overall regulatory authority may be found in § 22.1-16. In 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.”

Purpose

Please 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, please explain any potential issues that may need to be addressed as the regulation is developed.

Secondary school transcripts are a complete record of a student’s coursework, grades and credits and provide concrete evidence to postsecondary institutions and the workforce of a student’s preparation in matriculating, joining the military, or entering the workforce. It is imperative that the *Regulations Governing Secondary School Transcripts* be updated periodically to align with the needs of postsecondary and the workforce.

Substance

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

In 8 VAC20-160-10. *Definitions*, words and terms that are outdated will be revised or deleted and new words or terms will be added that align with secondary and postsecondary expectations. For example, the following definition will be deleted because the program no longer exists:

"Commonwealth College Course Collaborative (CCCC) means a set of approved courses taken in high school that fully transfer as core requirements and degree credits at Virginia colleges and universities."

In 8 VAC20-160-20. *Effective date*, the date that the secondary school transcript regulations shall become effective for students who take secondary courses for credit will be changed to 2020-2021.

In 8 VAC20-160-30. *Format options*, certain required elements for secondary school transcripts will be revised or deleted and new elements added to align with secondary and postsecondary expectations. For example, the element below will be deleted because the program no longer exists.

“13. Notation of Commonwealth Scholar Designation;”

In 8 VAC20-160-40. *Profile data sheet*, 8VAC20-160-50. *Weight of advanced-level courses*, and 8 VAC20-160-60. *Elements for weighting*, outdated information will be deleted, and information added, to meet postsecondary demands.

Other elements may be considered during this comprehensive review.

Alternatives

Please 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.

A fast track regulatory action was considered to address and revise information related to:

- listing absences on the transcript that only reflected years in which secondary course credit was earned; and
- listing the names of schools at the time a student attended, if the school name had changed.

However, a comprehensive review and revision is necessary because there are multiple terms and elements that need updated or deleted.

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 Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify 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.”

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the *Code of Virginia*, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or

retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public Participation

Please indicate how the public should contact the agency to submit comments on this regulation, including ideas to assist the agency in the development of the regulation and the costs and benefits of the alternatives stated in this notice or other alternatives.

Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulation.

The Board is seeking comments on the review and revision of this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose 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://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail to Joseph Wharff, 101 N. 14th Street, Floor 20, 101 N. 14th Street, Richmond, Virginia 23218-2120, or by e-mail at Joseph.Wharff@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 not be held following the publication of the proposed stage of this regulatory action.