



**Virginia
Regulatory
Town Hall**

**Notice of Intended Regulatory Action
Agency Background Document**

Agency Name:	20 Department of Education
VAC Chapter Number:	30
Regulation Title:	Regulations Governing Adult High School Programs
Action Title:	NOIRA
Date:	November 1, 2000

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The Regulations Governing Adult High Schools Programs were last amended in 1985 and are not currently consistent with the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131). The purpose of this intended regulatory action is twofold. First, adult high school programs, at which adults are able to earn a Standard or Advanced Studies Diploma, will be required to maintain the same high standards as regular day school programs. Second, the change provides a high-standard alternative diploma for adults (the Adult Education Diploma) who are unable to complete the requirements for a Standard or Advanced Studies Diploma.

Today there are over one million adults in Virginia who do not have a high school diploma. Many adult students return to school after years out of the classroom. They have numerous obstacles to overcome, including a high incidence of undiagnosed learning disabilities, limited English proficiency (LEP), significant gaps in previous education, high mobility rates, and economic and societal hardships attributable in part to the lack of a secondary credential. Adult high school programs offer quality education with measured achievement and adherence to the

National Institute for Literacy's reform agenda for standards and accountability, "Equipped for the Future." Adults are offered the 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 state taxpayers nearly \$300 million a year due to unemployment, welfare, and loss of tax revenue.

The goal of this regulatory action is to clarify the processes by which adults in Virginia can earn a secondary credential and the kinds of credentials not including the General Educational Development Certificate.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

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 Code provides discretion to the Board in promulgating "appropriate standards and guidelines for adult education programs."

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The proposed changes to this regulation will provide opportunities for adult students to earn a diploma-the Adult Education Diploma. This credential is not intended to replace the Standard or Advanced Studies Diploma. Adult students still will be able to earn either of these diplomas if they meet the requirements defined in the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131). The Adult Education Diploma is intended to accommodate the unique circumstances that preclude many adults from earning a Standard or Advanced Studies Diploma. The Adult Education Diploma will require adults to meet specific standards and will allow more flexibility in how they earn credits and demonstrate mastery.

The language in these regulations concerning Standard and Advanced Studies Diplomas will be amended to reflect the Regulations Establishing Standards for Accrediting Public Schools in Virginia. Adults preferring to earn a Standard or Advanced Studies Diploma will be expected to meet the same high standards as students enrolled in the regular day school programs.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The proposed Regulations Governing Adult High School Programs will be amended based on the comment received from the public during the public comment periods of the review process and on the need to ensure that the regulations comport with the Standards of Accreditation. It is not determined at this point of the review process exactly what those changes may be.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed 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.

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 can also benefit from curriculum designed to assist them in their parenting skills. Adults earning Adult Education Diplomas will be prepared to assist in meeting their own children's educational needs.

Current educational and U.S. Department of Labor research suggests that having a diploma makes individuals more job marketable and increases their economic earnings compared to individuals without a diploma. The new regulations will encourage economic self-sufficiency. The flexibility that these regulations provide in the methods and means for earning a diploma should make the diploma more attainable. Evidence suggests that individuals who earn their 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 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 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 their diploma are encouraged to continue further education.