



**Virginia
Regulatory
Town Hall**

Proposed Regulation Agency Background Document

Agency Name:	Department of Education
VAC Chapter Number:	8 VAC 20-30-10
Regulation Title:	Regulations Governing Adult High School Programs
Action Title:	Proposed Regulations
Date:	10/22/01

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The current regulations were last amended in 1985 and describe the standards that students enrolled in adult high school programs must meet in order to earn a standard or advanced studies high school diploma. The regulations also describe the standards that shall guide local school divisions awarding standard or advanced studies diplomas through adult high school programs. Because the current regulations have not been amended since 1985, the proposed amendments are designed to 1) align the current regulations with the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* and 2) provide for a suitable diploma for adults who complete the External Diploma Program. These goals and the proposed amendments that support the goals are intended to ensure the integrity of Virginia high school diplomas earned through adult high school programs.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed 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 *Code of Virginia* provides discretion to the Board of Education in promulgating "appropriate standards and guidelines for adult education programs."

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of 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 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, where 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, to be named the adult high school diploma, for adults who are unable to complete the requirements for a standard or advanced studies diploma.

Today there are over 700,000 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, 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 accountability as part of the National Reporting System of the U. S. Department of Education. 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 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 secondary credential.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

Only two substantive changes are recommended to the existing regulations. The first recommendation is to ensure that standard and advanced studies diplomas issued through adult high school programs are consistent with the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* in effect at the time the adult student entered the ninth grade. The second recommendation is intended to create a new diploma, the adult high school diploma, which will be available only to adult students. The adult high school diploma is intended to accommodate the unique circumstances that preclude many adults from earning a standard or advanced studies diploma. The adult high school diploma will be correlated to the External Diploma Program already approved and in effect in seven school divisions. This program requires adults to meet clearly defined standards while providing flexibility in how students earn credits and demonstrate mastery.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 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 include a sentence to that effect.

The proposed amendments will provide adults with clearly defined processes for attaining a secondary credential. The proposed amendments will provide also for a new, high-quality alternative to earning a standard or advanced studies diploma. An adult working toward an adult high school diploma can do so while engaged in his or her respective workplace. The competencies required to earn an adult high school diploma are correlated closely to essential workplace competencies.

These proposed amendments clarify issues related to awarding diplomas to adults. The integrity of Virginia high school diplomas will not be affected in any negative way by the proposed amendments. No disadvantages to the public or the commonwealth are expected as a result of the proposed amendments to the regulations.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

No fiscal impact is anticipated as a result of approving the proposed amendments to the *Regulations Governing Adult High School Programs*.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

In 8 VAC 20-30-20, section 2, subsection b, the specific number of credits necessary to graduate should be deleted. This is not consistent with the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. This subsection should be amended to include more general language that holds adults to the standards in place at the time they entered the ninth grade. This will allow the standards to change without having to initiate the regulatory process to make changes to the adult high school regulations.

In 8 VAC 20-30-20, section 2, subsection c, a specific number of credits is described as necessary to earn an advanced studies diploma. This is not consistent with the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* and should be deleted.

8 VAC 20-30-20, section 2, subsection d should be deleted since the Literacy Passport Test will no longer be used in Virginia after 2003.

A new subsection (f) is added to 8 VAC 20-30-20, section 2, that provides for the issuance of an adult high school diploma for adults who successfully complete the External Diploma Program. It is specified in §22.1-223 of the *Code of Virginia* that a high school diploma shall be issued to anyone successfully completing the External Diploma Program. The *Code of Virginia* does not specify what type of high school diploma shall be issued. It is not deemed appropriate to issue a standard or advanced studies diploma as defined in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, as the External Diploma Program does not align with the requirements for either diploma.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets 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 *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. It is not determined at this point of the review process exactly what those changes may be.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

Only one comment was received during the NOIRA comment period concerning the *Regulations Governing Adult High School Programs*. The individual suggested that an “adult high school diploma should be created for individuals who successfully complete the External Diploma Program” to ensure that they receive appropriate recognition for their efforts. The information was accepted with no agency response.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The adult secondary specialist for the Department of Education has responded to numerous requests from local school division superintendents, adult education program managers, adult education teachers and students, and other interested parties for information related to issues relevant to the *Regulations Governing Adult High School Programs*. Issues related to these requests and other comments from the field have been considered in forming the proposed regulations. Thoughtful deliberation has been given to the regulations and the proposed amendments to ensure the clarity of language and to ensure the integrity of any diploma issued by a school division through the respective adult high school program. Further public comment and deliberations by the Board of Education may suggest new language for the proposed regulations submitted with this document.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

Since the *Regulations Governing Adult High School Programs* describe the manner and means for issuing standard and advanced studies diplomas, it is recommended that these regulations be reviewed in conjunction with any review of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which 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 also can benefit from curriculum designed to assist them in their parenting skills. Adults earning adult 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 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 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 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 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 a diploma are encouraged to continue further education.