

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

July 25, 2013

The Board of Education and the Board of Career and Technical Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, with the following members present:

Mr. David M. Foster, President
Mrs. Betsy D. Beamer, Vice President
Mrs. Diane T. Atkinson
Dr. Oktay Baysal

Mr. Christian N. Braunlich
Dr. Billy K. Cannaday, Jr.
Mrs. Darla M. Edwards

Dr. Patricia I. Wright, Superintendent
of Public Instruction

Mr. Foster called the meeting to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mr. Foster asked for a moment of silence, and led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Mrs. Beamer made a motion to approve the minutes of the June 27, 2013, meeting of the Board. The motion was seconded by Dr. Cannaday and carried unanimously. Copies of the minutes had been distributed in advance of the meeting.

RESOLUTIONS/RECOGNITION

A Resolution of Recognition was presented to Virginia's 2013 National Distinguished Principal:

- Mrs. Sherry King, principal at High Point Elementary School, Washington County Public Schools

PUBLIC COMMENT

The following persons spoke during public comment:

- Laura Murphy, spoke on advance notice to parents regarding controversial or sensitive materials
- Nicole Dooley, spoke on proposed changes to the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia*

- Janice Largen, spoke on issues regarding Patrick County Public Schools
- Linda Maxie, spoke on issues regarding Patrick County Public Schools
- Dr. Karen Wood, spoke on issues regarding Patrick County Public Schools
- Barbara Pendleton on behalf of Beverly Dillard, spoke on issues regarding Patrick County Public Schools
- Elizabeth Wallace, spoke on issues regarding Patrick County Public Schools
- Trena Anderson, spoke on issues regarding Patrick County Public Schools
- Debbie DeHart, spoke on issues regarding Patrick County Public Schools
- Danny Wood, spoke on issues regarding Patrick County Public Schools
- Paula Drady, spoke on issues regarding Patrick County Public Schools
- David Wallace, spoke on issues regarding Patrick County Public Schools
- Mary Sue Terry, spoke on issues regarding Patrick County Public Schools

CONSENT AGENDA

Mrs. Atkinson made a motion to approve the consent agenda. The motion was seconded by Dr. Baysal and carried unanimously.

Final Review of Financial Report on Literary Fund

With the Board's approval of the consent agenda, the Board approved the financial report (including all statements) on the status of the Literary Fund as of March 31, 2013.

ACTION/DISCUSSION ITEMS

Final Review of Proposed Growth Indicators in Response to the 2013 Acts of Assembly

Mrs. Loving-Ryder, assistant superintendent for student assessment and school improvement, presented this item. Her presentation included the following:

- Since first review of the proposed growth indicators by the Board on June 27, 2013, the following changes have been made to the policy statement:
 - ✓ The reference to the "percent of students" achieving each indicator has been removed to clarify that these are indicators that reflect growth for *individual students*. Language indicating the percent of students achieving the indicators may be used in the growth component of the grading formula.
 - ✓ The introduction of the high school section has been revised to clarify the focus of the high school indicators on college and career readiness.
 - ✓ The high school indicators have been revised to focus on individual students in the Virginia on-time graduation rate cohort (9th grade cohort) rather than on graduates. This change is intended to make clear students who were in the 9th grade cohort and dropped out before graduating will be included in the growth component of the school grading formula.

- ✓ The high school indicator regarding the percent of students participating in an AP, IB, or dual enrollment course out of the total number of 11th-and 12th-grade students (participants also include students in grades 9-10) has been removed to reflect the focus on student level indicators. This indicator may be used as a school level growth indicator in the grading formula.
- At the June 27th meeting, several Board members asked about the role of on-time graduation rates, dropout rates, and school attendance as growth indicators. For purposes of satisfying the July 31, 2013, deliverable legislated by the General Assembly, the Department is restricting proposed growth indicators to those indicators that are determined for individual students and not indicators aggregated and reported at the school level. It is anticipated that student growth indicators and school-level performance indicators will comprise components of a grading formula to be approved by the Board by October 2013.

The Board's discussion included:

- Mrs. Atkinson proposed that the following amendments be added on page 5:
 - ✓ The Board will include science and history and social science state assessment results as components in the school grading formula.
 - ✓ The Board intends to establish the school grading formula by October 1, 2013, and report individual school grades by October 1, 2014.
- Dr. Cannaday suggested that a statement be added to the Board's *Annual Report to the General Assembly on the Conditions and Needs of Public Schools in Virginia* of its intent to reassess and re-evaluate the growth indicators annually.
- Mr. Braunlich asked Dr. Wright if scenarios based on the formula will be provided. Dr. Wright indicated that the October 1 deadline has always been problematic, but staff is committed to providing the Board with the best possible policy for a grading system by the due date. She indicated that staff will have a better indication of student results from the new tests by September and October. Two years of data on the new mathematics assessments will be available, but only one year of data on the new reading and science assessments.

Mrs. Beamer made a motion to approve the proposed growth indicators with amendments for use in the Standards of Accreditation, a school grading system, and teacher evaluations. The motion was seconded by Mrs. Atkinson and carried unanimously.

Mr. Foster invited stakeholders and the public to share feedback on the grading formula with the Superintendent of Public Instruction and the Board.

The growth indicator proposal is as follows:

**Student Growth Indicators Approved by the Board of Education
In Response to 2013 Acts of Assembly, Chapter 672**

Background and Statutory Authority

The 2013 Acts of Assembly, Chapter 672, requires the Virginia Board of Education (Board), by July 31, 2013, to approve student growth indicators for use in the Standards of Accreditation and teacher evaluations.

This legislation also requires the Board, by October 1, 2014, to report individual school performance based on an A-F grading system that must include student growth indicators in addition to accreditation and state and federal accountability requirements.

The Board is required by October 1, 2014, to make both the grading system and individual school grades available to the public and provide a summary report to the General Assembly.

The legislation provides a definition of “student growth” for purposes of assigning grades to individual schools.

2013 Acts of Assembly Chapter 672 (HB 1999)

An Act to require the Board of Education to develop a grading system for individual school performance.

Be it enacted by the General Assembly of Virginia:

1. § 1. The Board of Education shall approve student growth indicators by July 31, 2013. The Department of Education shall provide a report to the Governor and the General Assembly on the approval of the student growth indicators and their uses by December 1, 2013. The growth indicators shall be used in the standards of accreditation of schools and in teacher evaluations.

§ 2. The Board of Education shall report individual school performance using a grading system that includes the standards of accreditation, state and federal accountability requirements, and student growth indicators in assigning grades. The grading system shall be based on an A-to-F grading scale. The Board, by October 1, 2014, shall (i) assign a grade from A to F to each public school in the Commonwealth; (ii) make both the system and the grade assigned to each school in the Commonwealth available to the public; and (iii) report to the General Assembly a summary of the system and the assigned grades.

§ 3. As used in this act, for purposes of assigning grades, "student growth" means (i) whether individual students on average fall below, meet, or exceed an expected amount of growth based on a statewide average or reference base year on state assessments or additional assessments approved by the Board; (ii) maintaining a proficient or advanced proficient performance level on state assessments; or (iii) making significant improvement within the below basic or basic level of performance on reading or mathematics assessments as determined by the Board.

Student Growth Indicators—School Grading System and Accreditation

The Board of Education shall approve student growth indicators—criteria for determining growth—for purposes of developing a school grading system and accrediting schools based on reading and mathematics state assessments or additional assessments approved by the Board in reading and mathematics. The Board will include science and history and social science state assessment results as components in the school grading formula. Student growth indicators for high schools shall include college and career readiness measures approved by the Board.

The Board will establish in the school grading formula the role of student growth indicators and the criteria for approving assessments other than the state assessments to measure student growth. The Board intends to establish the school grading formula by October 1, 2013, and report individual school grades by October 1, 2014.

The Board will include in the *Regulations for Accrediting Public Schools in Virginia* the role of student growth indicators and the criteria for approving assessments other than the state assessments to measure growth for school accreditation.

Criteria for Approving Additional Student Growth Assessments

The Board of Education may from time to time approve reading and mathematics assessments other than the state assessments to measure student growth for the purposes of accreditation and assigning grades to individual schools. In order for a test to be considered by the Board for approval as an additional assessment to enable schools to meet student growth indicators approved by the Board, the test must, at a minimum, meet the following criteria:

1. The test must be standardized and graded independently of the school or school division in which the test is given;
2. The test must be knowledge based;
3. The test must be
 - i. administered on a multistate or international basis, or
 - ii. administered as part of another state's accountability assessment program, or
 - iii. listed on the Virginia Department of Education Student Growth Assessment state contract as an approved student growth assessment for local use; and

4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the area for which student growth is required; and
5. The test must measure and report individual student growth relative to a year's worth of progress.

Elementary and Middle School Indicators

In elementary and middle schools, *individual students* who take the statewide reading and mathematics assessments or additional assessments approved by the Board in reading and mathematics for grades 4-8 and Algebra I, Geometry, and Algebra II shall be assigned a growth status based on the indicators approved by the Board.

In elementary and middle schools, student growth indicators shall include one or more of the following:

1. Students taking the state reading assessment and
 - i. Maintaining a pass/proficient or pass/advanced performance level from one year to the next; or
 - ii. Moving to a higher performance level from one year to the next (progress from basic to proficient or above; progress from proficient to advanced); or
 - iii. Making significant improvement within the below basic or basic performance level (significance to be established after data available for standard setting)
2. Students obtaining a student growth percentile (SGP) on the state reading assessment that indicates moderate or high growth
3. Students obtaining a year's worth of progress as measured on additional reading assessments requested by a school division and approved by the Board
4. Students in the lowest performing 25 percent making growth on the state reading assessments or making a year's worth of progress as measured on additional reading assessments requested by a school division and approved by the Board
5. Students taking the state mathematics assessment and
 - i. Maintaining a pass/proficient or pass/advanced performance level from one year to the next; or
 - ii. Moving to a higher performance level from one year to the next (progress from basic to proficient or above; progress from proficient to advanced); or
 - iii. Making significant improvement within the below basic or basic performance level (significance to be established after data available for standard setting)
6. Students obtaining a student growth percentile (SGP) on the state mathematics assessment that indicates moderate or high growth
7. Students obtaining a year's worth of progress as measured on additional mathematics assessments requested by a school division and approved by the Board
8. Students in the lowest performing 25 percent making growth on the state mathematics assessments or making a year's worth of progress as measured on additional mathematics assessments requested by a school division and approved by the Board

The Board of Education may from time to time approve additional student growth indicators and additional assessments for measuring student growth.

High School Indicators

High school students are not required to take annual state assessments in reading and mathematics; instead, students take end-of-course assessments upon completion of course instruction. The focus of high school instruction is college and career readiness. Hence, high school growth indicators are defined as those indicators that are related to postsecondary success and career readiness. Students meet college and career readiness indicators at different times during their high school career. To determine individual student college and career readiness, a readiness (growth) status shall be assigned to *individual students* in the Virginia on-time graduation rate cohort, as defined in the graduation rate formula approved by the Board, based on the student meeting one or more college and career readiness indicators approved by the Board. Additional indicators of college and career readiness shall be approved by the Board.

In high schools, *individual students* in the Virginia on-time graduation rate cohort, shall be considered to have met a college and career readiness (growth) indicator if they demonstrate one or more of the following

1. Earn an advanced studies diploma
2. Earn a score of advanced/college path on one or more of the following Standards of Learning (SOL) tests
 - i. Algebra II
 - ii. EOC Writing
 - iii. EOC Reading
3. Earn a standard diploma and two or more Board-approved career and technical education credentials
4. Earn a standard diploma and at least 3 dual enrollment credits
5. Earn a standard diploma and “college ready” scores on SAT or the ACT
6. Earn a standard diploma and a score of “3” or greater on at least one Advanced Placement (AP) exam
7. Earn a standard diploma and “college ready” scores on at least one International Baccalaureate (IB) exam
8. Earn a standard diploma and successfully completed courses in Algebra II and Chemistry or earning passing scores on the state end-of-course exams
9. Failed the Grade 8 reading or mathematics test and earned a standard or advanced studies diploma

The Board of Education may from time to time approve additional student growth and college and career readiness indicators and additional assessments for measuring student growth.

Student Growth Indicators—Teacher Evaluations

The use of student growth indicators for evaluating teachers shall be consistent with the Board’s policy for rating Performance Standard 7 in the *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers*, effective July 1, 2012.

Student growth indicators for purposes of evaluating teachers may include the Board’s growth indicators for school grading and accreditation, if appropriate for the teacher’s assignment. State assessments, additional assessments that already are being used locally, and other measures of student academic progress may be used to determine student growth. Appropriateness shall be determined at the local level.

Excerpts of the Board’s *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers*, April 28, 2011 (pp.42-44) related to student academic progress follow.

Performance Standard 7: Student Academic Progress

The work of the teacher results in acceptable, measurable, and appropriate student academic progress.

The Uniform Performance Standards and Evaluation Criteria incorporate student academic progress as a significant component of the evaluation while encouraging local flexibility in implementation. These guidelines recommend that student academic progress account for 40 percent of an individual's summative evaluation. There are three key points to consider in this model:

1. Student learning, as determined by multiple measures of student academic progress, accounts for a total of 40 percent of the evaluation.
2. At least 20 percent of the teacher evaluation (half of the student academic progress measure) is comprised of student growth percentiles as provided from the Virginia Department of Education when the data are available and can be used appropriately.
3. Another 20 percent of the teacher evaluation (half of the student academic progress measure) should be measured using one or more alternative measures with evidence that the alternative measure is valid. **Note:** Whenever possible, it is recommended that the second progress measure be grounded in validated, quantitative, objective measures, using tools already available in the school.

It is important to understand that less than 30 percent of teachers in Virginia's public schools will have a direct measure of student academic progress available based on Standards of Learning assessment results. When the state-provided growth measure is available, it is important that the data be reviewed for accuracy and appropriateness before including in a teacher's performance evaluation. Guidance for applying student growth percentiles to teacher performance evaluation are provided in Figure 4.3. It is important to recognize that there must be additional measures for all teachers to ensure that there are student academic progress measures available for teachers who will not be provided with data from the state, and to ensure that more than one measure of student academic progress can be included in all teacher's evaluations. Quantitative measures of student academic progress based on validated achievement measures that already are being used locally should be the first data considered when determining local progress measures; other measures are recommended for use when two valid and direct measures of student academic progress are not available.

In choosing measures of student academic progress, schools and school divisions should consider individual teacher and schoolwide goals, and align performance measures to the goals. In considering the association between schoolwide goals and teacher performance, it may be appropriate to apply the state growth measure -- student growth percentiles (SGP) -- as one measure of progress for teachers who provide support for mathematics or reading instruction. For example, a school-level median growth percentile could be applied to all teachers in a grade-level, department, or whole school as one of multiple measures for documenting student academic progress. This would be appropriate only if all teachers were expected to contribute directly to student progress in mathematics or reading. Ultimately, the choice of how to apply student growth percentiles to teachers who are supporting mathematics and reading achievement would be a local one; it is critical that decisions to apply SGP data to support teachers as part of their evaluation must be made in a manner that is consistent with individual, school or school division goals.

In considering schoolwide goals, school leaders could decide that all teachers would be evaluated, in part, based on state-provided student growth percentiles....

Other measures of student academic progress are critical for determining teacher impact on performance. To the extent possible, teachers and administrators should choose measures of student academic progress that are based on validated quantitative measures, and provide data that reflect progress in student learning. Validated assessment tools that provide quantitative measures of learning and achievement should be the first choice in measuring student academic progress. Often, a combination of absolute achievement, as measured by nationally validated assessments and goal setting (described later in this document) is appropriate.

There also are teachers for whom validated achievement measures are not readily available. In these situations, student goal setting provides an approach that quantifies student academic progress in meaningful ways and is an appropriate option for measuring student academic progress.

Final Review of Permanent Amendments to the Regulations Establishing the Standards for Accrediting Public Schools in Virginia (8 VAC 20-131) to Replace the Emergency Amendments Required by HB 1061 and SB 489 (2012) (Proposed Stage)

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. There were no changes to the amendments since first review by the Board of Education.

Dr. Cannaday suggested giving staff authorization to make technical adjustments to the regulations.

Dr. Cannaday made a motion to approve the permanent amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Proposed Stage) with authorization for staff to make necessary technical adjustments to the document. The motion was seconded by Mrs. Atkinson and carried unanimously.

The proposed *Regulations Establishing Standards for Accrediting Public Schools in Virginia* are as follows:

8 VAC 20-131-5. Definitions.

The following words and terms apply only to these regulations and do not supersede those definitions used for federal reporting purposes or for the calculation of costs related to the Standards of Quality (§ [22.1-253.13:1](#) et seq. of the *Code of Virginia*). When used in these regulations, these words shall have the following meanings, unless the context clearly indicates otherwise:

"Accreditation" means a process used by the Virginia Department of Education (hereinafter "department") to evaluate the educational performance of public schools in accordance with these regulations.

"Additional test" means a test, including substitute tests approved by the Board of Education that students may use in lieu of a Standards of Learning test to obtain verified credit.

"Class period" means a segment of time in the school day that is approximately 1/6 of the instructional day.

"Combined school" means a public school that contains any combination of or all of the grade levels from kindergarten through grade 12. This definition does not include those schools defined as elementary, middle, or secondary schools.

"Credit accommodations" means adjustments to meet the standard and verified credit requirements for earning a Standard Diploma for students with disabilities.

"Elementary school" means a public school with any grades kindergarten through five.

"Eligible students" means the total number of students of school age enrolled in the school at a grade or course for which a Standards of Learning test is required unless excluded under the provisions of [8VAC20-131-30 F](#) and [8VAC20-131-280 D](#) relative to limited English proficient (LEP) students.

"Enrollment" means the act of complying with state and local requirements relative to the registration or admission of a child for attendance in a school within a local school division. This term also means registration for courses within the student's home school or within related schools or programs.

"First time" means the student has not been enrolled in the school at any time during the current school year (for purposes of [8VAC20-131-60](#) with reference to students who transfer in during the school year).

"Four core areas" or "four core academic areas" means English, mathematics, science, and history and social science for purposes of testing for the Standards of Learning.

"Graduate" means a student who has earned a Board of Education recognized diploma, which includes the Advanced Studies, ~~Advanced Technical~~, Standard, ~~Standard Technical~~, ~~Modified Standard~~, and Special, ~~and General Achievement~~ diplomas.

"Homebound instruction" means academic instruction provided to students who are confined at home or in a health care facility for periods that would prevent normal school attendance based upon certification of need by a licensed physician or a licensed clinical psychologist.

"Locally awarded verified credit" means a verified unit of credit awarded by a local school board in accordance with [8VAC20-131-110](#).

"Middle school" means a public school with any grades 6 through 8.

"Planning period" means one class period per day or the equivalent unencumbered of any teaching or supervisory duties.

"Recess" means a segment of free time exclusive of time provided for meals during the standard school day in which students are given a break from instruction.

"Reconstitution" means a process that may be used to initiate a range of accountability actions to improve pupil performance, curriculum, and instruction to address deficiencies that caused a school to be rated Accreditation Denied that may include, but not be limited to, restructuring a school's governance, instructional program, staff or student population.

"School" means a publicly funded institution where students are enrolled for all or a majority of the instructional day and:

1. Those students are reported in fall membership at the institution; and
2. At a minimum, the institution meets the preaccreditation eligibility requirements of these regulations as adopted by the Board of Education.

"Secondary school" means a public school with any grades 9 through 12.

"Standard school day" means a calendar day that averages at least five and one-half instructional hours for students in grades 1 through 12, excluding breaks for meals and recess, and a minimum of three instructional hours for students in kindergarten.

"Standard school year" means a school year of at least 180 teaching days or a total of at least 990 teaching hours per year.

"Standard unit of credit" or "standard credit" means credit awarded for a course in which the student successfully completes 140 clock hours of instruction and the requirements of the course. Local school boards may develop alternatives to the requirement for 140 clock hours of instruction as provided for in [8VAC20-131-110](#).

"Standards of Learning (SOL) tests" means those criterion-referenced assessments approved by the Board of Education for use in the Virginia assessment program that measure attainment of knowledge and skills required by the Standards of Learning.

"Student" means a person of school age as defined by § [22.1-1](#) of the *Code of Virginia*, a child with disabilities as defined in § [22.1-213](#) of the *Code of Virginia*, and a person with limited English proficiency in accordance with § [22.1-5](#) of the *Code of Virginia*.

"Student periods" means the number of students a teacher instructs per class period multiplied by the number of class periods taught.

"Verified unit of credit" or "verified credit" means credit awarded for a course in which a student earns a standard unit of credit and achieves a passing score on a corresponding end-of-course SOL test or an additional test approved by the Board of Education as part of the Virginia assessment program.

"Virginia assessment program" means a system used to evaluate student achievement that includes Standards of Learning tests and additional tests that may be approved from time to time by the Board of Education.

8 VAC 20-131-50. Requirements for graduation.

1. The requirements for a student to earn a diploma and graduate from a Virginia high school shall be those in effect when that student enters the ninth grade for the first time. Students shall be awarded a diploma upon graduation from a Virginia high school.

The Advanced Studies Diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the Standard and the Advanced Studies Diploma shall prepare students for postsecondary education and the career readiness required by the Commonwealth's economy.

When students below the ninth grade successfully complete courses offered for credit in grades 9 through 12, credit shall be counted toward meeting the standard units required for graduation provided the courses are equivalent in content and academic rigor as those courses offered at the secondary level. To earn a verified unit of credit for these courses, students must meet the requirements of [8VAC20-131-110](#).

The following requirements shall be the only requirements for a diploma, unless a local school board has prescribed additional requirements that have been approved by the Board of Education. All additional requirements prescribed by local school boards that have been approved by the Board of Education remain in effect until such time as the local school board submits a request to the board to amend or discontinue them.

2. Requirements for a Standard Diploma.
 1. Beginning with the ninth-grade class of ~~2011-2012~~ **2013-2014** and beyond, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.
 2. Credits required for graduation with a Standard Diploma.

Discipline Area	Standard Units of Credit Required	Verified Credits Required
English	4	2
Mathematics ¹	3	1
Laboratory Science ^{2,6}	3	1
History and Social Sciences ^{3,6}	3	1
Health and Physical Education	2	
Foreign Language, Fine Arts or Career and Technical Education ⁷	2	
Economics and Personal Finance	1	
Electives ⁴	4	
Student Selected Test ⁵		1
Career and Technical Education Credential ⁸		

Total ⁹	22	6
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¹Courses completed to satisfy this requirement shall include at least two different course selections from among: Algebra I, Geometry, Algebra, Functions, and Data Analysis, Algebra II, or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement.

²Courses completed to satisfy this requirement shall include course selections from at least two different science disciplines: earth sciences, biology, chemistry, or physics, or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve courses to satisfy this requirement.

³Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and one course in either world history or geography or both. The board shall approve courses to satisfy this requirement.

⁴Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.

⁵A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education, economics or other areas as prescribed by the board in [8VAC20-131-110](#).

⁶Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association, or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for (i) the student-selected verified credit and (ii) either a science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the Board of Education as an additional test to verify student achievement.

⁷Pursuant to § [22.1-253.13:4](#) of the *Code of Virginia*, credits earned for this requirement shall include one credit in fine or performing arts or career and technical education.

⁸Students shall earn a career and technical education credential approved by the Board of Education that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment.

⁹Students shall successfully complete one virtual course, which may be a noncredit-bearing course or a required or elective credit-bearing course that is offered online.

3. The Board of Education shall establish, through guidelines, credit accommodations to the standard and verified credit requirements for a Standard Diploma. Such credit accommodations for students with disabilities may include:

- a. Approval of alternative courses to meet the standard credit requirements;
- b. Modifications to the requirements for local school divisions to award locally awarded verified credits;
- c. Approval of additional tests to earn a verified credit;
- d. Adjusted cut scores required to earn verified credit; and
- e. Allowance of work-based learning experiences.

The student's Individualized Education Program (IEP) or 504 Plan would specify any credit accommodations that would be applicable for the student.

Students completing the requirements for the Standard Diploma may be eligible to receive an honor deemed appropriate by the local school board as described in subsection K of this section.

C. Requirements for a Standard Technical Diploma.

1. Beginning with the ninth grade class of 2012-2013 and beyond, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.
2. Credits required for graduation with a Standard Technical Diploma.

Discipline Area	Standard Units of Credit Required	Verified Credits Required
English	4	2
Mathematics ¹	3	1
Laboratory Science ^{2,5}	3	1
History and Social Sciences ^{3,5}	3	1
Health and Physical Education	2	
Fine Arts or Foreign Language	1	
Economics and Personal Finance	1	
Career and Technical Education ⁴	4	
Electives	1	
Student Selected ⁶		1
Total	22	6

¹Courses completed to satisfy this requirement shall include at least three different course selections from among: Algebra I, Geometry, Algebra Functions and Data Analysis, or Algebra II or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement.

²Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics, or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve courses to satisfy this requirement.

³Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and one course in either world history or geography or both. The board shall approve courses to satisfy this requirement.

⁴Courses completed to satisfy this requirement must include a career concentration as approved by the board. If a career concentration includes a specific assessment approved by the board and the student is eligible to take the assessment, then the student must take this assessment.

⁵Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry or trade or professional association or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification competency credential or license for (i) the student selected verified credit and (ii) either a science or history and social science verified credit when the certification license or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the board as an additional test to verify student achievement.

~~⁶A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education, economics or other areas as prescribed by the board in [8VAC20-131-110](#).~~

~~Students completing the requirements for the Standard Technical Diploma may be eligible to receive an honor deemed appropriate by the local school board as described in subsection K of this section.~~

~~**C. D.** Requirements for an Advanced Studies Diploma. (Any student who meets the requirements for both the Advanced Studies and the Advanced Technical diploma may choose between these two diplomas.)~~

1. Beginning with the ninth-grade class of ~~2011-2012~~ **2013-2014** and beyond, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.
2. Credits required for graduation with an Advanced Studies Diploma.

Discipline Area	Standard Units of Credit Required	Verified Credits Required
English	4	2
Mathematics ¹	4	2
Laboratory Science ²	4	2
History and Social Sciences ³	4	2
Foreign Language ⁴	3	
Health and Physical Education	2	
Fine Arts or Career and Technical Education	1	
Economics and Personal Finance	1	
Electives	3	
Student Selected Test ⁵		1
Total⁶	26	9

¹Courses completed to satisfy this requirement shall include at least three different course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement.

²Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve additional courses to satisfy this requirement.

³Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and two courses in either world history or geography or both. The board shall approve additional courses to satisfy this requirement.

⁴Courses completed to satisfy this requirement shall include three years of one language or two years of two languages.

⁵A student may utilize additional tests for earning verified credit in computer science, technology, career or technical education, economics or other areas as prescribed by the board in [8VAC20-131-110](#).

⁶*Students shall successfully complete one virtual course, which may be a noncredit-bearing course, or may be a course required to earn this diploma that is offered online.*

Students completing the requirements for the Advanced Studies Diploma may be eligible to receive an honor deemed appropriate by the local school board as described in subsection **[K H]** of this section.

E. Requirements for an Advanced Technical Diploma. Any student who meets the requirements for both the Advanced Studies and the Advanced Technical diploma may choose between these two diplomas.

1. Beginning with the ninth grade class of 2012-2013 and beyond, students shall earn the required standard and verified units of credit described in subdivision 2 of this subsection.
2. Credits required for graduation with an Advanced Technical Diploma.

Discipline Area	Standard Units of Credit Required	Verified Credits Required
English	4	12
Mathematics ¹	4	12
Laboratory Science ²	4	12
History and Social Sciences ³	4	12
Foreign Language ⁴	3	
Health and Physical Education	2	
Economics and Personal Finance	1	
Fine Arts or Career and Technical Education	1	
Career and Technical Education ⁵	3	
Student Selected Test ⁶		1
Total	26	9

¹Courses completed to satisfy this requirement shall include at least three different course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement.

²Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve courses to satisfy this requirement.

³Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and two courses in either world history or geography or both. The board shall approve courses to satisfy this requirement.

⁴Courses completed to satisfy this requirement shall include three years of one language or two years of two languages.

⁵Courses completed to satisfy this requirement must include a career concentration as approved by the board. If a career concentration includes a specific assessment approved by the board, and the student is eligible to take the assessment, then the student must take this assessment.

⁶A student may utilize additional tests for earning verified credit in computer science, technology, career or technical education, economics, or other areas as prescribed by the board in [8VAC20-131-110](#).

Students completing the requirements for the Advanced Technical Diploma may be eligible to receive an honor deemed appropriate by the local school board as described in subsection K of this section.

F. Requirements for the Modified Standard Diploma.

1. Every student shall be expected to pursue a Standard Diploma, Standard Technical Diploma, Advanced Studies Diploma, or Advanced Technical Diploma. The Modified Standard Diploma program is intended for certain students at the secondary level who have a disability and are unlikely to meet the credit requirements for a Standard Diploma. Eligibility and participation in the Modified Standard Diploma program shall be determined by the student's Individualized Education Program (IEP) team including the student, where appropriate, at any point after the student's eighth grade year.
2. The school must secure the informed written consent of the parent/guardian and the student to choose this diploma program after review of the student's academic history and the full disclosure of the student's options.
3. The student who has chosen to pursue a Modified Standard Diploma shall also be allowed to pursue the Standard Diploma, Standard Technical Diploma, Advanced Studies Diploma, or Advanced Technical Diploma at any time throughout that student's high school career, and the student must not be excluded from courses and tests required to earn these diplomas.
4. Students pursuing the Modified Standard Diploma shall pass literacy and numeracy competency assessments prescribed by the board.
5. Credits required for graduation with a Modified Standard Diploma.

Discipline Area	Standard Units of Credit Required
English	4
Mathematics [†]	3
Science ²	2
History and Social Sciences ³	2
Health and Physical Education	2
Fine Arts or Career and Technical Education	1
Electives ⁴	6
Total	20

[†]Courses completed to satisfy this requirement shall include content from among applications of algebra, geometry, personal finance, and probability and statistics in courses that have been approved by the board.

²Courses completed shall include content from at least two of the following: applications of earth science, biology, chemistry, or physics in courses approved by the board.

³Courses completed to satisfy this requirement shall include one unit of credit in U.S. and Virginia History and one unit of credit in U.S. and Virginia Government in courses approved by the board.

⁴Courses to satisfy this requirement shall include at least two sequential electives in the same manner required for the Standard Diploma.

6. ~~The student must meet any additional criteria established by the Board of Education.~~

~~D. G.~~ In accordance with the requirements of the Standards of Quality, students with disabilities who complete the requirements of their Individualized Education Program (IEP) and do not meet the requirements for other diplomas shall be awarded Special Diplomas.

~~E. H.~~ In accordance with the requirements of the Standards of Quality, students who complete prescribed programs of studies defined by the local school board but do not qualify for Standard, ~~Standard Technical,~~ Advanced Studies, ~~Advanced Technical, Modified Standard,~~ ~~or~~ Special, ~~or~~ General Achievement diplomas shall be awarded Certificates of Program Completion. The requirements for Certificates of Program Completion are developed by local school boards in accordance with the Standards of Quality. ~~Students receiving a general achievement diploma shall comply with 8VAC20-680, Regulations Governing the General Achievement Diploma.~~

~~F. I.~~ In accordance with the provisions of the compulsory attendance law and [8VAC20-360, Regulations Governing General Educational Development Certificates](#), students who do not qualify for diplomas may earn a high school equivalency credential.

~~G. J.~~ At a student's request, the local school board shall communicate or otherwise make known to institutions of higher education, potential employers, or other applicable third parties, in a manner that the local school board deems appropriate, that a student has attained the state's academic expectations by earning a Virginia diploma and that the value of such a diploma is not affected in any way by the accreditation status of the student's school.

~~H. K.~~ Awards for exemplary student performance. Students who demonstrate academic excellence and/or outstanding achievement may be eligible for one or more of the following awards:

1. Students who complete the requirements for an Advanced Studies Diploma ~~or Advanced Technical Diploma~~ with an average grade of "B" or better, and successfully complete college-level coursework that will earn the student at least nine transferable college credits in Advanced Placement (AP), International Baccalaureate (IB), Cambridge, or dual enrollment courses shall receive the Governor's Seal on the diploma.
2. Students who complete the requirements for a Standard Diploma, ~~Standard Technical Diploma,~~ ~~or~~ Advanced Studies Diploma ~~or Advanced Technical Diploma~~ with an average grade of "A" shall receive a Board of Education Seal on the diploma.
3. The Board of Education's Career and Technical Education Seal will be awarded to students who earn a Standard Diploma, ~~Standard Technical Diploma,~~ ~~or~~ Advanced Studies Diploma ~~or Advanced Technical Diploma~~ and complete a prescribed sequence of courses in a career and technical education concentration or specialization that they choose and maintain a "B" or better average in those courses; or (i) pass an examination or an occupational competency assessment in a career and technical education concentration or specialization that confers certification or occupational competency credential from a recognized industry, trade or professional association or (ii) acquire a professional license in that career and technical education field from the Commonwealth of Virginia. The Board of Education shall approve all professional licenses and examinations used to satisfy these requirements.
4. The Board of Education's Seal of Advanced Mathematics and Technology will be awarded to students who earn either a Standard Diploma, ~~Standard Technical Diploma,~~ ~~or~~ Advanced Studies Diploma ~~or Advanced Technical~~

Diploma and (i) satisfy all of the mathematics requirements for the Advanced Studies Diploma or Advanced Technical Diploma (four units of credit including Algebra II; two verified units of credit) with a "B" average or better; and (ii) either (a) pass an examination in a career and technical education field that confers certification from a recognized industry, or trade or professional association; (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia; or (c) pass an examination approved by the board that confers college-level credit in a technology or computer science area. The Board of Education shall approve all professional licenses and examinations used to satisfy these requirements.

5. The Board of Education's Seal for Excellence in Civics Education will be awarded to students who earn either a Modified Standard Diploma, Standard Diploma, Standard Technical Diploma, or an Advanced Studies Diploma, or Advanced Technical Diploma and (i) complete Virginia and United States History and Virginia and United States Government courses with a grade of "B" or higher; (ii) have good attendance and no disciplinary infractions as determined by local school board policies; and (iii) complete 50 hours of voluntary participation in community service or extracurricular activities. Activities that would satisfy the requirements of clause (iii) of this subdivision include: (a) volunteering for a charitable or religious organization that provides services to the poor, sick or less fortunate; (b) participating in Boy Scouts, Girl Scouts, or similar youth organizations; (c) participating in JROTC; (d) participating in political campaigns or government internships, or Boys State, Girls State, or Model General Assembly; or (e) participating in school-sponsored extracurricular activities that have a civics focus. Any student who enlists in the United States military prior to graduation will be deemed to have met this community service requirement.
6. Students may receive other seals or awards for exceptional academic, career and technical, citizenship, or other exemplary performance in accordance with criteria defined by the local school board.

[I. L.] Students completing graduation requirements in a summer school program shall be eligible for a diploma. The last school attended by the student during the regular session shall award the diploma unless otherwise agreed upon by the principals of the two schools.

[J. M.] Students who complete Advanced Placement courses, college-level courses, or courses required for an International Baccalaureate Diploma shall be deemed to have completed the requirements for graduation under these standards provided they have earned the standard units of credit and earned verified units of credit in accordance with the requirements **[of for the Standard and Advanced Studies Diplomas, as specified in]** subsections B and C of this section.

[K. N.] Students shall be counseled annually regarding the opportunities for using additional tests for earning verified credits as provided in accordance with the provisions of [8VAC20-131-110](#), and the consequences of failing to fulfill the obligations to complete the requirements for verified units of credit.

8 VAC 20-131-60. Transfer students.

- A. The provisions of this section pertain generally to students who transfer into Virginia high schools. Students transferring in grades K-8 from Virginia public schools or nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education shall be given recognition for all grade-level work completed. The academic record of students transferring from all other schools shall be evaluated to determine appropriate grade placement in accordance with policies adopted by the local school board. The State Testing Identifier (STI) for students who transfer into a Virginia public school from another Virginia public school shall be retained by the receiving school.
- B. For the purposes of this section, the term "beginning" means within the first 20 hours of instruction per course. The term "during" means after the first 20 hours of instruction per course.
- C. Standard or verified units of credit earned by a student in a Virginia public school shall be transferable without limitation regardless of the accreditation status of the Virginia public school in which the credits were earned. Virginia public schools shall accept standard and verified units of credit from other Virginia public schools, Virginia's virtual learning program, Virtual Virginia, and state-operated programs. Standard units of credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted or the student has been given credit by the previous school attended.

- D. A secondary school shall accept credits toward graduation received from Virginia nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education (VCPE). The Board of Education will maintain contact with the VCPE and may periodically review its accrediting procedures and policies as part of its policies under this section.

Nothing in these standards shall prohibit a public school from accepting standard units of credit toward graduation awarded to students who transfer from all other schools when the courses for which the student receives credit generally match the description of or can be substituted for courses for which the receiving school gives standard credit, and the school from which the child transfers certifies that the courses for which credit is given meet the requirements of [8VAC20-131-110](#) A.

Students transferring into a Virginia public school shall be required to meet the requirements prescribed in [8VAC20-131-50](#) to receive a Standard, ~~Standard Technical,~~ *or an* Advanced Studies, ~~Advanced Technical or Modified Standard~~ Diploma, except as provided by subsection G of this section. To receive a Special Diploma or Certificate of Program Completion, a student must meet the requirements prescribed by the Standards of Quality.

- E. The academic record of a student transferring from other Virginia public schools shall be sent directly to the school receiving the student upon request of the receiving school in accordance with the provisions of the [8VAC20-150](#), Management of the Student's Scholastic Record in the Public Schools of Virginia. The State Testing Identifier (STI) for students who transfer into a Virginia public school from another Virginia public school shall be retained by the receiving school.
- F. The academic record of a student transferring into Virginia public schools from other than a Virginia public school shall be evaluated to determine the number of standard units of credit that have been earned, including credit from schools outside the United States, and the number of verified units of credit needed to graduate in accordance with subsection G of this section. Standard units of credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when the student has been given credit by the previous school attended.

Students transferring above the tenth grade from schools or other education programs that do not require or give credit for health and physical education shall not be required to take these courses to meet graduation requirements.

- G. Students entering a Virginia public high school for the first time after the tenth grade shall earn as many credits as possible toward the graduation requirements prescribed in [8VAC20-131-50](#). However, schools may substitute courses required in other states in the same content area if the student is unable to meet the specific content requirements of [8VAC20-131-50](#) without taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated. In any event, no such student shall earn fewer than the following number of verified units, nor shall such students be required to take SOL tests or additional tests as defined in [8VAC20-131-110](#) for verified units of credit in courses previously completed at another school or program of study, unless necessary to meet the requirements listed in subdivisions 1 and 2 of this subsection:
1. For a Standard Diploma ~~or Standard Technical Diploma~~:
 - A Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in [8VAC20-131-50](#);
 - B Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of four verified units of credit: one each in English, mathematics, history, and science. Students who complete a career and technical education program sequence may substitute a certificate, occupational competency credential or license for either a science or history and social science verified credit pursuant to [8VAC20-131-50](#); and
 - C Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of two verified units of credit: one in English and one of the student's own choosing.
 2. For an Advanced Studies Diploma ~~or Advanced Technical Diploma~~:

- A Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in [8VAC20-131-50](#);
 - B Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of six verified units of credit: two in English and one each in mathematics, history, and science and one of the student's own choosing; and
 - C Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of four verified units of credit: one in English and three of the student's own choosing.
- H. Students entering a Virginia high school for the first time after the first semester of their eleventh grade year must meet the requirements of subdivision G 1 c or G 2 c of this section. Students transferring after 20 instructional hours per course of their senior or twelfth grade year shall be given every opportunity to earn a Standard, ~~Standard Technical~~, *or an* Advanced Studies, ~~Advanced Technical~~, *or Modified Standard* Diploma. If it is not possible for the student to meet the requirements for a diploma, arrangements should be made for the student's previous school to award the diploma. If these arrangements cannot be made, a waiver of the verified unit of credit requirements may be available to the student. The Department of Education may grant such waivers upon request by the local school board in accordance with guidelines prescribed by the Board of Education.
- I. Any local school division receiving approval to increase its course credit requirements for a diploma may not deny either the Standard, ~~Standard Technical~~, *or the* Advanced Studies, ~~Advanced Technical~~, *or Modified Standard* Diploma to any transfer student who has otherwise met the requirements contained in these standards if the transfer student can only meet the division's additional requirements by taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated.
- J. The transcript of a student who graduates or transfers from a Virginia secondary school shall conform to the requirements of [8VAC20-160](#), *Regulations Governing Secondary School Transcripts*.
- K. The accreditation status of a high school shall not be included on the student transcript provided to colleges, universities, or employers. The board expressly states that any student who has met the graduation requirements established in [8VAC20-131-50](#) and has received a Virginia diploma holds a diploma that should be recognized as equal to any other Virginia diploma of the same type, regardless of the accreditation status of the student's high school. It is the express policy of the board that no student shall be affected by the accreditation status of the student's school. The board shall take appropriate action, from time to time, to ensure that no student is affected by the accreditation status of the student's school.

8 VAC 20-131-110. Standard and verified units of credit.

- A. The standard unit of credit for graduation shall be based on a minimum of 140 clock hours of instruction and successful completion of the requirements of the course. When credit is awarded in less than whole units, the increment awarded must be no greater than the fractional part of the 140 hours of instruction provided. If a school division elects to award credit on a basis other than the 140 clock hours of instruction required for a standard unit of credit defined in this subsection, the local school division shall develop a written policy approved by the superintendent and school board which ensures:
1. That the content of the course for which credit is awarded is comparable to 140 clock hours of instruction; and
 2. That upon completion, the student will have met the aims and objectives of the course.
- B. A verified unit of credit for graduation shall be based on a minimum of 140 clock hours of instruction, successful completion of the requirements of the course, and the achievement by the student of a passing score on the end-of-course SOL test for that course or additional tests as described in this subsection. A student may also earn a verified unit of credit by the following methods:
1. In accordance with the provisions of the Standards of Quality, students may earn a standard and verified unit of credit for any elective course in which the core academic SOL course content has been integrated and the

student passes the related end-of-course SOL test. Such course and test combinations must be approved by the Board of Education.

2. Upon the recommendation of the division superintendent and demonstration of mastery of course content and objectives, qualified students may receive a standard unit of credit and be permitted to sit for the relevant SOL test to earn a verified credit without having to meet the 140-clock-hour requirement.
 3. Students who do not pass Standards of Learning tests in science or history and social science may receive locally awarded verified credits from the local school board in accordance with criteria established in guidelines adopted by the Board of Education.
- C. The Board of Education may from time to time approve additional tests for the purpose of awarding verified credit. Such additional tests, which enable students to earn verified units of credit, must, at a minimum, meet the following criteria:
1. The test must be standardized and graded independently of the school or school division in which the test is given;
 2. The test must be knowledge based;
 3. The test must be administered on a multistate or international basis, or administered as part of another state's accountability assessment program; and
 4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the course for which verified credit is given.

The Board of Education will set the score that must be achieved to earn a verified unit of credit on the additional test options.

- D. With such funds as are appropriated by the General Assembly, the Board of Education will provide opportunities for students who meet criteria adopted by the board to have an expedited retake of an SOL test to earn verified credit ~~or to meet literacy and numeracy requirements for the Modified Standard Diploma.~~

8 VAC 20-131-270. School and community communications.

- A. Each school shall promote communication and foster mutual understanding with parents and the community. Each school shall:
1. Involve parents, citizens, community agencies, and representatives from business and industry in developing, disseminating, and explaining the biennial school plan; on advisory committees; in curriculum studies; and in evaluating the educational program.
 2. Provide annually to the parents and the community the School Performance Report Card in a manner prescribed by the board. The information contained therein will be for the most recent three-year period. Such information shall include, but not be limited to:
 - a. Virginia assessment program results by percentage of participation and proficiency and disaggregated by student subgroups.
 - b. The accreditation rating earned by the school.
 - c. Attendance rates for students.
 - d. Information related to school safety to include, but not limited to, incidents of crime and violence.
 - e. Information related to qualifications and educational attainment of the teaching staff.
 - f. In addition, secondary schools' School Performance Report Cards shall include the following:
 - (1) Advanced Placement (AP) information to include percentage of students who take AP courses and percentage of students who take AP tests;
 - (2) International Baccalaureate (IB) and Cambridge course information to include percentage of students who are enrolled in IB or Cambridge programs and percentage of students who receive IB or Cambridge Diplomas;
 - (3) College-level course information to include percentage of students who take college-level courses including dual enrollment courses;

- (4) Number and percentage of (i) graduates by diploma type as prescribed by the Board of Education, (ii) certificates awarded to the senior class including GED credentials, and (iii) students who do not complete high school;
 - (5) As a separate category on the school report card, the number of students obtaining board-approved industry certifications, and passing state licensure examinations, national occupational competency assessments and Virginia workplace readiness skills assessments while still in high school and the number of career and technical education completers who graduated; and
 - (6) Number and percentage of drop-outs.
3. Cooperate with business and industry in formulating career and technical educational programs and conducting joint enterprises involving personnel, facilities, training programs, and other resources.
 4. Encourage and support the establishment and/or continuation of a parent-teacher association or other organization and work cooperatively with it.
- B. At the beginning of each school year, each school shall provide to its students' parents or guardians information on the availability of and source for receiving:
1. The learning objectives developed in accordance with the provisions of [8VAC20-131-70](#) to be achieved at their child's grade level or, in high school, a copy of the syllabus for each of their child's courses, and a copy of the school division promotion, retention, and remediation policies;
 2. The Standards of Learning applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing; and
 3. An annual notice to students in all grade levels of all requirements for Standard, ~~Standard Technical, and~~ Advanced Studies, ~~Advanced Technical and Modified Standard~~ Diplomas, and the board's policies on promotion and retention as outlined in [8VAC20-131-30](#).

The division superintendent shall report to the department compliance with this subsection through the preaccreditation eligibility procedures in [8VAC20-131-290](#).

8 VAC 20-131-280. Expectations for school accountability.

- A. Schools will be accredited annually based on compliance with preaccreditation eligibility requirements and achievement of the school accountability requirements of [8VAC20-131-300](#) C.
- B. Each school shall be accredited based, primarily, on achievement of the criteria established in [8VAC20-131-30](#) and in [8VAC20-131-50](#) as specified below:
 1. The percentage of students passing the Virginia assessment program tests in the four core academic areas administered in the school with the accreditation rating calculated on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or on the current year's scores, whichever is higher.
 2. The percentage of students graduating from or completing high school based on a graduation and completion index prescribed by the Board of Education. The accreditation rating of any school with a twelfth grade shall be determined based on achievement of required SOL pass rates and percentage points on the board's graduation and completion index. School accreditation shall be determined by the school's current year index points or a trailing three-year average of index points that includes the current year and the two most recent years, whichever is higher. The Board of Education's graduation and completion index shall include weighted points for diploma graduates (100 points), GED recipients (75 points), students not graduating but still in school (70 points), and students earning certificates of program completion (25 points). The Board of Education's graduation and completion index shall account for all students in the graduating class's ninth-grade cohort, plus students transferring in, minus students transferring out and deceased students. Those students who are not included in one of the preceding categories will also be included in the index.
 3. The number of students who successfully complete a remediation recovery program.
 4. Schools, with grade configurations that do not house a grade or offer courses for which SOL tests or additional tests approved by the Board of Education as outlined in [8VAC20-131-110](#) are administered, will be paired with

another school in the division housing one or more of the grades in which SOL tests are administered. The pairing of such schools will be made upon the recommendation of the local superintendent. The schools should have a "feeder" relationship and the grades should be contiguous.

- C. Subject to the provisions of [8VAC20-131-350](#), the governing school board of special purpose schools such as those provided for in § [22.1-26](#) of the *Code of Virginia*, Governor's schools, special education schools, alternative schools, or career and technical schools that serve as the student's school of principal enrollment may seek approval of an alternative accreditation plan from the Board of Education. Schools offering alternative education programs and schools with a graduation cohort of 50 or fewer students as defined by the graduation rate formula adopted by the board may request that the board approve an alternative accreditation plan to meet the graduation and completion index benchmark. Special purpose schools with alternative accreditation plans shall be evaluated on standards appropriate to the programs offered in the school and approved by the board prior to August 1 of the school year for which approval is requested. Any student graduating from a special purpose school with a Standard, ~~Standard-Technical, or an~~ Advanced Studies, ~~Advanced Technical, or Modified Standard~~ Diploma must meet the requirements prescribed in [8VAC20-131-50](#).

In addition, pursuant to § [22.1-253.13:3](#) of the *Code of Virginia*, any school board, on behalf of one or more of its schools, may request the Board of Education for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for special purpose schools.

- D. When calculating the passing rates on Virginia assessment program tests for the purpose of school accreditation, the following tolerances for limited English proficient (LEP) and transfer students will apply:
1. The scores of LEP students enrolled in Virginia public schools fewer than 11 semesters may be removed from the calculation used for the purpose of school accreditation required by [8VAC20-131-280 B](#) and [8VAC20-131-300 C](#). Completion of a semester shall be based on school membership days. Membership days are defined as the days the student is officially enrolled in a Virginia public school, regardless of days absent or present. For a semester to count as a completed semester, a student must have been in membership for a majority of the membership days of the semester. These semesters need not be consecutive.
 2. In accordance with the provisions of [8VAC20-131-30](#), all students who transfer into Virginia public schools are expected to take and pass all applicable SOL tests in the content areas in which they receive instruction.
 3. All students who transfer within a school division shall have their scores counted in the calculation of the school's accreditation rating. Students who transfer into a Virginia school from home instruction, or from another Virginia school division, another state, or another country, in grades kindergarten through 8 shall be expected to take all applicable SOL tests or additional tests approved by the board as outlined in [8VAC20-131-110](#). If the transfer takes place after the 20th instructional day following the opening of school, the scores on these tests may be used in calculating school accreditation ratings.
 4. Students who transfer into a Virginia middle or high school from home instruction, or from another state or country, and enroll in a course for which there is an end-of-course SOL test, shall be expected to take the test or additional tests for that course approved by the board as outlined in [8VAC20-131-110](#). If the transfer takes place after 20 instructional hours per course have elapsed following the opening of school or beginning of the semester, if applicable, the scores on those tests may be used in calculating school accreditation ratings in the year the transfer occurs.
 5. Students who enroll on the first day of school and subsequently transfer to a school outside of the division for a total amount of instructional time equal to or exceeding 50% of a current school year or semester, whether the transfer was a singular or multiple occurrence, and return during the same school year shall be expected to take any applicable SOL test. The scores of those tests may be used in calculating the school accreditation rating in the year in which the transfers occur.
- E. The Board of Education may adopt special provisions related to the administration and use of any Virginia assessment program test in a content area. The Board of Education may adopt special provisions related to the administration and use of the graduation and completion index, as prescribed by the board. The Board of Education may also alter the inclusions and exclusions from the accreditation calculations by providing adequate notice to local

school boards. The board may add new tests or discontinue the use of existing tests in the Virginia Assessment Program by providing adequate notice to local school boards.

- F. As a prerequisite to the awarding of an accreditation rating as defined in [8VAC20-131-300](#), each new or existing school shall document, in a manner prescribed by the board, the following: (i) the division's promotion/retention policies developed in accordance with the requirements of [8VAC20-131-30](#), (ii) compliance with the requirements to offer courses that will allow students to complete the graduation requirements in [8VAC20-131-50](#), (iii) the ability to offer the instructional program prescribed in [8VAC20-131-70](#) through [8VAC20-131-100](#), (iv) the leadership and staffing requirements of [8VAC20-131-210](#) through [8VAC20-131-240](#), and (v) the facilities and safety provisions of [8VAC20-131-260](#). The division superintendent shall report to the department compliance with this subsection through the preaccreditation eligibility procedures in [8VAC20-131-290](#).

8 VAC 20-131-360. Effective date.

- A. The provisions in [8VAC20-131-30](#) B relating to double testing and the provisions in [8VAC20-131-60](#) C relating to Virtual Virginia shall become effective July 31, 2009.
- B. Graduation requirements prescribed in [8VAC20-131-50](#) B and **~~D~~ C, for the Standard and Advanced Studies Diplomas,** shall become effective with the ninth-grade class of ~~2011-2012~~ **2013-2014**.
- ~~C. Graduation requirements prescribed in [8VAC20-131-50](#) C and E shall become effective with the ninth grade class of 2012-2013.~~
- ~~C~~ **D.** Schools with a graduating class shall meet prescribed thresholds on a graduation and completion rate index as prescribed in [8VAC20-131-280](#) and [8VAC20-131-300](#) for accreditation ratings earned in 2010-2011 and awarded in 2011-2012.
- ~~D~~ **E.** Accreditation ratings prescribed in [8VAC20-131-300](#) C 1 a shall become effective with tests administered in 2010-2011 and 2011-2012 for ratings awarded in 2011-2012 and 2012-2013.
- ~~E~~ **F.** Accreditation ratings prescribed in [8VAC20-121-300](#) C 1 c shall become effective with tests administered in 2012-2013 for ratings awarded in 2013-2014 and beyond.
- ~~F~~ **G.** The Academic and Career Plan prescribed in [8VAC20-131-140](#) shall become effective in **~~2012-2013~~ 2013-2014**.
- ~~G~~ **H.** Unless otherwise specified, the remainder of these regulations shall be effective beginning with the 2011-2012 academic year.

First Review of Amendments to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131) (Proposed Stage)

Mrs. Wescott also presented this item. Her presentation included the following:

- Section 22.1-253.13:3 of the *Code of Virginia* says, in part:

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....

- There were several bills passed by the 2012 and 2013 General Assembly that require regulatory changes.
 - ✓ HB 642 and SB 514 (2012) would add three points to the Graduation and Completion Index for each student who earns a diploma and a CTE credential.
 - ✓ HB 1999, SB 1167, and SB 1207 (2013) would require the Board to approve student growth indicators to

be used in the Standards of Accreditation.

- ✓ HB 2028 and SB 986 (2013) would require students, beginning with the ninth-grade class of 2016-2017, to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators to be awarded a Standard or an Advanced Studies Diploma.
- ✓ HB 2344 (2013) would require each school to have a school threat assessment team. The threat assessment teams shall provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community.
- ✓ HB 2346 (2013) requires at least two lock-down drills every year, one in September and one in January.
- This action will also provide the Board of Education with the opportunity to conduct a comprehensive review of the regulations. The last comprehensive revision to the regulations was conducted in 2009.
- The following amendments are proposed:

8VAC20-131-05. Definitions.

- ✓ The terms “experimental program” and “innovative program” would be added to the definitions. The definitions are identical to the definitions approved by the Board in the *Guidelines for Considering and Approving Requests for Pre-Labor Day Openings*.

8VAC20-131-20. Philosophy, goals, and objectives.

- ✓ Closing the achievement gap would be added as a focus area for schools.

8VAC20-131-30. Student achievement expectations.

- ✓ Language that prohibits students in grades three through eight from taking more than one test in a content area in the same year would be deleted.
- ✓ A provision would be added to allow the Board of Education to permit students in grades three through eight to have opportunities to take an expedited retake of a Standards of Learning test should funds for such purposes be appropriated by the General Assembly, and consistent with criteria set by the Board.
- ✓ A provision would be added to clarify that students who fail to achieve a passing score on all relevant Standards of Learning tests in grades three through eight, and for students who fail to achieve a passing score on an end-of-course Standards of Learning test required for verified credit are required to attend a remediation program or participate in another form of remediation.
- ✓ The division would be required to have a policy for dropping courses that ensures that students’ course schedules are not changes to avoid end-of-course assessments.

8VAC20-131-50. Diploma requirements.

- ✓ In accordance with HB 2028 and SB 986, beginning with the ninth-grade class of 2016-2017, students would be required to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators to be awarded a Standard or an Advanced Studies Diploma, in 8VAC20-131-50. There would also be a provision for a waiver for students with disabilities whose Individualized Education Plan (IEP) or 504 Plan documents that they cannot successfully complete the hands-on training. There would be corresponding language in 8VAC20-131-350, Waivers.
- ✓ Language would clarify that students who were first-time ninth graders prior to 2013-2014 would continue to be

eligible to earn a Modified Standard Diploma.

- ✓ The requirements for a Special Diploma for students with disabilities in 8VAC20-131-50 would include career competencies identified by the IEP team, in accordance with guidelines developed by the Board, and the IEP team would be responsible for verifying the successful completion of these competencies.
- ✓ The requirements for a Governor's Diploma Seal would be more rigorous, and would include a provision that the student must earn a one-year Uniform Certificate of General Studies or an associate degree earned concurrent with the high school diploma.
- ✓ The requirements for a Board of Education's Diploma Seal would also be more rigorous and would include a provision that the student must earn at least nine transferrable college credits in Advanced Placement, International Baccalaureate, Cambridge, or dual enrollment courses, which is currently included in the requirements to earn the Governor's Diploma Seal.

8VAC20-131-60. Transfer students.

- ✓ The requirements for transfer students would be revised to comport with the provisions for the Interstate Compact on Educational Opportunity for Military Children (with the exception of students transferring from one Virginia public school to another). Under those provisions, other states' end-of-course and exit assessments required for graduation would be accepted for the purpose of earning a verified credit.

8VAC20-131-80. Instructional programs in elementary schools.

- ✓ A provision would be added to specify the requirement in the Standards of Quality that elementary schools would be required to provide early identification, diagnosis, and assistance for students with deficits in reading or mathematics.
- ✓ Students in grade three who have reading deficiencies based on their performance on the Standards of Learning test in reading would be required to receive intervention services.

8VAC20-131-90. Instructional programs in middle schools.

- ✓ Students in middle schools and secondary schools who need targeted mathematics remediation and intervention would be required to receive additional instruction in mathematics.
- ✓ The requirement that students be provided with 140 clock hours of instruction in English, mathematics, science, and history/social science would be eliminated. Instead, students would be provided with a total of at least 560 clock hours of instruction in these four academic disciplines.

8VAC20-131-100. Instructional programs in secondary schools.

- ✓ Students in middle schools and secondary schools who need targeted mathematics remediation and intervention would be required to receive additional instruction in mathematics.

8VAC20-131-110. Standard and verified units of credit.

- ✓ The 140 clock hour requirement for a standard credit would be eliminated, and would be replaced with the requirement to demonstrate mastery of the course content.

8VAC20-131-120. Summer school.

- ✓ The clock hour requirement for summer school courses would also be eliminated.

8VAC 20-131-210. Role of the principal.

- ✓ The role of the principal would include determining strategies necessary to close the achievement gap.
- ✓ A provision would clarify that the principal is also responsible for ensuring the security of tests administered to students, and cell phones and other devices with texting and camera capabilities would be prohibited in a room where Standards of Learning tests are administered.

8VAC20-131-240. Administrative and support staff; staffing requirements.

- ✓ The requirements for the standard teaching load for middle and secondary school teachers would be clarified to include 5/6th of the instructional day, or the equivalent in minutes per week, with no more than 150 students per school year; however, physical education and music teachers may teach 200 students per school year.
- ✓ A teacher's planning period would be 1/6th of the instructional day, or the equivalent in minutes per week, regardless of the configuration of the class schedules.

8VAC20-131-260. School facilities and safety.

- ✓ A provision would be added about the threat assessment team required by HB 2344.
- ✓ The number of lock-down drills would be increased to two, in accordance with HB 2346.
- ✓ The requirements for staff trained in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator would be added, pursuant to HB 2028 and SB 986.
- ✓ The requirements for procedures to follow for the possession and administration of epinephrine, as specified in HB 1107 and SB 656 (2012) would be added.

8VAC20-131-270. School and community communications.

- ✓ Language would be added to include a notice to parents about any sensitive or explicit materials that may be included in the course, the textbook, or any supplemental instructional materials.

8VAC20-131-280. Expectations for school accountability.

- ✓ The calculation for the Graduation and Completion Index would be revised to add three points for students who earn a diploma and a CTE credential, pursuant to HB 642 and SB 514 (2012).
- ✓ A school that is "paired" for accreditation purposes, and has no tested grades, may be unpaired and accredited based on an alternative accreditation plan, using growth indicators, approved by the Board.

8VAC20-131-300. Application of the standards.

- A new accreditation rating, Fully Accredited with Distinction, would be added. The criteria for this rating would be a pass rate of 90 percent or above in each of the four core academic areas; and in the case of elementary and middle schools, at least 50 percent of the lowest performing 25 percent of students meet student growth indicators approved by the Board; or in the case of a high schools with a graduating class, a graduation rate of 90 percent or higher, based on Virginia's On-Time Graduation Rate.
- ✓ The ratings would be separated for Conditionally Accredited – New and Conditionally Accredited – Reconstituted.
- ✓ With tests administered beginning in 2015-2016, for accreditation ratings awarded in 2016-2017 and beyond, the pass rate would increase to 75 percent in mathematics for a school to be Fully Accredited.

- ✓ There would be a process for a local school board to appeal an accreditation rating. The appeal process may consider student growth data from state assessments and other assessments approved by the Board.
- ✓ The other assessments must meet specified criteria set by the Board and must be administered on a multistate or international basis, or administered as part of another state's accountability assessment program, or listed on the Virginia Department of Education Student Growth Assessment state contract. The test must incorporate or exceed the applicable SOL content and must measure and report individual growth relative to a year's worth of progress.
- ✓ Language references §§ 22.1-27.1 through 22.1-27.6 of the *Code of Virginia*, related to the Opportunity Educational Institution. There is similar language in 8VAC20-131-315, Action requirements for schools that are denied accreditation.

8VAC20-131-310. Action requirements for schools that are Accredited with Warning or Provisionally Accredited-Graduation Rate.

- A provision would be added to permit schools Accredited with Warning at the beginning of the third year to seek a Conditionally Accredited-Reconstituted rating for a period not to exceed three years. The school division must apply annually to the Board for this rating. If the school fails to have its annual application approved, or if it fails to be Fully Accredited at the end of three years, the accreditation rating will revert to Accreditation Denied.

The Board's discussion included:

- Mrs. Edwards suggested adding a statement to the synopsis that describes a principal on page 45 of the document to indicate that the principal should facilitate collaborative partnerships between families and communities.
- Mrs. Atkinson noted that the NOIRA for the comprehensive review of the SOA will be published August 12, 2013, to begin a public comment period. The proposed regulations will come before the Board after the public comment period, likely in October. Mrs. Atkinson urged stakeholders and the public to review the recommendations and offer their comments and suggestions.
- Mr. Braunlich thanked Mrs. Westcott for a clear and concise document which reflects topics discussed by the Board over the past year.
- Mr. Foster thanked Mrs. Atkinson, chair of the Board's Accountability Committee.
- Dr. Wright indicated that the presentation *Overview of Standards of Accreditation Comprehensive Review*, which was presented to the Accountability Committee, will be posted to the Department's Web site. Mrs. Beamer also noted that the presentation will be helpful to stakeholders.

The Board accepted for first review the proposed amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Proposed Stage).

First Review of Proposed Revisions to Virginia School Bus Specifications

This item was presented by Mr. Kent Dickey, deputy superintendent for finance and operations. His presentation included the following:

- The *Regulations Governing Pupil Transportation*, as approved in January 2004, deleted the sections that detailed the technical specifications for school buses and made them a separate document (*Virginia School Bus*

Specifications) that requires periodic approval by the Board of Education. This permits the Department of Education to revise and update the bus specifications more efficiently than would be permitted under the process for revising regulations. It also permits the specifications to be updated more frequently to recognize new or emerging practices and technology. The *Virginia School Bus Specifications* are presented to the Board of Education for approval as necessary. The last revisions to the specifications were approved by the Board on March 24, 2011. The design and manufacture of school buses and school activity buses must conform to the specifications in effect on the date of procurement by school divisions.

- The proposed changes to the specifications were developed in consultation with the Department's Specifications Committee, which is comprised of pupil transportation representatives from school divisions across the state, and are intended to improve safety and operational effectiveness. Input was also received from the three school bus dealers in Virginia. Attachment A is a summary listing of the proposed changes to the specifications. The complete specifications document (Attachment B) has been updated and revised to increase the safety and efficiency of various bus components and equipment, to incorporate various recommendations from the latest national specifications document, and to aid in the procurement of alternative fuel buses.
- None of the proposed changes represent significant deviations from standard industry practices. All of the recommended specifications comply with the safety requirements of the National Highway Traffic Safety Administration. Other changes are made for consistency with requirements in the *Regulations Governing Pupil Transportation* and the *Code of Virginia*. Key changes proposed to the specifications include:
 - ✓ definitions of various acronyms and technical terms
 - ✓ detailed requirements for alternative fuel buses to allow such buses to be placed on state contract for purchase by school divisions (in support of Executive Order 36 [2011] which encourages use of alternative fuel vehicles by Virginia governments)
 - ✓ additional requirements for fuel supply and fire suppression systems
 - ✓ requirements for video monitoring systems (for vehicles passing stopped buses) to conform to *Code of Virginia* requirements
 - ✓ requirements for manufacturer logos on buses
 - ✓ changes in traffic warning light system operation
 - ✓ coloration of driver's seat belt (high visibility orange)
- The proposed revisions to the specifications will be posted on the Department's Web site for 30 days to provide school divisions and other interested parties with the opportunity to review them and offer comments. The comments will be compiled and presented to the Board at its meeting on September 26, 2013, and will be considered in the final version of the specifications presented to the Board for approval at the September meeting.

The Boards' discussion included:

- Mr. Braunlich asked if video monitoring systems are required by the General Assembly. Mr. Dickey indicated that legislation authorized installation of the video monitoring systems and the recommendations will flush out alternative requirements for the legislation.
- Mrs. Atkinson thanked Mr. Dickey for making the proposed changes in the document easy to follow.

The Board accepted for first review the proposed *Virginia School Bus Specifications*.

First Review of Proposed Board of Education Meeting Dates for the 2014 Calendar Year

Mrs. Melissa Luchau, director for board relations, presented this item. Her presentation included the following:

- In recent years, the Board of Education has met monthly except for the months of August and December. Meetings are typically held on the fourth Thursday of the month, although this is not a requirement. Exceptions are the January meeting, which is held earlier to coincide with the opening of the General Assembly session, the September meeting, which is scheduled to avoid meeting during Rosh Hashanah, and the November meeting, which is scheduled to avoid meeting during Thanksgiving. The April meeting is typically a two-day planning session.
- In addition to the monthly business meetings, the President may call special meetings of the full Board of Education and its committees, as deemed necessary. Unless otherwise announced by the President, all Board of Education meetings will be held in the Jefferson Conference Room on the 22nd floor of the James Monroe Building, 101 North 14th Street, Richmond, Virginia 23219.
- The proposed business meeting dates for 2014 are as follows:
 - Thursday, January 16, 2014
 - Thursday, February 27, 2014
 - Thursday, March 27, 2014
 - Wednesday-Thursday, April 23-24, 2014
 - Thursday, May 22, 2014
 - Thursday, June 26, 2014
 - Thursday, July 24, 2014
 - Thursday, September 18, 2014
 - Thursday, October 23, 2014
 - Thursday, November 20, 2014

The Board received for first review the proposed schedule of meeting dates for the 2014 calendar year.

Report on Options Regarding Parental Notification Related to Controversial or Sensitive Materials

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Her presentation included the following:

- At its meeting on February 28, 2013, the Virginia Board of Education approved proposed revisions to the [Regulations Governing Local School Boards and School Divisions \(8 VAC 20-720\)](#) that require local school boards that adopt *textbooks* other than those approved by the Board of Education to seek from the publishers of such books a certification of content accuracy and an agreement to correct, at the publishers' expense, any content or editorial errors. Another section within the same Regulations addresses the selection and utilization of *instructional materials* by local school boards:

[8VAC20-720-160](#). Instructional materials.

- A. Local school boards shall be responsible for the selection and utilization of instructional materials.
- B. Local school boards shall adopt policies and criteria for the selection of instructional materials that shall include, at a minimum:
1. The rights of parents to inspect, upon request, any instructional materials used as part of the educational curriculum for students, and the procedure for granting a request by a parent for such access, in accordance with the Protection of Pupil Rights Amendment, 20 USC § 1232H, and its implementing regulation, 34 CFR Part 9;
 2. The basis upon which a person may seek reconsideration of the local school board's selection of instructional materials, including but not limited to materials that might be considered sensitive or controversial, and the procedures for doing so; and
 3. Pursuant to § [22.1-253.13:7](#) of the Code of Virginia, clear procedures for handling challenged controversial materials.

- During the February meeting, Board members discussed whether or not the section on instructional materials ([8VAC20-720-160](#)) should also include language related to parental notification, alternative materials, and/or opt-out provisions.
 - In order to assist in future decision making, the Department of Education, on behalf of the Board of Education, collected information from school divisions regarding their policies on selecting and utilizing instructional materials, with specific reference to:
 - ✓ Advance parental notification of sensitive or controversial materials, and
 - ✓ Opportunities for parents to request alternative materials for their children.
 - The Department also sought input from the membership of the Virginia School Boards Association (VSBA), the Virginia Education Association (VEA), the Virginia Parent-Teacher Association (PTA), the Virginia Association for Elementary School Principals (VAESP) and the Virginia Association for Secondary School Principals (VASSP) regarding policies within their school divisions on selecting and utilizing instructional materials, especially related to the same two items.
 - From August 1, 2012, to June 15, 2013, the Board of Education received comments delivered during public comment periods preceding Board meetings as well as 54 e-mails and 3 letters from 44 individuals, urging the Board to extend the parental notification and opt-out provisions of the existing Family Life Education regulations to other subject areas. The Board has continued to receive public comment and correspondence on this issue.
 - At its regular meeting on June 27, 2013, the Board of Education received a report on the results of the two surveys. One hundred eight (108) school divisions and all 5 professional organizations responded in time to have their responses included in the report.
 - Following the report provided to the Board of Education on June 27, 2013, President Foster asked Superintendent of Public Instruction Patricia I. Wright and staff at the Department of Education to develop some options for the Board to consider in determining if there should be further action on the matter of statewide regulations on parental notification and opt-out provisions as they relate to the use of sensitive or controversial materials in the classroom. The following options are offered for consideration. All proposed options would require local school boards to develop policies related to parental notification. None of the proposed options provides a definition of “sensitive or controversial” materials, leaving that decision to local authorities.
- A. **Amend the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131 et seq.) (Standards of Accreditation or SOA)**
Section 8 VAC 20-131-270 of the SOA addresses school and community communications. Item B of this section states:

[8 VAC 20-131-270](#). School and community communications.

....

B. At the beginning of each school year, each school shall provide to its students' parents or guardians information on the availability of and source for receiving:

1. The learning objectives developed in accordance with the provisions of [8 VAC 20-131-70](#) to be achieved at their child's grade level or, in high school, a copy of the syllabus for each of their child's courses, and a copy of the school division promotion, retention, and remediation policies;
2. The Standards of Learning applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing; and
3. An annual notice to students in all grade levels of all requirements for Standard, Standard Technical, Advanced Studies, Advanced Technical and Modified Standard Diplomas, and the board's policies on promotion and retention as outlined in [8 VAC 20-131-30](#).

The division superintendent shall report to the department compliance with this subsection through the pre-accreditation eligibility procedures in [8 VAC 20-131-290](#).

One option for consideration would be to add language to Section B, Item #1, requiring schools to provide to parents at the beginning of the school year notice about any sensitive or explicit materials to be used in courses. Possible language includes the following:

1. The learning objectives developed in accordance with the provisions of [8 VAC 20-131-70](#) to be achieved at their child's grade level; or, in high school, a copy of the syllabus for each of their child's courses, including a notice to parents about any sensitive or explicit materials that may be included in the course, the textbook, or any supplemental instructional materials; and a copy of the school division promotion, retention, and remediation policies;

B. Amend the Regulations Governing Local School Boards and School Divisions (8 VAC 20-720)
Section 8 VAC 20-720-160 of the Regulations Governing Local School Boards and School Districts addresses instructional materials. The section states:

[8 VAC 20-720-160](#). Instructional materials.

A. Local school boards shall be responsible for the selection and utilization of instructional materials.

B. Local school boards shall adopt policies and criteria for the selection of instructional materials that shall include, at a minimum:

1. The rights of parents to inspect, upon request, any instructional materials used as part of the educational curriculum for students, and the procedure for granting a request by a parent for such access, in accordance with the Protection of Pupil Rights Amendment, 20 USC § 1232H, and its implementing regulation, 34 CFR Part 9;
2. The basis upon which a person may seek reconsideration of the local school board's selection of instructional materials, including but not limited to materials that might be considered sensitive or controversial, and the procedures for doing so; and
3. Pursuant to § [22.1-253.13:7](#) of the Code of Virginia, clear procedures for handling challenged controversial materials.

A second option would be to add language to Section B, Item #3, requiring reasonable advance notice of the intended use of controversial materials. Possible language includes the following:

3. Pursuant to § [22.1-253.13:7](#) of the Code of Virginia, clear procedures for handling challenged controversial materials. Such procedures should include reasonable advance notice to parents and students of the intended use of controversial materials

Consideration may be given to adding further “. . . and the provision of alternative materials upon request.”

C. Both Options A and B

A third option may be to amend both sets of regulations.

The discussion included:

- Mr. Foster noted that parental involvement is fundamental to the success of our schools.
- Mr. Braunlich noted that an amendment to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* would be part of the comprehensive review already underway, but an amendment to the *Regulations Governing Local School Boards and School Divisions* will require a NOIRA, which can take several months.
- Dr. Cannaday said he is pleased that the Board is discussing how to better engage and inform parents. He noted that while some people may want the Board to go further in their policy action, the details are best worked out at the local level where parents are directly involved.

Mr. Foster made a motion to:

1. propose the following amendment to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*:
8 VAC 20-131-270. School and community communications.
. . . .
B. At the beginning of each school year, each school shall provide to its students' parents or guardians information on the availability of and source for receiving:
 1. The learning objectives developed in accordance with the provisions of 8 VAC 20-131-70 to be achieved at their child's grade level; or, in high school, a copy of the syllabus for each of their child's courses, including a note to parents identifying any sensitive or sexually explicit materials that may be included in the course, the textbook, or supplemental instructional materials; and a copy of the school division promotion, retention, and remediation policies. . . .
2. propose a NOIRA to amend the *Regulations Governing Local School Boards and School Divisions* as follows:
8 VAC 20-720-160. Instructional materials.
 - A. Local school boards shall be responsible for the selection and utilization of instructional materials.
 - B. Local school boards shall adopt policies and criteria for the selection of instructional materials that shall include, at a minimum:
. . . .
3. Pursuant to § 22.1-253.13:7 of the Code of Virginia, clear procedures for handling challenged controversial materials. Such procedures should include reasonable advance notice to parents and students of the intended use of controversial materials and the provision of alternative materials upon request.

The motion was seconded by Mrs. Beamer and carried unanimously.

Report from the Virginia Advisory Committee for the Education of the Gifted on Educational Opportunities for Gifted Students at the High School Level

Dr. Donna Poland, specialist for Governor's Schools and Gifted Education, presented this item. Her presentation included the following:

- Gifted learners at the high school level are a population with distinct educational needs. They have potential that requires differentiated and challenging educational services beyond those provided in the general education program. While the Virginia [Regulations Governing Educational Services for Gifted Students](#) require that identified students be served through twelfth grade, school divisions are challenged to provide special program options that meet the educational needs of gifted high school learners. Recognizing that every student is different, and that there is not one way to best serve all gifted learners, research-based best practices suggest that schools and school divisions must offer a continuum of services. The National Association for Gifted Children (NAGC) defines this continuum as “a menu of educational options that are respectful of individual student differences and mindful of classroom and community resources.”
- In September 2011, the Virginia Board of Education (BOE) charged the Virginia Advisory Committee for the Education of the Gifted (VACEG) with researching quality programming options for high-ability learners at the high school level. Board Chair Ms. Eleanor B. Saslaw’s letter stated the investigation of tasks as follows:
 - ✓ To identify various program models that meet the needs of gifted learners at the high school level and satisfy the requirements for best practices in the Regulations;
 - ✓ To determine what programs, policies, or procedures are in place as support mechanisms for the high school program models;
 - ✓ To determine the array of learner outcomes associated with each program model; and
 - ✓ To determine the extent to which these models interact with VDOE initiatives, such as STEM education and career and college readiness.
- Over the 2011-2013 time frame, 26 VACEG members contributed to the research and development of this document. Throughout the research and development process, VACEG members compared the various components of each service option to the [NAGC Pre-K-Grade 12 Gifted Programming Standards](#) as well as the [Regulations Governing Educational Services for Gifted Students](#).
- *Educational Opportunities for Gifted Students at the High School Level* is designed to help school divisions establish or improve programs for gifted high school students. It gives school divisions critical information for the development of quality programs that may be helpful during the program planning and evaluation process. This document is not meant to be a comprehensive review of all possible service options for gifted high school students. Rather it can serve as a foundation for creating and reviewing high school programs to extend and enrich the educational experiences of gifted learners throughout the Commonwealth of Virginia.
- *Educational Opportunities for Gifted Students at the High School Level* identifies various service options that address the needs of gifted learners at the high school level and satisfy the requirements for best practices in the *Regulations Governing Educational Services for Gifted Students*. These options are grouped into four categories: differentiated opportunities, accelerated content, specialty schools, and beyond the classroom. Within each category, there are numerous examples to consider. For each service option, the document addresses:
 - ✓ The ways the option satisfies requirements for best practices in the *Regulations*;
 - ✓ The support mechanisms associated with the option, such as differentiation, professional development, staffing, funding, space, face-to-face opportunities, virtual learning, and/or technology;
 - ✓ The learner outcomes that specify what students should know, understand, and be able to do as a result of the learning experiences and student academic growth as well as the social/emotional benefits students receive from participating in the programs;
 - ✓ The Virginia Department of Education (VDOE) priorities associated with the option, such as STEM, college and career readiness, 21st century skills, linking student growth to teacher/program evaluation, Early College Scholars, Virginia Plan for Dual Enrollment; and/or Virtual Virginia; and
 - ✓ Selected examples of locations in Virginia where the option is being implemented.

Ms. Beverly Catlin, chair of Virginia Advisory Committee for the Education of the Gifted presented a brief summary of the annual report.

The Board's discussion included:

- Mrs. Edwards said the report is a tremendous resource for high schools and should be a model for Virginia and other states and presented at the national level.
- Mr. Braunlich said the report will be extremely useful because it shines a spotlight on students who are sometimes overlooked.
- Dr. Cannaday noted the strategies in the report allow schools in diverse areas to serve children in a variety of ways.
- Dr. Wright complimented the Gifted Advisory Committee for the contributions they are making to the gifted community. Dr. Wright charged the advisory committee with developing a similar model for middle schools. Ms. Catlin accepted the task, and noted the advisory committee had already planned to develop a middle school model. Mr. Foster charged the committee to examine the next level of education for the gifted.

The Board received the report. The report will be posted on the Department of Education Web site and school divisions will be notified that the document has been posted.

Annual Report of the Virginia Advisory Committee for Career and Technical Education

Ms. Lolita Hall, director of career and technical education, assisted by Dr. Robert Mayfield, chair, Virginia Advisory Committee for Career and Technical Education, presented this item. The presentation included the following:

- The Virginia Advisory Committee for Career and Technical Education (CTE) was organized in 2003. Committee members are comprised of business and industry leaders who represent the 16 Career Clusters: Agriculture, Food and Natural Resources; Architecture and Construction; Arts, A/V Technology and Communications; Business Management and Administration; Education and Training; Finance; Government and Public Administration; Health Sciences; Hospitality and Tourism; Human Services; Information Technology; Law, Public Safety, Corrections and Security; Manufacturing; Marketing; Science, Technology, Engineering, and Mathematics; and Transportation, Distribution and Logistics. They advise educators on the design, development, operation, evaluation, and revision of CTE programs. The workplace knowledge and resources provided by committee members help ensure that all CTE programs reflect the needs and current conditions of the workplace and program completers graduate with the academic and technical skills necessary for success in postsecondary education and careers.
- The Board of Education charged the Virginia Advisory Committee for Career and Technical Education to identify strategies for promoting career and technical education to business and industry, community leaders, and parents. Emphasis has been placed on the following: 1) the *Workplace Readiness Skills for the Commonwealth*, traits identified by Virginia employers as essential for individual workplace success and critical to Virginia's economic competitiveness; 2) the 16 career clusters and 79 pathways as the curriculum framework that helps students investigate careers and design their program of study to advance their career goals; 3) the importance of business/industry/community partnerships as an integral component of CTE; 4) the Governor's Health Sciences Academies and the Governor's Science, Technology, Engineering, and Mathematics (STEM) Academies, programs designed to expand options for the general student population to acquire STEM literacy and other critical skills, knowledge, and credentials that will prepare them for high-demand, high-wage, and high-skill careers; and 5) set state goals for students' achievement of the Board-approved industry credentials.
- The Committee met four times during the 2012-2013 school year: June 14, 2012; October 11, 2012; January 23, 2013; and May 30, 2013. The report includes a summary of the committee's accomplishments and list of the

members.

Dr. Mayfield presented a brief summary of the Annual Report of the Advisory Committee for Career and Technical Education.

The Board's discussion included:

- Dr. Cannaday asked what efforts the committee has considered to ensure that employers consider credentials when making hiring decisions. Dr. Mayfield noted that department staff has met with employers to determine what they are looking for when making hiring decisions. Dr. Cannaday asked what the committee is doing to help parents understand the importance of credentials. Dr. Mayfield said that members of the committee talk with parents and give them handouts, speak at meetings of the PTA, board of supervisors, and local school board meetings.
- Mrs. Beamer commended the committee and the chairman's passion for working with children.
- Dr. Wright charged the committee with developing benchmarks for credentialing. Dr. Wright also noted that the upcoming ninth-grade class will be the first class that has to earn a CTE credential to graduate with a standard diploma, and the committee has done an excellent job in collaborating with the PTA in developing student and parent friendly materials. Dr. Wright said that it would be helpful to have the advisory committee serve as a vetting group regarding promotional materials.

The Board received the Annual Report of the Virginia Advisory Committee for Career and Technical Education.

Statewide Annual Performance Report for Career and Technical Education and the Virginia Community College System, as a Sub-recipient of Perkins Funds from the Department of Education

Ms. Lolita Hall and Mr. Aris Bearse, director of institutional research, Virginia Community College System, presented this item.

The presentation included the following:

- The Board of Education approved the *Virginia System of Performance Standards and Measures* as part of the 2008-2013 Five Year State Plan for Career and Technical Education (CTE). The Virginia system addresses performance for CTE program completers on: academic attainment; technical skills attainment; secondary program completion rate; graduation rate; successful transition from secondary school to postsecondary education, employment, or military; and nontraditional career preparation. The federal Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) requires that the results on the negotiated state-adjusted levels of performance (targets) for secondary and postsecondary CTE be communicated to the Board and other audiences. Each school division and community college receives an annual report of performance.
- The Virginia Department of Education met or exceeded all performance targets for secondary CTE. A new baseline for the technical skills attainment was established for the 2009-2010 school year based on five separate performance indicators instead of one indicator. The technical skills attainment measure includes an indicator for college and career readiness, completers who passed a credentialing test plus completers who earned an Advanced Studies Diploma and did not pass a credentialing test. This indicator was calculated based on the

2010-2011 revised formula.

- For 2011-2012, a new baseline was established for academic attainment in English, Reading and Mathematics. Based on Virginia's Federal Annual Measurable Objectives (FAMOs) for all students under the *No Child Left Behind Act* flexibility waivers were granted by the U. S. Department of Education in August 2012. Additionally, the technical skills attainment measure was modified to include the 2S1C, 2S1D, and 2S1E and new baselines were established.
- The Virginia Community College System (VCCS) met or exceeded three of six Perkins performance targets. While three performance measures were below the targets, VCCS exceeded the 90 percent threshold for two but did not meet the 90 percent threshold for one. Institutions are considered to have met the target if they are within 90 percent of the target.
- The Virginia System of Performance Standards and Measures addresses performance based on annual continuous improvement. Performance targets that are not met by the 143 school divisions and regional technical centers and 23 community colleges must be addressed with specific strategies for improvement in their local plan.

Code	State Performance Measure	Did not meet for past two consecutive years (2010-2012)	Did not meet for past three consecutive years (2009-2012)
1S1	Academic Attainment – End of Course (EOC) English 11: Reading	None	None
1S2	Academic Attainment – End of Course (EOC) Mathematics	None	None
2S1-A	Technical Skills Attainment – Student Competency Rate	None	None
2S1-B	Technical Skills Attainment - Completers Participating in Credentialing Tests	26	N/A*
2S1-C	Technical Skills Attainment – Test Takers (Completers) Passing Credentialing Tests	32	N/A*
2S1-D	Technical Skills Attainment – Completers Passing Credentialing Tests	21	N/A*
2S1-E	Technical Skills Attainment – Completers who passed a credentialing test plus Completers who earned an Advanced Studies Diploma and did not pass a credentialing test. (College and Career Readiness)	3	N/A*
3S1	Secondary Program Completion Rate	None	None
4S1	Graduation Rate	None	None
5S1	Transition from Secondary School to Postsecondary Education, Employment or Military	1	None
6S1	Nontraditional Career Preparation Enrollment	8**	8**
6S2	Nontraditional Career Preparation Completion	5	1

*Baseline Year 2009-2010

**CTE Regional Technical Centers

Code	State Performance Measure	Did not meet for past two consecutive years (2010-2012)	Did not meet for past three consecutive years (2009-2012)
1P1	Technical Skills Attainment	None	None
2P1	Completion	1	1

3P1	Retention and Transfer	None	None
4P1	Employment	7	6
5P1	Nontraditional Gender Representation	12	10
5P2	Nontraditional Gender Completion	14	10

Perkins funds may be redirected if a target is consistently not met for three consecutive years.

The Board received the statewide annual performance report for career and technical education and the Virginia Community College System, as a Sub-recipient of Perkins Funds from the Department of Education.

PUBLIC HEARING

Mr. Foster opened the floor of the public hearing on repealing the *Regulations Governing the Approval of Correspondence Courses for Home Instruction* (8 VAC 20-60) and revising the *Regulations Governing Driver Education* (8 VAC 20-390). No comments were received.

DISCUSSION OF CURRENT ISSUES

The Board met for a public dinner on Wednesday, July 24, 2013, at the Crowne Plaza Richmond Downtown with the following members present: Mrs. Atkinson, Dr. Baysal, Mrs. Beamer, Mr. Braunlich, Dr. Cannaday, Mrs. Edwards, and Mr. Foster. Dr. Patricia Wright, Superintendent of Public Instruction, also attended the meeting. Members discussed pending Board agenda items. No votes were taken, and the dinner meeting ended at 8:00 p.m.

EXECUTIVE SESSION

Mrs. Beamer made a motion to go into executive session under *Virginia Code* §2.2-3711(A)(41), to convene in a closed meeting for the purpose of discussion and consideration of records relating to denial, suspension, or revocation of teacher licenses, and under *Virginia Code* §2.2-3711(7), to convene in a closed meeting for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice regarding issues with Patrick County Public Schools, and that Noelle Shaw-Bell legal counsel to Virginia Board of Education as well as staff members, Dr. Patricia Wright, Patty Pitts, Nancy Walsh, Anne Wescott, Kent Dickey, John Eisenberg, Richard Schley, and Mark Saunders whose presence will aid in the Board's consideration of this matter, participate in this closed meeting. The motion was seconded by Mrs. Edwards and carried unanimously. The Board went into Executive Session at 12:00 p.m.

Mrs. Beamer made a motion that the Board reconvene in open session. The motion was seconded by Mrs. Atkinson and carried unanimously. The Board reconvened at 1:30 p.m.

Mr. Foster made a motion that the Board certify by roll-call vote that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements of the Freedom of Information Act were discussed and (2) only matters identified in

the motion to have the closed session were discussed. The motion was seconded by Mrs. Beamer and carried unanimously.

Board Roll call:

Dr. Baysal – Yes
Mrs. Edwards – Yes
Mr. Braunlich – Yes
Mrs. Beamer – Yes
Mr. Foster – Yes
Dr. Cannaday – Yes
Mrs. Atkinson – Yes

The Board made the following motions:

- Mrs. Beamer made a motion to issue a license for Case #1. The motion was seconded by Mr. Braunlich and carried unanimously.
- Mrs. Edwards made a motion to issue a license for Case #2. The motion was seconded by Mrs. Atkinson. Dr. Cannaday recused himself and noted that he did not participate in any discussion relative to Case #2. The motion passed with five “yes” votes, one “no” vote from Mr. Foster and one abstained from Dr. Cannaday.
- Mrs. Beamer made a motion to revoke the license of John Stephen Ginty, Jr. The motion was seconded by Dr. Cannaday and carried unanimously.
- Dr. Baysal made a motion to revoke the license of Wanda McLaughlin-Price. The motion was seconded by Mrs. Edwards and carried unanimously.
- Mrs. Beamer made a motion to revoke the license of Mark Allen Osborne. The motion was seconded by Mrs. Atkinson and carried unanimously.
- Mrs. Beamer made a motion to revoke the license of Jeffery Scott Reagan. The motion was seconded by Mrs. Edwards and carried unanimously.
- Mrs. Atkinson made a motion to revoke the license of Jonathon David Twitero. The motion was seconded by Dr. Cannaday and carried unanimously.

ADJOURNMENT OF THE BUSINESS SESSION

There being no further business of the Board of Education and Board of Career and Technical Education, Mr. Foster adjourned the meeting at 1:40 p.m.

President