| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
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# Agenda Item: D

## Date: November 18, 2021

### Title: Final Review of the Proposed Stage of the Regulatory Action to Amend the *Regulations Establishing Standards for the Accreditation of Public Schools in Virginia*

#### Presenter: Dr. Leslie Sale, Director of Policy

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## Purpose of Presentation:

Action required by state or federal law or regulation.

Executive Summary:  
In 2017, the Virginia Board of Education(Board) completed its comprehensive review of and update to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (also known as the Standards of Accreditation or SOA). Among the substantive revisions approved in 2017 were a revised state accreditation model emphasizing continuous improvement, and the integration of the *Profile of a Virginia Graduate*. The updated *Standards of Accreditation* became effective in the 2018-2019 school year.

In June 2020, the Board established a Special Committee for the Review of the Standards of Accreditation tasked with reflecting on the first years of implementation as well as identifying the positive, negative, and unintended consequences of the 2017 SOA revisions. The Special Committee received a number of presentations as part of its work including informational presentations from content experts, panel discussions with a range of education stakeholders, as well as proposals from Virginia Department of Education (VDOE) staff. The Special Committee concluded its work in September 2021.

The attached package of proposed technical and substantive amendments to the SOA were vetted by the Special Committee and are intended to improve the impact and efficacy of the SOA.

Some of the major amendments proposed are:

* Refining language related to the award of verified credits and locally-awarded verified credits as well as the use and administration of performance assessments;
* Amending language on the applicability of Certificates of Program Completion to align with the Standards of Quality;
* Adding a new diploma seal for Fine Arts;
* Amending graduation requirements for transfer students entering after the 9th grade to reflect the number of testing opportunities in later high school years;
* Adding explicit expectations for the delivery of remediation to students, including remediation programs specific to numeracy;
* Adding a requirement for divisions to develop a comprehensive data security plan;
* Adding language about the appeals process for certain indicators when a school’s performance level was determined by Students with Limited and Interrupted Formal Education students;
* Allowing the Board to incorporate an improvement indicator for the College, Career, and Civic Readiness Index into the accreditation model when data is available; and
* Requiring a school’s comprehensive, long-range unified plans to draw on student group data to identify opportunity and achievement gaps and identify strategies to improve outcomes for all student groups.

The other technical amendments proposed provide clarification, update SOA language to mirror common vernacular in the field, ensure alignment with statute, and/or promote ease of use and readership.

At the Special Committee’s recommendation, the Board is asked to review and approve these proposed amendments in order for this item to continue through the proposed phase of the regulatory process.

## Action Requested:

Final review: Action requested at this meeting.

Superintendent’s Recommendation:   
The Superintendent of Public Instruction recommends that the Board of Education approve the proposed amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* for final review.

## Rationale for Action:

As the regulatory agency, Board action is required to advance these proposed regulatory amendments.

## Previous Review or Action:

Previous review and action. Specify date and action taken below:

Date: October 21, 2021

Action: First Review of Proposed Stage of the Regulatory Action to Amend the Regulations Establishing Standards for the Accreditation of Public Schools in Virginia

Date: October 15, 2020

Action: Final review of the Notice of Intended Regulatory Action

Background Information and Statutory Authority:   
Section [22.1-16](https://law.lis.virginia.gov/vacode/title22.1/chapter2/section22.1-16/) of *Code of Virginia* establishes the Board of Education’s authority to promulgate regulations necessary to fulfill its powers and responsibilities generally.

§ 22.1-16 of the *Code of Virginia*:

The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

The Board’s authority to promulgate regulations governing standards for accrediting public schools is found in § 22.1-253.13:3 of the *Code of Virginia*:

§ [22.1-253.13:3](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13:3/) of the *Code of Virginia*:

A. 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 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, requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The SOA seek to ensure that an effective educational program is established and maintained in all Virginia public schools and set out the following: expectations for student achievement; graduation requirements; requirements for instructional programs and staffing; standards for school facilities; standards for school and community communications; a system of accreditation; and plans for school improvement.

In 2017, the Board finalized its comprehensive review of and update to the Standards of Accreditation. The Board approved a number of substantive changes to the SOA during its update, including new and revised school quality indicators which inform the state accreditation model as well as a more pronounced emphasis on closing achievement gaps and continuous improvement in schools and divisions. The revision also allowed the Board to incorporate expectations for student achievement as outlined in the *Profile of a Virginia Graduate* and the 5Cs (critical thinking, creative thinking, communication, collaboration, and citizenship). The new SOA became effective in the 2018-2019 school year.

In June 2020, the Board established a Special Committee for the Review of the Standards of Accreditation tasked with reflecting on the first years of implementation as well as identifying the positive, negative, and unintended consequences of the 2017 SOA revisions. The Special Committee received a number of presentations as part of its work including informational presentations from content experts, panel discussions with a range of education stakeholders, as well as proposals from VDOE staff. VDOE staff presentations drew from the work of an internal SOA Implementation Committee which had been convened following the 2017 revisions to help field questions from divisions, identify outstanding concerns, and propose solutions.

The Special Committee concluded its work in September 2021 after having vetted a number of technical and substantive amendments intended to improve the impact and efficacy of the SOA. Some of the major recommended changes are:

* Refining language related to the award of verified credits and locally-awarded verified credits as well as the use and administration of performance assessments;
* Amending language on the applicability of Certificates of Program Completion to align with the Standards of Quality;
* Adding a new diploma seal for Fine Arts;
* Amending graduation requirements for transfer students entering after the 9th grade year to reflect the number of testing opportunities in later high school years;
* Adding explicit expectations for the delivery of remediation to students, including remediation programs specific to numeracy;
* Adding a requirement for divisions to develop a comprehensive data security plan;
* Adding language about the appeals process for certain indicators when a school’s performance level was determined by Students with Limited and Interrupted Formal Education students;
* Allowing the Board to incorporate an improvement indicator for the College, Career, and Civic Readiness Index into the accreditation model when data is available; and
* Requiring comprehensive, long-range unified plans to draw on student group data to identify opportunity and achievement gaps and identify strategies to improve outcomes for all student groups;

The other technical amendments proposed provide clarification, update SOA language to mirror the vernacular in the field, ensure alignment with statute, and/or promote ease of use and readership.

At its October 21, 2021 meeting, the Board heard public comment expressing concern that the proposal related to comprehensive plans and improving student outcomes for all learners may unintentionally have the effect of lowering standards and expectations for high performers. In response, staff added that “The school plan should reflect strategies to raise achievement for all students and no plan should seek to achieve their goals by lowering standards for any student” to better clarify the Board’s intent and align the requirement with the goal of continuous improvement.

8VAC20-131-390 (as proposed)

Comprehensive, unified long-range school plans shall identify and report student outcomes based on data that has been disaggregated and analyzed by student groups; and shall include actions to improve the performance of all student groups to 1) close achievement gaps between student groups and 2) achieve school quality indicator improvement for all student groups to the Level One standard. Those schools with all students at the Level One standard on school quality indicators should include strategies to close achievement gaps between student groups if they exist within that level. *The school plan should reflect strategies to raise achievement for all students and no plan should seek to achieve their goals by lowering standards for any student.* The school plan should outline strategies to ensure access of opportunity to advance successful outcomes for all student groups and address inequitable access to opportunities. The plan should address how the division has allocated resources, and what additional resources are needed at the school level to 1) close achievement gaps between student groups and 2) bring all student groups to the Level One standard on school quality indicators. As part of its plan, the school should reflect on the need for any improved data collection and verification processes that will assist it in assessing and monitoring issue areas. This plan shall align with guidelines prescribed by the Board and shall be reviewed on an annual basis and revised as necessary.

Timetable for Further Review/Action:  
Upon approval, the proposed regulatory action will be submitted to Town Hall pursuant to the requirements of the Administrative Process Act. Following executive branch review and publication in the Virginia Register, any needed changes from the review or public comment will be incorporated before this item will return to the Board for the final stage. It is anticipate this item will return in fall of 2022.

## Impact on Fiscal and Human Resources:

There are no costs associated with this action.