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

## Date: April 2, 2020

### Title: Final Review of Emergency Guidelines for Local Alternatives to

### Awarding Standard Units of Credit (140-Clock-Hours Requirement)

### Due to COVID-19

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

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## Purpose of Presentation:

Action required by Board of Education regulation.

Executive Summary:
On March 23, 2020, Governor Ralph Northam ordered that all K-12 schools close for the remainder of the 2019-2020 academic year in an effort to control the spread of COVID-19. As such, students currently enrolled in a high school credit-bearing course are unable to complete the 140-clock hours required to earn a standard unit of credit.

Statutory and regulatory language does already permit local school boards to award standard units of credit for courses or students not meeting the 140-clock hours. However, the waiver process may be too restrictive given the timing and length of the current closures. In response, the *Emergency Guidelines: Local Alternatives to Awarding Standard Units of Credit* (attached) offers additional flexibility for students to earn a standard unit of credit without meeting the clock time. The *Emergency Guidelines* also recognizes the different sets of obstacles facing students scheduled to graduate with the 2019-2020 cohort and students in younger cohorts that are enrolled in high school credit-bearing courses.

By adopting the *Emergency Guidelines*, the Board of Education seeks to provide clarity to local school divisions by temporarily revising measures of completion for those courses interrupted by extended school closures. The proposed guidelines are meant to supplement the *Guidelines for Graduation Requirements: Local Alternative Paths to Standard Units of Credit (Alternatives to the 140-Clock-Hour Requirement).* The *Guidelines for Graduation Requirements* remain in effect for the purpose of awarding standard units of credit before or beyond the spring of 2020.

## Action Requested:

Final review: Action requested at this meeting.

### Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends the Board of Education approve the Emergency Guidelines for Local Alternatives to Awarding Standard Units of Credit.

## Rationale for Action:

The proposed *Emergency Guidelines* provide support and relief to those students in high school credit-bearing courses by offering the (temporary) flexibility local school divisions may need to award deserving students with a standard unit of credit. The *Emergency Guidelines* provided continue to promote student accountability but recognize that unprecedented circumstances may impede a student’s ability to earn credit for work completed.

## Previous Review or Action:

No previous review or action.

Background Information and Statutory Authority:
The *Code of Virginia* permits local school divisions to exercise a waiver option to award standard units of credit for students or courses that do not meet the 140-clock-hour requirement. The Board has also promulgated regulations and guidelines thatfurther set out the conditions by which the waiver option can be exercised.

The *Code of Virginia* provides local schools boards with the flexibility to waive the 140-clock-hour requirement.

§ 22.1-253.13:4 of the Code of Virginia:

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

The Board’s *Regulations Establishing Standards for the Accreditation of Public Schools* and its *Guidelines for Graduation Requirements: Local Alternative Paths to Standard Units of Credit (Alternatives to the 140- Clock-hour Requirement)*, adopted by the Board on October 22, 2015, set out the conditions in which the waiver option can be exercised.

8VAC20-131-110 states, in part:

1. … 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 provide the board with satisfactory proof, based on board guidelines, that the students for whom the 140-clock-hour requirement is waived have learned the content and skills included in the relevant Standards of Learning. In addition, the local school division shall develop a written policy approved by the superintendent and school board that 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 aims and objectives of the course have been met.

Because of current regulatory and guidelines language, local school divisions without a local school board policy are ineligible to award waivers for courses that do not meet 140 clock hours. Additionally, students unable to recover all of the lost instructional time through continuity of learning are at risk of not being able to earn the standard unit of credit.

The attached *Emergency Guidelines* removes notable barriers that may prevent local school divisions from using the 140-clock-hour waiver process. These guidelines also recognize the unique sets of consequences that the extended closure has had for different cohorts. As such, the 140-clock-hour waiver process has been revised to provide additional flexibility but also set minimum requirements for the awarding of standard units of credit according to two sets of impacted student groups: (1) those scheduled to graduate with the 2019-2020 cohort; and (2) those younger cohorts currently enrolled in a high-school credit bearing course.

The proposed guidelines are meant to supplement the *Guidelines for Graduation Requirements.* The *Guidelines for Graduation Requirements* remain in effect for the purpose of awarding standard units of credit before or beyond the spring of 2020.

Timetable for Further Review/Action:
Upon Board approval, and any technical or editorial edits by Department staff, the *Emergency Guidelines* will be posted to Town Hall and become available to local school divisions for determining standard unit of credits for the spring of 2020.

## Impact on Fiscal and Human Resources:

There are no costs associated with the development and dissemination of the *Emergency Guidelines*.

**Attachment A**

Virginia Board of Education

**EMERGENCY GUIDELINES**

Local Alternatives to Awarding Standard Unit of Credits

Pursuant to *Code of Virginia* §§ 22.1-79.1 and 22.1-253.13:4

**Context**

On March 23, 2020, Governor Ralph Northam ordered that all K-12 schools close for the remainder of the 2019-2020 academic year in an effort to control the spread of COVID-19. This announcement was an extension of the earlier closure order issued by Governor Northam on March 13, 2020. Recognizing the impact that such an extended closure has on students enrolled in high school credit-bearing courses, the Board of Education has put forth the below emergency guidelines on the awarding of standard units of credit.

The below is based on the Board’s authority to promulgate guidelines for waiving the 140-clock-hour requirement per [§ 22.1-253.13.4 (15)](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13%3A4/) in the *Code of Virginia* as well as its *Regulations Establishing Standards for the Accreditation of Public Schools*, or Standards of Accreditation. Section 22.1-253.13.4 (15) of the *Code* further provides that a school division may waive the requirement that a student receive 140 clock hours of instruction to earn a standard credit, effective with students enrolled in the 2015-2016 school year, consistent with the Standards of Quality and Board guidelines.

These emergency guidelines are meant to supplement the *Guidelines for Graduation Requirements: Local Alternative Paths to Standard Units of Credit* *(Alternatives to the 140- Clock-hour Requirement)*, which was adopted by the Board of Education on October 22, 2015. The original 2015 [*Guidelines for Graduation Requirements*](http://www.doe.virginia.gov/administrators/superintendents_memos/2015/271-15a.pdf)remain in effect for the purpose of awarding standard units of credit before or beyond the spring of 2020.

**Eligible Courses**

The 140-clock-hour waiver flexibility during the 2019-2020 school year applies to the below course-types:

1. Board-approved courses;
2. Career and Technical Education courses, as applicable\*; and
3. Local elective courses.

Local elective courses must also: (a) be approved by the local school board; (b) be explicitly described in the school division secondary course of study; and (c) have clearly-defined and publicly-available learning objectives commensurate in scope and detail with state learning standards and competencies.

\*Local school divisions will need to refer to regulations and guidance provided by the regulatory board for such courses in trade and industrial education and health and medical sciences in order to determine any additional requirements for completion.

**Guidelines for Students Scheduled to Graduate with the 2019-2020 Cohort**

The 2019-2020 graduating cohort includes students scheduled to graduate in the spring or summer of 2020.

These emergency guidelines are in place to assist school divisions in determining whether students graduating with the 2019-2020 cohort have met the minimum requirements for being awarded a standard unit of credit in the absence of having had 140-clock-hours of instruction per [8VAC20-131-5](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section5/). These guidelines should apply to any course a student needs to earn a diploma, including those courses specifically provided for in the *Code of Virginia*, such as: (1) a United States and Virginia history course; (2) a fine or performing arts or career and technical education course; (3) a set of sequential courses; and (4) an economics and personal finance course.

For students scheduled to graduate with the 2019-2020 cohort, local school boards may award a standard unit of credit to students meeting **both** of the following criteria:

* The student was currently enrolled in a course and/or training required for graduation **OR** was planning to enroll in a course and/or training required for graduation during the spring 2020 term or before the end of the summer 2020 term; **AND**
* The student has completed a majority of the standards, competencies, and objectives in the entire course and/or training.

Nothing in this section should be construed to mean that any student graduating with the 2019-2020 cohort should automatically be awarded a standard unit of credit by virtue of enrollment only. Local school divisions are still required to exhaust all options to provide such students with the instruction and remediation they need to meet the above criteria and be set up for post-secondary success before awarding a standard unit of credit.

Local school boards are responsible for evaluating the academic record of each student in need of a standard unit of credit for graduation to determine whether they are eligible for the flexibility provided in the emergency guidelines.

**Guidelines for Students Graduating After the 2019-2020 Cohort AND Enrolled in a High School Credit-Bearing Course in Spring 2020**

For students enrolled in a high school credit-bearing course during the spring of 2020, local school boards may award a standard unit of credit to those students demonstrating they have completed a majority of required standards, competencies, and objectives, namely those that are essential for subsequent coursework.

Such students may demonstrate completion through a locally-determined measure which may include *but is not limited to*:

1. Work sample portfolio
2. Evidence must encompass a comprehensive assemblage of media products, artifacts, and performance that demonstrate a student has mastered academically rigorous material and meets a majority of learning standards, competencies, or objectives for the entire course.
3. The assemblage of evidence and overall process must be managed and evaluated by a licensed and endorsed teacher (in the area of the coursework).
4. Completing a locally-developed or Standard of Learning assessment
5. A student must demonstrate mastery in a majority of required standards, competencies, or objectives including those essential subsequent coursework in a locally-developed assessment. This may be an oral examination, performance (e.g., recital/concert), written test, or some other objective tool or process developed by the school division.
6. The division may also use applicable Standards of Learning (SOL) assessments for this purpose. The Virginia Department of Education will extend the spring 2020 assessment administration window to give students the opportunity to leverage this pathway.

\*Please note that while the division may use the SOL assessments for awarding a standard credit as permitted above, SOL assessments can also continue to be used for the verification of credits.

1. Demonstrated achievement via national or international assessments
2. The assessment must: (a) have a standardized administration; (b) be determined to be valid and reliable by an external body; and (c) be used in other states or internationally.
3. The assessment must be scored independently of the school division.
4. The division must have completed a rigorous review of the assessment, in accordance with the local school board policy and determined that it is aligned with the course objectives for which the waiver is being requested.
5. The division must have determined beforehand or developed a process for determining a qualifying score for awarding a standard credit that the division equates with mastery of the entire course content and skills.
6. The division policy must define the number of attempts a student may make to achieve the qualifying score during a given time period and must ensure equitable access for all students should assessments have a monetary cost.

**Additional Conditions and Requirements**

Notwithstanding [8VAC20-131-110](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/), school divisions seeking to use the flexibility outlined in this document do not need a local school board policy in place prior to awarding standard units of credit according to the above nor do they need to inform the Virginia Department of Education (VDOE) that they are exercising the waiver flexibility beforehand. Rather, school divisions using this flexibility shall provide notice to the VDOE in the annual Standards of Quality SOQ Compliance & Other Certifications Data Collection report.

For those divisions with a local school board policy in place, local school boards may suspend their policy for the 2019-2020 school year if a disclaimer is added to the written policy for the duration of its impact on student graduation.