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

## Date: July 23, 2020

### **Title:** **First Review of Proposed Amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8VAC20-131) to Comport with 2020 Legislation Passed by the General Assembly (Fast-Track)**

#### Presenter: Holly Coy, Assistant Superintendent of Policy, Equity, and Communications

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## Purpose of Presentation:

Action required by state or federal law or regulation.

Executive Summary:
During the 2020 Session, the General Assembly passed legislation requiring amendments to the Board of Education’s *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* ([8VAC20-131](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/)) (i.e. *Standards of Accreditation* or SOA). This fast-track regulatory action addresses the following legislation, which took effect on July 1, 2020:

* [HB 516](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb516) (Bulova) and [SB 112](https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB112) (Suetterlein) require the Board of Education, in establishing high school graduation requirements, to include the options for students to complete a dual enrollment course or high-quality work-based learning experience; currently, students must complete an Advanced Placement Course or International Baccalaureate course or earn a career and technical education credential.
* [SB 323](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb323) (Barker) requires the Board of Education, in establishing high school graduation requirements, to permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. The bill provides that for any student electing to substitute a credit in computer science for credit in world language, his school counselor shall provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

The proposed amendments to the *Standards of Accreditation* incorporate these legislative changes and will follow the fast-track rulemaking requirements of the Administrative Process Act (APA). [Section 2.2-4012.1](https://law.lis.virginia.gov/vacode/title2.2/chapter40/section2.2-4012.1/) of the *Code of Virginia* provides that the fast-track rulemaking process may be followed for rules that are expected to be noncontroversial.

## Action Requested:

Other. Specify below:

The Board is requested to waive first review and approve proposed revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (Fast-track).

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends the Board of Education waive first review and approve the proposed revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Fast-track) to comport with legislation passed by the 2020 General Assembly.

## Rationale for Action:

## Board action is required to amend the *Standards of Accreditation*. The proposed changes are necessary for the regulations to comport with legislative changes made by the General Assembly during the 2020 Session

## Previous Review or Action:

No previous review or action.

Background Information and Statutory Authority:
[Section 22.1-253.13:3](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13%3A3/) of the *Code of Virginia* provides, in part:

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 Board’s *Standards of Accreditation* set out graduation requirements for Virginia’s public school students. The 2020 Virginia General Assembly approved the following legislation which provide flexibility to students who entered ninth-grade in the 2018-2019 school year and are attempting to fulfill certain graduation requirements:

[HB 516](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb516) (Bulova) and [SB 112](https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB112) (Suetterlein), which amend [§ 22.1-253.13:4](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13%3A4/) of the *Code of Virginia* as follows:

D. … In establishing graduation requirements, the Board shall:

…

6. Require that students ~~either~~ (i) complete an Advanced Placement, honors, ~~or~~ International Baccalaureate*, or dual enrollment* course ~~or~~*;* (ii)*complete a high-quality work-based learning experience, as defined by the Board; or (iii)* earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. …

[SB 323](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb323) (Barker), which amends [§ 22.1-253.13:4](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13%3A4/) of the *Code of Virginia* as follows:

D. … In establishing graduation requirements, the Board shall:

…

*20. Permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student that elects to substitute a credit in computer science for credit in world language, his or her school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.*

The following amendments, outlined in Attachment A, are proposed to the *Standards of Accreditation* to implement the aforementioned legislation, as described in the chart below:

| **Bill(s)** | **SOA Section** | **Diploma** | **Proposed Change** | **Page in Attachment**  |
| --- | --- | --- | --- | --- |
| HB 516/ SB 112 | 8VAC20-131-51 | Standard diploma | Amends language in the Additional Graduation Requirements, which currently requires students to complete an Advanced Placement Course or International Baccalaureate course or earn a career and technical education credential, to include the options of a dual enrollment course or high-quality work-based learning experience. | Page 4 |
| SB 323 | 8VAC20-131-51 | Advanced Studies diploma | Adds language to the specifications (i) permitting a student pursuing an advanced diploma whose IEP specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language, and (ii) requiring the counselor of such a student to notify the student and parent of possible impacts related to college entrance requirements. | Page 7 |
| HB 516/ SB 112 | 8VAC20-131-51 | Advanced Studies diploma | Amends language in the Additional Graduation Requirements, which currently requires students to complete an Advanced Placement Course or International Baccalaureate course or earn a career and technical education credential, to include the options of a dual enrollment course or high-quality work-based learning experience. | Page 7 |

Timetable for Further Review/Action:
Following Board approval, the timetable for further action shall be governed by the fast-track rulemaking requirements of the Administrative Process Act (APA).

## Impact on Fiscal and Human Resources:

The administrative impact required in promulgating these regulations will be absorbed within existing resources.

# Attachment A – Proposed Amendments

## [8VAC20-131-51](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section51/). Requirements for Graduation (Effective with the Students Who Enter the Ninth Grade in the 2018–2019 School Year).

A. 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.

Both the Standard Diploma and the Advanced Studies Diploma shall provide multiple paths toward college, career, and citizenship readiness for students to follow in the later years of high school. Each such pathway shall provide meaningful and rigorous opportunities tied to instruction to achieve workplace and citizenship skills through experiences such as internships, externships, credentialing, and blended learning, which may be offered for credit toward high school graduation.

In accordance with the Profile of a Virginia Graduate approved by the board, the instructional program leading to a Standard Diploma or Advanced Studies Diploma shall ensure that students (i) attain the knowledge, skills, competencies, and experiences necessary to be successful in the evolving global economy whether immediately entering the world of work or pursuing a postsecondary education and (ii) acquire and be able to demonstrate foundational skills in critical thinking, creative thinking, collaboration, communication, and citizenship.

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](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/).

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

B. Requirements for a Standard Diploma.

1. Beginning with the ninth-grade class of 2018–2019 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.

A "standard unit of credit" or "standard credit" is a 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](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/) and in accordance with board guidelines.

A "verified unit of credit" or "verified credit" is a credit awarded for a course in which a student earns a standard unit of credit and (i) achieves a passing score on a corresponding end-of-course SOL test; (ii) achieves a passing score on an additional test, as defined in [8VAC20-131-5](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section5/) as part of the Virginia Assessment Program; (iii) meets the criteria for the receipt of a locally awarded verified credit conferred in accordance with board criteria and guidelines as provided in [8VAC20-131-110](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/) B 3 when the student has not passed a corresponding SOL test in English, mathematics, laboratory science, or history and social science; or (iv) meets the criteria for the receipt of a verified credit for English (writing) by demonstrating mastery of the content of the associated course on authentic performance assessments as provided in [8VAC20-131-110](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/) B 4.

No more than one locally awarded verified credit may be used to satisfy these requirements, except as provided in subdivision 3 of this subsection for credit accommodations for students with disabilities.

|  |  |  |  |
| --- | --- | --- | --- |
| Discipline Area | Standard Units of Credit Required | Verified Credits Required |  |
| English (reading and writing) | 4 | 2 |  |
| Mathematics | 3 | 1 |  |
| Laboratory Science | 3 | 1 |  |
| History and Social Science | 3 | 1 |  |
| Health and Physical Education | 2 |  |  |
| World Language, Fine Arts, or Career and Technical Education | 2 |  |  |
| Economics and Personal Finance | 1 |  |  |
| Electives | 4 |  |  |
| Total | 22 | 5 |  |
|  |  |
| Discipline Area | Specifications |
| Mathematics | Courses 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 approved by the board to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a mathematics course credit. |
| Laboratory Science | Courses completed to satisfy this requirement shall include course selection 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 and shall include interdisciplinary courses that incorporate Standards of Learning content from multiple academic areas. The board shall approve courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a science course credit.A laboratory science verified credit may be awarded to students who complete a career and technical education program sequence and (i) pass two examinations or occupational competency assessments in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, trade, or professional association; (ii) acquire two professional licenses in a career and technical education field from the Commonwealth of Virginia; or (iii) pass one examination or competency assessment from clause (i) and acquire one license from clause (ii). The examination or occupational competency assessment must be approved by the board as an additional test to verify student achievement. |
| History and Social Science | Courses completed to satisfy this requirement shall include Virginia and U.S. history, Virginia and U.S. government, and one course in either world history or geography or both. The board shall approve courses to satisfy this requirement. |
| World Language, Fine Arts, or Career and Technical Education | Per the Standards of Quality, credits earned for this requirement shall include one credit in fine or performing arts or career and technical education. Per the Standards of Quality, a computer science course credit earned by students may be considered a career and technical course credit. |
| Electives | Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality. |
|  |
| Additional Requirements for Graduation |
| Advanced Placement, Honors, or International Baccalaureate Course or Career and Technical Education Credential | In accordance with the Standards of Quality, students shall ~~either~~ (i) complete an Advanced Placement, honors, ~~or~~ International Baccalaureate, or dual enrollment course, ~~or~~ (ii) complete a high-quality work-based learning experience, as defined by the Board; or (iii) earn a career and technical education credential approved by the board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the standard diploma requirements. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment. |
| Virtual Course | Students shall successfully complete one virtual course, which may be a non-credit-bearing course or a required or elective credit-bearing course that is offered online. |
| Training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AED) | Students shall be trained in emergency first aid, CPR, and the use of AED, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Students with an individualized education plan (IEP) or 504 Plan that documents that they cannot successfully complete this training shall be granted a waiver from this graduation requirement, as provided in [8VAC20-131-420](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section420/) B. |
| Demonstration of the five Cs | Students shall acquire and demonstrate foundational skills in critical thinking, creative thinking, collaboration, communication, and citizenship in accordance with the Profile of a Virginia Graduate approved by the board. |
|  |  |  |  |  |

3. The board 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 IEP or 504 Plan shall specify any credit accommodations 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 H of this section.

C. Requirements for an Advanced Studies Diploma.

1. Beginning with the ninth-grade class of 2018–2019 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.

A "standard unit of credit" or "standard credit" is a 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](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/) and in accordance with board guidelines.

A "verified unit of credit" or "verified credit" is a credit awarded for a course in which a student earns a standard unit of credit and (i) achieves a passing score on a corresponding end-of-course SOL test; (ii) achieves a passing score on an additional test, as defined in [8VAC20-131-5](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section5/), as part of the Virginia Assessment Program; (iii) meets the criteria for the receipt of a locally awarded verified credit conferred in accordance with board criteria and guidelines as provided in [8VAC20-131-110](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/) B 3 when the student has not passed a corresponding SOL test in English, mathematics, laboratory science, or history and social science; or (iv) meets the criteria for the receipt of a verified credit for English (writing) by demonstrating mastery of the content of the associated course on an authentic performance assessment, as provided in [8VAC20-131-110](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/) B 4.

No more than one locally awarded verified credit may be used to satisfy these requirements.

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| --- | --- | --- |
| Discipline Area | Standard Units of Credit Required | Verified Credits Required |
| English (reading and writing) | 4 | 2 |
| Mathematics | 4 | 1 |
| Laboratory Science | 4 | 1 |
| History and Social Science | 4 | 1 |
| World Language | 3 |  |
| Health and Physical Education | 2 |  |
| Fine Arts or Career and Technical Education | 1 |  |
| Economics and Personal Finance | 1 |  |
| Electives | 3 |  |
| Total | 26 | 5 |
|  |
| Discipline Area | Specifications |
| Mathematics | Courses 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. Per the Standards of Quality, a computer science course credit earned by students may be considered a mathematics course credit. |
| Laboratory Science | Courses 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 and shall include interdisciplinary courses that incorporate Standards of Learning content from multiple academic areas. The board shall approve additional courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a science course credit. |
| History and Social Science | Courses completed to satisfy this requirement shall include Virginia and U.S. history, Virginia and U.S. government, and two courses in either world history or geography or both. The board shall approve additional courses to satisfy this requirement. |
| World Language | Courses completed to satisfy this requirement shall include three years of one language or two years of two languages. A student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language may substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student that elects to substitute a credit in computer science for credit in world language, his or her school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements. |
| Fine Arts or Career and Technical Education | Per the Standards of Quality, a computer science course credit earned by students may be considered a career and technical credit. |
| Electives | Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality. |
|  |
| Additional Requirements for Graduation |
| Advanced Placement, Honors, or International Baccalaureate Course or Career and Technical Education Credential | In accordance with the Standards of Quality, students shall ~~either~~ (i) complete an Advanced Placement, honors, ~~or~~ International Baccalaureate, or dual enrollment course ~~or~~ (ii) complete a high-quality work-based learning experience, as defined by the Board; or (iii) earn a career and technical education credential approved by the board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the advanced studies diploma requirements. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment. |
| Virtual Course | Students shall successfully complete one virtual course, which may be a non-credit-bearing course or a required or elective credit-bearing course that is offered online. |
| Training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AED). | Students shall be trained in emergency first aid, CPR, and the use of AED, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Students with an IEP or 504 Plan that documents that they cannot successfully complete this training shall be granted a waiver from this graduation requirement, as provided in [8VAC20-131-420](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section420/) B. |
| Demonstration of the five Cs | Students shall acquire and demonstrate foundational skills in critical thinking, creative thinking, collaboration, communication, and citizenship in accordance with the Profile of a Virginia Graduate approved by the board. |

D. Requirements for an Applied Studies Diploma. In accordance with the requirements of the Standards of Quality, a student with disabilities who completes the requirements of the student's IEP and does not meet the requirements for other diplomas shall be awarded Applied Studies Diplomas in accordance with state and federal laws and regulations regarding special education.

Students who pursue an Applied Studies Diploma shall be allowed to pursue a Standard Diploma or an Advanced Studies Diploma at any time during high school. Such students shall not be excluded from courses or tests required to earn these diplomas.

E. Requirements for Certificates of Program Completion. 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 a Standard Diploma, an Advanced Studies Diploma, or an Applied Studies Diploma 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.

F. In accordance with the provisions of the compulsory attendance law and [8VAC20-30](https://law.lis.virginia.gov/admincode/title8/agency20/chapter30/), Regulations Governing Adult High School Programs, students who do not qualify for diplomas may earn a high school equivalency credential. The requirements for the General Achievement Adult High School Diploma are provided in [8VAC20-30-20](https://law.lis.virginia.gov/admincode/title8/agency20/chapter30/section20/).

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

1. The Governor's Seal shall be awarded to students who complete the requirements for an Advanced Studies Diploma with an average grade of "B" or better and successfully complete college-level coursework that shall earn the student at least nine transferable college credits in Advanced Placement (AP), International Baccalaureate (IB), Cambridge, or dual enrollment courses.

2. The Board of Education Seal shall be awarded to students who complete the requirements for a Standard Diploma or an Advanced Studies Diploma with an average grade of "A."

3. The Board of Education's Career and Technical Education Seal shall be awarded to students who earn a Standard Diploma or an Advanced Studies 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 shall approve all professional licenses and examinations used to satisfy these requirements.

4. The Board of Education's Science, Technology, Engineering, and Mathematics (STEM) Seal shall be awarded to students who meet criteria established by the board.

5. The Board of Education's Seal for Excellence in Civics Education shall be awarded to students who earn either a Standard Diploma or an Advanced Studies 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 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 shall be deemed to have met this community service requirement.

6. The Board of Education's Seal of Biliteracy shall be awarded to students who demonstrate proficiency in English and at least one other language and meet additional criteria established by the board.

7. The Board of Education's Seal for Excellence in Science and the Environment shall be awarded to students who earn either a Standard Diploma or Advanced Studies Diploma and (i) complete at least three different first-level board-approved laboratory science courses and at least one rigorous advanced-level or postsecondary-level laboratory science course, each with a grade of "B" or higher; (ii) complete laboratory or field-science research and present that research in a formal, juried setting; and (iii) complete at least 50 hours of voluntary participation in community service or extracurricular activities that involve the application of science such as environmental monitoring, protection, management, or restoration.

8. 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. 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. Students who complete Advanced Placement courses, college-level courses, or courses required for an International Baccalaureate Diploma shall be deemed to have completed the course requirements for graduation under these standards provided they have earned the total number of standard units of credit and verified units of credit in each discipline area in accordance with the requirements for the Standard Diploma and the Advanced Studies Diploma, as specified in subsections B and C of this section.

K. 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](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/), and the consequences of failing to fulfill the obligations to complete the requirements for verified units of credit.

# Attachment B

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Fast-Track Regulation

Agency Background Document

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| **Agency name** | Board of Education |
| **Virginia Administrative Code (VAC) Chapter citation(s)**  |  8VAC20-131 |
| **VAC Chapter title(s)** | *Regulations Establishing Standards for Accrediting Public Schools in Virginia* |
| **Action title** | Revisions to the Regulations to Comport with 2020 Legislation Passed by the General Assembly |
| **Date this document prepared** | July 9, 2020 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code.*

Brief Summary
[RIS1]

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Virginia Board of Education is proposing amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. These regulations provide the foundation of educational programs in Virginia public schools and the standards by which public schools are accredited. The proposed amendments are necessary for the regulations to comport with legislative changes made by the General Assembly during the 2020 Session.

[RIS2]
Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

**Standards of Accreditation** or **SOA** – refers to 8VAC20-131, the Board of Education’s Regulations Establishing the Standards for Accrediting Public Schools in Virginia

Statement of Final Agency Action

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

The Board of Education approved these amendments to the SOA under the fast-track provision of the Administrative Process Act at its public meeting on September 17, 2020.

Mandate and Impetus
[RIS3]

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

*As required by Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track process.*

These amendments to the SOA are mandated by legislation enacted by the General Assembly during the 2020 Session. This regulatory action is noncontroversial as its purpose is to comport the regulations to align with legislation.

[RIS4]

Legal Basis

[RIS5]

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

The Board of Education is the promulgating entity.

The Board’s authority to prescribe regulations establishing standards for accrediting public schools is established in § 22.1-253.13:3 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*.

[RIS6]

Purpose

[RIS7]

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it’s intended to solve.*

This regulatory action is necessary to amend the SOA to comport with legislation that was enacted by the General Assembly during the 2020 Session: HB 516 (Bulova), SB 112 (Suetterlein), and SB 323 (Barker).

[RIS8]

Substance

[RIS9]

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

This regulatory action is necessary to amend the SOA to comport with legislation that was enacted by the General Assembly during the 2020 Session, which include:

* HB 516 (Bulova) and SB 112 (Suetterlein) require the Board of Education, in establishing high school graduation requirements, to include the options for students to complete a dual enrollment course or high-quality work-based learning experience; currently, students must complete an Advanced Placement Course or International Baccalaureate course or earn a career and technical education credential.
* SB 323 (Barker) requires the Board of Education, in establishing high school graduation requirements, to permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. The bill provides that for any student electing to substitute a credit in computer science for credit in world language, his school counselor shall provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

[RIS10]

Issues

[RIS11]

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

There are no disadvantages to the public, the agency, or the Commonwealth. These revisions are required by amendments to the *Code of Virginia* adopted by the Virginia General Assembly in its 2020 Session.

[RIS12]
Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

N/A

Localities Particularly Affected

All local school boards and school divisions will be affected.

Other Entities Particularly Affected

All local school boards and school divisions will be affected.

Economic Impact

*Pursuant to § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is change versus the status quo.*

**Impact on State Agencies**

|  |  |
| --- | --- |
| *For your agency*: projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; andc) whether any costs or revenue loss can be absorbed within existing resources | None |
| *For other state agencies*: projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures. | None |
| *For all agencies:* Benefits the regulatory change is designed to produce. | None |

**Impact on Localities**

|  |  |
| --- | --- |
| Projected costs, savings, fees or revenues resulting from the regulatory change. | None |
| Benefits the regulatory change is designed to produce. | None |

**Impact on Other Entities**

|  |  |
| --- | --- |
| Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no otherentities will be affected, include a specific statement to that effect. | All local school boards and school divisions will be affected. |
| Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:a) is independently owned and operated and;b) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million.  | 132 local school divisions will be affected. No small businesses will be directly affected. |
| All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; ande) time required to comply with the requirements. | None |
| Benefits the regulatory change is designed to produce. | These amendments to the SOA are designed to ensure that all local school boards and local school divisions are aware of and in compliance with the newly passed legislation. |

Alternatives to Regulation

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

These amendments are proposed to ensure compliance with the *Code of Virginia*. Therefore, there are no alternative regulatory methods that will accomplish the objectives of the statutory requirements. In addition, there is no adverse impact on small businesses.

Regulatory Flexibility Analysis

*Pursuant to § 2.2-4007.1B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

These amendments are proposed to ensure compliance with the *Code of Virginia*. Therefore, there are no alternative regulatory methods that will accomplish the objectives of the statutory requirements. In addition, there is no adverse impact on small businesses.

Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

*As required by § 2.2-4011**of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.*

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The Virginia Department of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by email or fax to Holly Coy, Assistant Superintendent of Policy, Equity, and Communication, at policy@doe.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.*

*If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.*

**Table 1: Changes to Existing VAC Chapter(s)**

|  |  |  |  |
| --- | --- | --- | --- |
| **Current chapter-section number** | **New chapter-section number, if applicable** | **Current requirements in VAC** | **Change, intent, rationale, and likely impact of new requirements** |
| 8VAC20-131-51 | N/A | Requirements for Graduation (Effective with the Students Who Enter the Ninth Grade in the 2018–2019 School Year). | Amends language in the Additional Graduation Requirements for the **Standard Diploma**, which currently requires students to complete an Advanced Placement Course or International Baccalaureate course or earn a career and technical education credential, to include the options of a dual enrollment course or high-quality work-based learning experience. |
| 8VAC20-131-51 | N/A | Requirements for Graduation (Effective with the Students Who Enter the Ninth Grade in the 2018–2019 School Year). | Amends language in the Additional Graduation Requirements for the **Advanced Studies Diploma**, which currently requires students to complete an Advanced Placement Course or International Baccalaureate course or earn a career and technical education credential, to include the options of a dual enrollment course or high-quality work-based learning experience. |
| 8VAC20-131-51 | N/A | Requirements for Graduation (Effective with the Students Who Enter the Ninth Grade in the 2018–2019 School Year). | Adds language to the specifications (i) permitting a student pursuing an **Advanced Studies Diploma** whose IEP specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language, and (ii) requiring the counselor of such a student to notify the student and parent of possible impacts related to college entrance requirements. |

*If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.*

**Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace**

|  |  |  |  |
| --- | --- | --- | --- |
| **New chapter-section number** | **New requirements** | **Other regulations and law that apply** | **Intent and likely impact of new requirements** |
| N/A | N/A | N/A | N/A |
|  |  |  |  |

*If the regulatory change is replacing an* ***emergency regulation****, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.*

*If the regulatory change is replacing an* ***emergency regulation****, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.*

**Table 3: Changes to the Emergency Regulation**

|  |  |  |  |
| --- | --- | --- | --- |
| **Emergency chapter-section number** | **New chapter-section number, if applicable** | **Current emergency requirement** | **Change, intent, rationale, and likely impact of new or changed requirements since emergency stage** |
| N/A | N/A | N/A | N/A |
|  |  |  |  |