| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
| --- | --- |

# Agenda Item: F

## Date: October 15, 2020

### Title: Final Review of the Notice of Intended Regulatory Action to Revise the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*

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

#### Email: [Leslie.Sale@doe.virginia.gov](mailto:Leslie.Sale@doe.virginia.gov) Phone: (804)786-0941

## Purpose of Presentation:

Action required by state or federal law or regulation.

Executive Summary:  
In 2017, the Board of Education finalized 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). The Board approved a number of substantive changes to the SOA during its update, including a revised state accreditation model, an emphasis on continuous improvement, and the integration of the Profile of a Virginia Graduate, among others.

The new Standards of Accreditation became effective in the 2018-2019 school year. Since implementation, the Virginia Department of Education (VDOE) has monitored feedback from the field as well as convened an internal committee to evaluate and address questions and concerns related to the new SOA. As a result of this work, VDOE staff has compiled several technical and practical amendments to the regulations that would improve the impact and efficacy of the SOA. Additionally, in June 2020, the Board established its own Special Committee for the Review of the Standards of Accreditation tasked with exploring the positive, negative, and unintended consequences of the new accreditation model and 2017 SOA revisions.

There is an anticipated need to reopen the SOA in order to incorporate a range of regulatory amendments based on stakeholder feedback, VDOE staff recommendations, and the Special Committee’s early findings. The attached Notice of Intended Regulatory Action is the first step in the formal regulatory process and upon review and approval by both the Board and executive branch, will allow VDOE staff and the Board’s Special Committee to offer clarity, change, or improvement to several, identified action items in the SOA.

## 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 Notice of Intended Regulatory Action to revise the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

### 

## Rationale for Action:

In approving the NOIRA, the Board is initiating the formal regulatory process to amend the SOA based on feedback from the field, VDOE recommendations and the Board’s Special Committee.

## Previous Review or Action:

No previous review or 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. Since implementation, VDOE has monitored feedback and inquiries from the field as well as convened an internal committee representing various units across the agency to evaluate and address questions and concerns related to the SOA. VDOE staff has identified several changes and areas of improvement that would require amendments to the regulations. Additionally, in June 2020, the Board established its own Special Committee for the Review of the Standards of Accreditation tasked with exploring the positive, negative, and unintended consequences of the new accreditation model. The Special Committee has already heard from a number of content experts and stakeholders and will continue its due diligence in evaluating whether there is a need to revisit accreditation and school quality indicators.

The NOIRA would begin the formal process of regulatory change with the intent of proposing language that: (1) provides clarifying technical edits; (2) incorporates items unaddressed during the comprehensive update; and (3) corrects for any negative or unintended consequences of the new accreditation model where prudent.

VDOE staff plans to continue its internal review of the SOA in the next several months, part of which will include external stakeholder engagement and feedback solicitations. Staff will also support the work of the Special Committee as it weighs the need for additional regulatory action.

Timetable for Further Review/Action:  
Upon Board approval, and any technical or editorial edits by Department staff, the NOIRA will be submitted to Town Hall for executive branch review pursuant to the Administrative Process Act. Staff anticipates having proposed stage draft regulations ready for Board first review in spring 2021 assuming executive branch review of the NOIRA is also complete.

## Impact on Fiscal and Human Resources:

There are no costs associated with this action.