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

## Date: April 25, 2019

### Title: First Review of Proposed Amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8VAC20-131) under the Fast-Track provisions of the Administrative Process Act to finalize Emergency Regulations related to Locally-Awarded Verified Credits

### Presenter: Zachary L. Robbins, Director of Policy

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## Purpose of Presentation:

Action required by state or federal law or regulation.

## Executive Summary:

Comprehensive revisions to the *Regulations Establishing Standards for the Accreditation of Public Schools in Virginia,* more commonly referred to as the Standards of Accreditation or SOA, became effective for the 2018-2019 academic year. One component of these revisions changed the availability of locally-awarded verified credits, which provide students the opportunity to receive a verified credit in a course that they have passed, but failed the related end-of-course Standards of Learning test twice within a narrow margin. To receive a locally-awarded verified credit, the student must take the test twice, score between 375 and 399 on one of the attempts, and demonstrate achievement and mastery in the academic content through a local appeal process.

After the comprehensive revisions to the SOA were approved through the Administrative Process Act, it became apparent that the revisions would have established inequitable opportunities to earn locally-awarded verified credits for students that will be attending high school at the same time. The revised regulations would have provided that students that entered the ninth grade prior to the 2018-2019 school year that struggled to pass either the English or mathematics end-of-course test could not earn locally-awarded verified credits in English or mathematics, while students entering the ninth grade beginning in the 2018-2019 school year would have access to locally-awarded verified credits in those subjects.

To provide parity among these high school cohorts, and to help current students earn their diplomas for graduation in the spring of 2018, the Board adopted emergency regulations to extend the availability of a locally-awarded verified credit to English and mathematics for students who entered the ninth grade prior to the 2018-2019 school year. In addition, the Board’s guidance document governing the award of locally-awarded verified credit was updated to extend the use of locally-awarded verified credits in English and mathematics for these students.

Under the Administrative Process Act, the emergency regulations that were approved by the Board became effective on May 9, 2019, and will expire on November 8, 2019. To ensure that the Board’s regulations continue to permit all students to access locally-awarded verified credits in English and mathematics, permanent regulations are proposed to replace the emergency regulations, using the fast-track provisions of the Administrative Process Act. Since the emergency regulations became effective, no public comments have been received.

The amendments align with Priority 1 in the Board’s Comprehensive Plan, to provide high-quality, effective learning environments for all students by advancing policies that expand equitable opportunities.

## Action Requested:

Action will be requested at a future meeting. Specify anticipated date below:

Date: June 20, 2019

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends the Board of Education receive for first review the proposed amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

**Previous Review or Action:**

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

Date: March 22, 2018

Action: The Board waived first review and approved emergency amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8VAC20-131) (Emergency/NOIRA Stage) and amendments to the Board’s *Guidance on the use of Locally-Awarded Verified Credits.*

## Background Information and Statutory Authority:

The *Code of Virginia* requires the Board to prescribe standards for the accreditation of public elementary, middle, and high schools. Section 22.1-19 of the *Code* provides, in part:

The Board shall provide for the accreditation of public elementary, middle, and high schools in accordance with standards prescribed by it…

Section 22.1-253.13:4 of the *Code* further specifies that the Board shall prescribe the requirements for graduation:

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education...

Comprehensive revisions to the Regulations Establishing Standards for the Accreditation of Public Schools in Virginia, more commonly referred to as the Standards of Accreditation or SOA, became effective for the 2018-2019 academic year. Under the previous and current versions of the SOA, locally-awarded verified credits provide students the opportunity to receive a verified credit in a course that they have passed, but failed the end-of-course Standards of Learning test twice within a narrow margin. The Board’s adopted guidance document governing locally-awarded verified credit provides that in order to receive a locally-awarded verified credit, the student must take the test twice, score between 375 and 399 on one of the attempts, and demonstrate achievement and mastery in the relevant academic content through a local appeal process.

Under the previous version of the SOA, locally-awarded verified credits were only available in science and history/social science. The revised SOA would have permitted students entering the ninth grade in the 2018-2019 school year and thereafter to access locally-awarded verified credits in English and mathematics as well. The revised SOA would have continued to limit access to locally-awarded verified credits to only science and history/social science for those students who had entered the ninth grade prior to the 2018-2019 school year. To address this inequity before the revised regulations became effective, the Board adopted emergency regulations on March 22, 2018 to extend the availability of a locally-awarded verified credit to English and mathematics for all students. At the same meeting, the Board’s guidance document governing the award of locally-awarded verified credit was updated to extend the use of locally-awarded verified credits in English and mathematics for current students.

These emergency regulations became effective on May 9, 2018, and will expire on November 8, 2019, pursuant to § 2.2-4011 of the Code. To ensure that these provisions remain effective and permit all students to have equitable access to locally-awarded verified credits, permanent regulations must be adopted to replace the emergency regulations. Since the emergency regulations became effective, no public comments have been received.

## Timetable for Further Review/Action:

Upon the Board’s approval, the regulations will be submitted for executive review in compliance with the fast-track provisions of the Administrative Process Act.

## Impact on Fiscal and Human Resources:

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

# Attachment A

## Regulations Establishing Standards for Accrediting Public Schools in Virginia

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

A. 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. 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, as prescribed in the Standards of Quality and board guidelines. 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 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.

B. 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 completes one of the following:

1. Achieves a passing score on a corresponding end-of-course SOL test. 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 Standards of Learning 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.

Upon waiver of the 140-clock-hour requirement according to board guidelines, qualified students who have received a standard unit of credit shall be permitted to sit for the relevant SOL test to earn a verified credit without having to meet the 140-clock-hour requirement.

2. Achieves a passing score on an additional test, as defined in 8VAC20-131-5, as a part of the Virginia Assessment Program.

3. Meets the criteria for the receipt of a locally awarded verified credit when the student has not passed a corresponding SOL test.

a. Students who enter the ninth grade for the first time prior to the 2018-2019 school year and do not pass SOL tests in ***English, mathematics,*** 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. Credit accommodations for students with disabilities may be used to confer locally awarded verified credits as provided in 8VAC20-131-50 B 3.

b. Students who enter the ninth grade for the first time in the 2018-2019 school year or thereafter and do not pass SOL tests in English, mathematics, laboratory 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. No more than one locally awarded verified credit may be used to satisfy graduation requirements, except as provided in 8VAC20-131-51 B 3 for students with disabilities seeking a standard diploma.

4. Meets the criteria for the receipt of a verified credit in history and social science by demonstrating mastery of the content of the associated course on an authentic performance assessment that complies with guidelines adopted by the board. Such students shall not also be required to take the corresponding SOL test in history and social science.

5. Meets the criteria for the receipt of a verified credit in English (writing) by demonstrating mastery of the content of the associated course on an authentic performance assessment, that complies with guidelines adopted by the board. Such students shall not also be required to take the corresponding SOL test in English (writing).

C. The board 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 statewide, 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 Standards of Learning content in the course for which verified credit is given.

The board shall 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 shall provide opportunities for students who meet criteria adopted by the board to have an expedited retake of a SOL test to earn verified credit.

### 8VAC20-131-430. Effective dates

A. Graduation requirements.

1. The graduation requirements for students entering the ninth grade for the first time in the 2013-2014 school year and prior to the 2018-2019 school year shall be those provided in 8VAC20-131-50.

2. The graduation requirements for students entering the ninth grade for the first time in the 2018-2019 school year and beyond shall be those provided in 8VAC20-131-51.

3. The graduation requirements applicable to students transferring into a Virginia high school for the first time shall be as determined by 8VAC20-131-60 G.

B. Locally awarded verified credits.

1. Locally awarded verified credits conferred for ***English, mathematics, laboratory science, and*** history and social science for students entering the ninth grade for the first time prior to the 2018-2019 school year shall be as provided in 8VAC20-131-110 B 3 a.

2. Locally awarded verified credits conferred for English, mathematics, laboratory science, and history and social science for students entering the ninth grade for the first time in 2018-2019 or thereafter shall be as provided in 8VAC20-131-110 B 3 b.

C. Academic and career planning.

1. The requirements for academic and career planning prescribed in 8VAC20-131-140 B shall be effective beginning with the 2013-2014 academic year and through the 2017-2018 academic year.

2. The requirements for Academic and Career Plans prescribed in 8VAC20-131-140 C shall be effective beginning with the 2018-2019 academic year.

D. The application of the college, career, and civic readiness index as a school quality indicator used for accreditation shall be made no later than the 2021-2022 school year.

E. Unless otherwise specified, the remainder of this chapter shall become effective beginning with the 2018-2019 academic year.

**ATTACHMENT B**

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Fast-Track Regulation

Agency Background Document

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| --- | --- |
| **Agency name** | Department of Education |
| **Virginia Administrative Code (VAC) citation(s)** | 8 VAC20-131 |
| **Regulation title(s)** | Regulations Establishing Standards for Accrediting Public Schools in Virginia |
| **Action title** | Amendments to permit students entering the ninth grade prior to the 2018-19 school year to be awarded locally-awarded verified credit in English and mathematics when certain Board of Education - established criteria are met. |
| **Date this document prepared** | April 2, 2019 |

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 (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations.*

Brief Summary

*Please 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.*

This regulatory action allows students that entered the ninth grade prior to the 2018-19 school year to be awarded locally-awarded verified credits in English and mathematics when certain Board of Education-established criteria are met. Prior to the implementation of emergency regulations that became effective on May 9, 2018, these students could only receive locally-awarded verified credits in science and history/social science. These proposed amendments would finalize these emergency regulations.

Changes to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* that became effective for the 2018-19 school year allowed students entering the ninth grade in 2018-2019 and thereafter to receive locally-awarded verified credits in English, mathematics, science, and history/social science.

The proposed amendments will ensure locally-awarded verified credits in English, mathematics, science, and history/social science will remain available for all students after the expiration of the emergency regulations on November 8, 2019.

Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.*

**Locally-awarded verified credits** provide students that opportunity to receive verified credits required for graduation in a course that they have passed, but failed the related end-of-course Standards of Learning test. To receive a locally-awarded verified credit, a student must fail the end-of-course test twice, scoring between 375 and 399 on one of the attempts, and demonstrate achievement and mastery in the academic content area through an appeal that is reviewed by a local school division-established committee.

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

Statement of Final Agency Action

*Please 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.*

It is anticipated that the Board will approve the fast track revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia on June 20, 2019.*

Mandate and Impetus

*Please 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, board decision, etc.). 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, please also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track process.*

These amendments to the SOA are necessary to replace emergency regulations adopted by the Board of Education that became effective on May 9, 2018, and are set to expire on November 8, 2019.

This regulatory action is expected to be noncontroversial because the emergency regulations that became effective May 9, 2018 are currently being implemented and have not generated any public comment since their adoption. The changes proposed by this fast-track regulatory action are substantially the same as those that were included in the emergency regulations.

Legal Basis

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

The Board of Education is the promulgating entity.

The Board’s authority to establish graduation requirements through its Standards of Accreditation are established in § 22.1-253.13:3 of the Code:

*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 authority to establish graduation requirements are further referenced in § 22.1-253.13:4 of the Code:

*A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education...*

Purpose

*Please 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.*

Comprehensive revisions to the *Regulations Establishing Standards for the Accreditation of Public Schools in Virginia*, more commonly referred to as the Standards of Accreditation or SOA, became effective for the 2018-2019 academic year. One component of these revisions changed the availability of locally-awarded verified credits, which provide students the opportunity to receive a verified credit in a course that they have passed, but failed the related end-of-course Standards of Learning test twice within a narrow margin. To receive a locally-awarded verified credit, the student must take the test twice, score between 375 and 399 on one of the attempts, and demonstrate achievement and mastery in the academic content through a local appeal process.

After the comprehensive revisions to the SOA were approved through the Administrative Process Act, it became apparent that the revisions would have established inequitable opportunities to earn locally-awarded verified credits for students that will be attending high school at the same time. The revised regulations would have provided that students that entered the ninth grade prior to the 2018-2019 school year that struggled to pass either the English or mathematics end-of-course test could not earn locally-awarded verified credits in English or mathematics, while students entering the ninth grade beginning in the 2018-2019 school year would have access to locally-awarded verified credits in those subjects.

To provide parity among these high school cohorts, and to help current students earn their diplomas for graduation in the spring of 2018, the Board adopted emergency regulations to extend the availability of a locally-awarded verified credit to English and mathematics for students who entered the ninth grade prior to the 2018-2019 school year. In addition, the Board’s guidance document governing the award of locally-awarded verified credit was updated to extend the use of locally-awarded verified credits in English and mathematics for these students.

Under the Administrative Process Act, the emergency regulations that were approved by the Board became effective on May 9, 2019, and will expire on November 8, 2019. To ensure that the Board’s regulations continue to permit all students to access locally-awarded verified credits in English and mathematics, these permanent regulations are proposed to replace the emergency regulations, using the fast-track provisions of the Administrative Process Act.

If no action were taken, the emergency regulations would expire, and students that entered the ninth grade prior to the 2018-19 school year will not be able to access locally-awarded verified credit in English or mathematics. This means that these students, if they are unable to pass an English or mathematics assessment needed for graduation, may not be able to graduate, while a younger peer facing the same situation would be able to graduate from high school.

Substance

Please 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.

The proposed changes would allow all students to access locally-awarded verified credits in English, mathematics, science and history/social sciences in accordance with the Board of Education’s regulations and guidance.

For students that entered the ninth grade for the first time prior to the 2018-2019 school year, the existing regulations make locally-awarded verified credits available only for science and history/social science. Under the existing emergency regulations, those students may now be awarded locally-awarded verified credits in English, mathematics, science, and history/social science, the same is as permitted for their peers that entered the ninth grade in 2018-2019 and thereafter. These proposed fast-track regulations would finalize those emergency provisions.

Issues

Please 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. The advantages to these revisions include providing parity among high school student cohorts, and helping students earn their high school diplomas.

Requirements More Restrictive than Federal

Please 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

Please 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: none

Localities Particularly Affected: All local school boards and school divisions will be affected because they will be able to provide these opportunities to earn credit needed for students to graduate.

Other Entities Particularly Affected: no other entities are anticipated to be affected.

Economic Impact

*Pursuant to § 2.2-4007.04 of the Code of Virginia, please 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. Please 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; and  c) 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**

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| --- | --- |
| 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. Please 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 boards and school divisions. No small businesses should be affected. |
| All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Please 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; and  e) time required to comply with the requirements. | None |
| Benefits the regulatory change is designed to produce. | The amendments in the regulations are designed to provide parity among school division cohorts and increase students’ ability to graduate. |

Alternatives

*Please 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.*

If the regulations are not adopted, students that entered high school prior to the 2018-2019 school year would not be able to access locally-awarded verified credit in English or mathematics. Students that are unable to pass SOL tests in these subject areas, but are scoring within a narrow margin of passing, will be unable to graduate from high school. Because the aforementioned emergency regulations have already been in effect, some students would lose the ability to earn locally-awarded verified credits in English and mathematics if these fast-track changes are not adopted.

Another alternative would be to utilize the Board’s authority established in § 22.1-253.13:4.D.11 of the Code, and promulgated through 8VAC20-131-420.B. This regulation allows the Board of Education to waive certain graduation requirements on a case-by case basis either upon the Board’s initiative or upon request from a local school board. To accomplish waivers for locally-awarded verified credits would create an unnecessary administrative burden for local school boards, local division staff, the Board of Education, and Department of Education staff, because these case-by-case waivers would have to be submitted and automatically approved.

Regulatory Flexibility Analysis

*Pursuant to § 2.2-4007.1B of the Code of Virginia, please 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 revise the current regulations before the Emergency Regulations expire on November 8, 2019. 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

*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.*

Detail of Changes

Please 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.

If the regulatory change is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below. Please include citations to the specific section(s) of the regulation that are changing.

If the regulatory change is intended to replace an emergency regulation, but includes changes made since the emergency regulation, please create two charts:

1. A chart describing changes from the **pre-emergency** regulation to the regulatory change, as described in the paragraph above; or if a new chapter is being promulgated, a chart describing the proposed new regulation.
2. A chart describing changes from the **emergency** regulation to the regulatory change. For the second chart please use the following title: “Changes from the Emergency Regulation.” In this case “current section number” or “current chapter-section number” would refer to the **emergency** regulation.

**Changes from the pre-emergency regulation to this regulatory change:**

|  |  |  |
| --- | --- | --- |
| Current section number | Current requirement | Proposed change, intent, and likely impact of proposed requirements |
| 8VAC20-131-110 | Students that enter the ninth grade for the first time prior to the 2018-19 school year and do not pass SOL tests in science or history/social science may receive locally awarded verified credits from the local school board in accordance with Board of Education guidelines. Students that enter the ninth grade for the first time in the 2018-19 school year and thereafter may receive not more than one locally-awarded verified credit in English, mathematics, science, or history/social science. | The proposed change would add English and mathematics to the list of subject areas for which a locally-awarded verified credit can be awarded for students that entered the ninth grade for the first time before the 2018-19 school year. The limit of one locally-awarded verified credits for students entering ninth grade in 2018-19 and thereafter is established in the regulation. The Board’s guidance includes a limit on the number of verified credits for students that entered the ninth grade prior to 2018-19. Currently, the limit is three. |
| 8VAC20-131-430 | The revised SOA will become effective beginning in the 2018-19 school year, with certain exceptions. Availability of locally-awarded verified credits established in 8VAC20-131-110 is repeated in this section for clarity. | This amendment is proposed to comport with the amendments proposed for 8VAC20-131-110. |

**Changes from the emergency regulation to this regulatory change:**

|  |  |  |
| --- | --- | --- |
| **Current section number** | **Current requirement** | **Proposed change, intent, and likely impact of proposed requirements** |
| 8VAC20-131-110  (as it is effective until the 2018-19 school year) | Until the beginning of the 2018-2019 school year, students who do not pass Standards of Learning tests in English, mathematics, science, or history/social science may receive locally-awarded verified credits from the local school board in accordance with Board of Education guidelines. | Section 8VAC20-131-110 was set out twice in the emergency regulations because the previous version of this regulation (*Va. Register,* Volume 31, Issue 26) was still in effect when the emergency regulation became effective. This version of the regulation was superseded at the beginning of the 2018-2019 school year (see 8VAC20-131-430); therefore it no longer needs to be set out in its previous version in the final version of the regulation. |
| 8VAC20-131-110  ~~(as it will be effective beginning with the 2018-19 school year)~~ | Students that enter the ninth grade for the first time prior to the 2018-19 school year and do not pass SOL tests in science or history/social science may receive locally awarded verified credits from the local school board in accordance with Board of Education guidelines.  Students that enter the ninth grade for the first time in the 2018-19 school year and thereafter may receive not more than one locally-awarded verified credit in English, mathematics, science, or history/social science. | No changes are proposed from the emergency regulation to the final version proposed through this regulatory action, except to remove the effective date from the section title, because the effective date has since passed. |
| 8VAC20-131-430 ~~(as it will be effective beginning with the 2018-19 school year)~~ | The revised SOA will become effective beginning in the 2018-19 school year, with certain exceptions. Availability of locally-awarded verified credits established in 8VAC20-131-110 is repeated in this section for clarity. | No changes are proposed from the emergency regulation to the final version proposed through this regulatory action, except to remove the effective date from the section title, because the effective date has since passed. |