



COMMONWEALTH of VIRGINIA
Department of Education

August 14, 2015

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: Transmittal of “Statement of Administrative Impact and Projected Costs of Implementation” for the Promulgation of Amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* to Comport with Legislation Passed by the General Assembly under the Fast Track Provisions of the Administrative Process Act

As part of its responsibility for promulgating new regulations or revisions to existing regulations, pursuant to § [22.1-17](#) of the *Code of Virginia*, the Board of Education (Board) is required to develop a statement of the administrative impact and projected cost to school divisions related to implementing and complying with such regulations. In addition, the Board and the Department of Education are required to send a copy of the statement to each division superintendent.

The *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation or SOA) are designed to ensure that an effective educational program is established and maintained in Virginia's public schools. The sole purpose of this fast track regulatory action is to address legislation that was approved by the General Assembly during the 2012, 2013, 2014 and 2015 sessions, and one bill approved by the General Assembly in 1999. The following such bills affect the Standards of Accreditation ([8VAC20-131-5 et seq.](#)):

- HB 642 and SB 514 (2012) add three points to the Graduation and Completion Index for each student who earns a diploma and a CTE credential.
- HB 1107 and SB 656 (2012) require local school boards to adopt and implement policies for the possession and administration of epinephrine in every school.
- SB 889 (1999) requires school boards to ensure that at least two employees have been trained in the administration of insulin and glucagon in school buildings with an instructional and administrative staff of ten or more, if one or more students diagnosed as having diabetes attend the school. When there are fewer than ten such staff members, school boards shall ensure that at least one employee has been trained if one or more students with diabetes attend the school.
- HB 2028 and SB 986 (2013) require students, beginning with the ninth-grade class of 2016-2017, to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators to be awarded a Standard or an Advanced Studies Diploma.
- HB 2344 (2013) requires each school to have a school threat assessment team. The threat assessment teams shall provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant

behavior that may represent a threat to the community.

- HB 2346 (2013) requires at least two lockdown drills every year, one in September and one in January.
- HB 1007 (2014) replaces references throughout the *Code of Virginia* to a General Educational Development (GED) program or test with “a high school equivalency examination approved by the Board of Education” or a “high school equivalency preparation program.”
- SB 1236 (2015) eliminates the term “Special Diploma” and replaces it with the term “Applied Studies Diploma.”
- HB 1338 (2015) requires the Virginia Department of Education (VDOE), for the purposes of the School Performance Report Card, to include, as part of instructional costs, each school division's expenditures on the hardware necessary to support electronic textbooks. No additional language is added to the SOA since this is a change in formula for calculation of the item instructional costs shown at the division level on the School Performance Report Card.
- HB 1351 and SB 916 (2015) direct the Board to establish criteria for awarding a diploma seal of biliteracy and require the Board to establish criteria for awarding it in time for any student graduating from a public high school in the Commonwealth in 2016 to be awarded such a diploma seal.
- HB 1490 and SB 874 (2015) require the Board to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning (SOL) test, with the exception of the writing SOL tests, to each student regardless of grade level or course.
- HB 1675 and SB 982 (2015) permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction to earn a standard unit of credit upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant SOL.
- HB 1873 and SB 1320 (2015) require the Board to amend the Standards of Accreditation by the 2016-2017 school year to establish additional accreditation ratings that recognize the progress of schools and student growth.
- HB 2276 (2015) creates an alternative, under certain circumstances, to the current requirement that, in order to receive a standard diploma, a student must earn a Career and Technical Education (CTE) credential.
- HB 2318 (2015) requires the Board, for the purposes of the Standards of Accreditation, to use a graduation rate that excludes any student who fails to graduate because he or she is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. Note: This bill will become effective on July 1, 2016.
- SB 821 (2015) abolished the Opportunity Education Institution (OEI) required by legislation passed in 2013. No reference is made to the OEI in the current Standards of Accreditation.

The proposed amendments to these regulations can be found on the Virginia Regulatory Town Hall Web site at the following address: <http://townhall.virginia.gov/L/ViewXML.cfm?textid=9731>.

ADMINISTRATIVE IMPACT

The amendments proposed to the Standards of Accreditation in this fast track regulatory action do not exceed requirements that are explicitly stated in statute or the Acts of Assembly. The legislative mandate that, beginning with first-time ninth-grade students in the 2016-2017 school year in order to be awarded a Standard or Advanced

Studies Diploma, students must be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation, could result in a significant local fiscal impact. Because any impact will depend on the extent to which local school divisions are currently offering this training, the Department is not able to determine any fiscal impact at this time. It is anticipated that there will be little or no administrative costs related to the other amendments to the Standards of Accreditation included in this regulatory action.

Please contact the Office of Policy at (804) 225-2092 or by e-mail at Policy@doe.virginia.gov if you have any questions.

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