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Proposed Regulation Agency Background Document

Agency name	Virginia Board of Education/Department of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-160
VAC Chapter title(s)	Regulations Governing Secondary School Transcripts
Action title	Comprehensive Revisions of the Regulations Governing Secondary School Transcripts
Date this document prepared	February 14, 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

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.

Changes in professional practice at postsecondary institutions and business and industry necessitated revisions to the *Regulations Governing Secondary School Transcripts* (8VAC20-160-10, et. seq). The Board of Education is proposing revisions that best serve the students of the Commonwealth by aligning elements contained in the student transcript to the needs and demands of postsecondary partners. The last full revision to the *Regulations Governing Secondary School Transcripts* was approved by the Board of Education in 2007.

The *Regulations Governing Secondary School Transcripts* are composed of the following sections: Definitions, Effective date, Format options, Profile data sheet, Advanced-level courses, and Elements for weighting.

In May 2016, the Board of Education approved an amendment to the wording of 8 VAC 20-160-30, Item #25, of the *Regulations Governing Secondary School Transcripts*, to add an opt-out policy to allow flexibility to certain students who did not want standardized test scores sent to postsecondary institutions. The amendment to add the opt-out policy was a result of numerous educator and constituent calls expressing concern with the mandate to send standardized test scores as a part of the official transcript.

The Notice of Intent for Regulatory Action (NOIRA) was approved by the Board of Education at the July 25, 2019, meeting. The NOIRA was published for public comment on September 16, 2019, and closed on October 16, 2019. There were no public comments received through Town Hall or submitted through the Board of Education’s email address.

The *Regulations Governing Secondary School Transcripts* were accepted for first review by the Board of Education at the January 23, 2020, meeting. One revision was made as a result of BOE feedback. The definition of “*Verified unit of credit*” or “*verified credit*” was changed to accurately reflect the definition provided in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA), 8VAC20-131-5.

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.

N/A

Mandate and Impetus

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.”

The last comprehensive revision to the *Regulations Governing Secondary School Transcripts* was made by the Board of Education in 2007. Changes in professional practice and postsecondary expectations warrant a revision to align with the needs of our students, parents, and postsecondary stakeholders.

In addition, the need for revisions was necessitated by educator and constituent calls expressing concern with outdated language and programs, as well as the need to clarify how specific transcript elements such as absences, previous schools attended, and course work are listed.

[Superintendent’s Memorandum #133-18](#) was released May 21, 2018, to address some of the urgent issues related to information contained on the transcript and stated that the revision process for the *Regulations Governing Secondary School Transcripts* would begin in 2019.

Legal Basis

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's authority for promulgating regulations governing standards for accrediting public schools may be found in § 22.1-253.13:3 of the *Code of Virginia*:
 "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, but not be limited to, 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, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia."

The Board's overall regulatory authority may be found in § 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."

Purpose

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.

Secondary school transcripts are a complete record of a student's coursework, grades, and credits and provide concrete evidence to postsecondary institutions and the workforce of a student's preparation in matriculating, joining the military, or entering the workforce. It is imperative that the *Regulations Governing Secondary School Transcripts* be updated periodically to align with the needs of postsecondary education and the workforce.

Substance

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.

In *8VAC20-160-10. Definitions*, words and terms that are outdated are revised or deleted and new words or terms are added that align with secondary and postsecondary expectations. For example, the following definition will be deleted because the program no longer exists:

"Commonwealth College Course Collaborative (CCCC) means a set of approved courses taken in high school that fully transfer as core requirements and degree credits at Virginia colleges and universities."

One revision was made to this section and is included as a result of BOE feedback from the January 23, 2020, meeting. The definition of "Verified unit of credit" or "verified credit" was changed to accurately reflect the definition provided in the Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA), 8VAC20-131-5.

In 8VAC20-160-20. *Effective date*, the date that the *Secondary School Transcript Regulations* shall become effective for students who take secondary courses for credit is changed to 2020-2021.

In 8VAC20-160-30. *Format options*, certain required elements for secondary school transcripts are revised or deleted and new elements added to align with secondary and postsecondary expectations. For example, the element below is deleted because the program no longer exists.

"13. Notation of Commonwealth Scholar Designation;"

In 8VAC20-160-40. *Profile data sheet*, 8VAC20-160-50. *Weight of advanced-level courses*, and 8VAC20-160-60. *Elements for weighting*, outdated information is deleted, and information added, to meet postsecondary demands.

Other elements include updated language and the deletion of items that are obsolete or no longer needed by postsecondary institutions or agencies.

Issues

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.

The advantage to the revisions to the *Regulations Governing Secondary School Transcripts* is that updated information and language will align with the needs of postsecondary institutions and business and industry to better position students in the Commonwealth to successfully transition to life after high school.

There are no disadvantages to this regulatory action.

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

There are no other state agencies that are "particularly affected" by this regulatory action.

Localities Particularly Affected

Local education agencies will be affected insofar as changes to transcript elements will require changes to local systems that produce transcripts. This will be a one-time change and not substantial financially.

Other Entities Particularly Affected

There are no other entities that are "particularly affected" by this regulatory action.

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

<p><i>For your agency:</i> 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</p>	<p>No economic impact expected for my state agency.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>No economic impact expected for other state agencies.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The benefits of the revision of the <i>Regulations Governing Secondary School Transcripts</i> will be the elimination of content</p>

	that is no longer applicable, as well as an update to current language to better meet the needs of postsecondary institutions and business and industry.
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Impact on Localities

Projected costs, savings, fees or revenues resulting from the regulatory change.	No significant economic impact expected for localities.
Benefits the regulatory change is designed to produce.	The benefits of the revision of the <i>Regulations Governing Secondary School Transcripts</i> will be the elimination of content that is no longer applicable, as well as an update to current language to better meet the needs of postsecondary institutions and business and industry.

Impact on Other Entities

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	No other entities will be affected by this regulatory action.
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.	No other entities will be affected by this regulatory action.
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; and e) time required to comply with the requirements.	No projected costs for affected individuals, businesses, or other entities expected.
Benefits the regulatory change is designed to produce.	The benefits of the revision of the <i>Regulations Governing Secondary School Transcripts</i> will be the elimination of content that is no longer applicable, as well as an update to current language to better meet the

	needs of postsecondary institutions and business and industry.
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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.

The least burdensome and intrusive method was used for the regulatory change. No viable alternatives or less costly or intrusive alternatives were considered.

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.

Not applicable.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

Changes in professional practice at postsecondary institutions and business and industry necessitated revisions to the *Regulations Governing Secondary School Transcripts* (8VAC20-160-10, et. seq).

The need for revisions is necessitated by educator and constituent calls expressing concern with outdated language and programs, as well as the need to clarify how specific transcript elements such as absences, previous schools attended, and course work are listed.

The last full revision to the *Regulations Governing Secondary School Transcripts* was approved by the Board of Education in 2007.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
	During the NOIRA stage, no public comment was received through Town Hall or submitted directly to the agency or board.	

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.

The Virginia Board 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, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of 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 mail, email or fax to Joseph Wharff, 101 N. 14th Street, 20th floor, Richmond, VA 232318, by telephone at (804) 225-3370, or by email at Joseph.Wharff@doe.virginia.gov, or by fax at (804) 530-4560. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

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
8VAC20-160-10		This section includes definitions for these regulations.	<p>Definition of “Accelerated course” has been deleted.</p> <p>Definition of “Advanced-level courses/programs” has been revised to remove language not needed.</p> <p>Definition of “Advanced Placement (AP) course” has been revised for clarity.</p> <p>Definition of “Certificate of Program Completion award date” has been revised to add clarity and a reference to the applicable regulatory section of the SOA.</p> <p>Definition of “Commonwealth College Course Collaborative” has been deleted as it is no longer available.</p> <p>Definition of “Commonwealth Scholar” has been deleted, as it is no longer available.</p> <p>Definition of “Credit” has been deleted in favor of adding definitions</p>

			<p>for both a “Standard Credit” and “Verified unit of credit.”</p> <p>Definition of “Credit summary” has been revised.</p> <p>Definition of “Curriculum” has been deleted and replaced with the definition of “Curricular Program.”</p> <p>Definition of “Dual enrollment course” has been revised for clarity.</p> <p>Definition of “Honors course” has been revised to update language.</p> <p>Definition of “Secondary course” has been revised by removing language not needed.</p> <p>Definition of “Secondary school profile data” has been revised to remove language not needed.</p> <p>Added definition of “Standard credit” or “standard credit” with language from the revised SOA.</p> <p>Added definition of “Verified unit of credit” or “verified credit” with language from the revised SOA.</p> <p>Definition of “Weighted course” has been revised to update the language.</p>
<p>8VAC20-160-20</p>		<p>This section includes the effective date for the change to the regulations for students who take secondary courses.</p>	<p>Effective date changed to 2020-2021.</p>
<p>8VAC20-160-30</p>		<p>This section describes the format options for secondary school transcripts.</p>	<p>Revision was made to the language in the opening paragraph to encourage the use by divisions of using XML as the digital data</p>

			<p>exchange method for electronic transcript transmission.</p> <p>Requirement for “Gender” was deleted. Secondary and postsecondary partners stated that this information is gathered in other ways and not needed on the official transcript.</p> <p>Revision was made to change “Home address” to “Primary address.”</p> <p>Revision was made to change “Home telephone number” to “Primary phone number.”</p> <p>Revision to the language of “Type of diploma” for clarity.</p> <p>Language added to include “High School Equivalency” to the information included on the transcript if no diploma has been awarded.</p> <p>Language added to include completion of First Aid, Cardiopulmonary Resuscitation (CPR), and Automated External Defibrillator (AED) to transcripts to align with requirements in 8VAC20-131-51.</p> <p>Requirement for “Notation of Commonwealth Scholar Designation” deleted as it is no longer available.</p> <p>Language added to clarify that information provided on the transcript for contact information for schools where high school credits were earned be the name of the school “at the time” the credits were</p>
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			<p>earned. This revision is directly related to constituent feedback.</p> <p>Language added to clarify that days absent on the transcript reflect only those for years in which the student was taking courses for high school credit. This revision is directly related to constituent feedback.</p> <p>Language added to clarify that all courses, to include repeated courses, are to be on the transcript, except those purged from the middle school record in accordance with 8VAC20-131-90.</p> <p>Language added to “credits to date” to specify both standard and verified credits.</p> <p>Language added to specify “overall standard credit summary” needed on the transcript.</p> <p>Revision made to change the language for the transcript to include the standardized testing record from an “Opt-Out” to an “Opt-In.” The transcript will now NOT include scores such as SAT/ACT unless the student or parent elect to have it added, per the division policy (Opt-In). This revision is a result of stakeholder feedback.</p> <p>Language added to allow for signature and title of school official to be transmitted through a secure and verified electronic method.</p> <p>Language added to allow for the date of the official signature to be transmitted through a secure and verified electronic method.</p>
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			Language added to include “College Entrance Examination Board” to clarify the acronym “CEEB.”
8VAC20-160-40		This section describes information that must be contained on the school profile data sheet sent with transcripts.	<p>Language revised to “curricular program” to align with revision in 8VAC20-160-10.</p> <p>Required information “Grade distribution” was deleted. Secondary and postsecondary partners agreed that this is not needed.</p> <p>Language “if applicable” added for schools sending an explanation and computation for weighting grades.</p>
8VAC20-160-50		This section describes courses that shall be weighted by school divisions.	Language was revised to change Advanced Placement and International Baccalaureate to “Advanced-level” and to change “shall” to “may.” A statement was also added for divisions to consider the impact of weighting courses on equitable access to advanced-level courses.