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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Education
<b>Virginia Administrative Code (VAC) citation(s)</b>	<u>8VAC20-131</u>
<b>Regulation title(s)</b>	<i>Regulations Establishing the Standards for Accrediting Public Schools in Virginia</i>
<b>Action title</b>	Proposed amendments to the regulations – Parts I – VIII
<b>Date this document prepared</b>	June 5, 2017

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Board of Education’s vision is to create a high quality statewide system of public education that prepares all students for success in the twenty-first century workplace, for realization of personal goals, and for responsible contributions to the quality of civic life in our state, nation, and the world. The system of accountability is reflected in the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia*, or more commonly referred to as the Standards of Accreditation (SOA).

The proposed amendments to the SOA provide for the implementation of the *Profile of a Virginia Graduate* as required by the 2016 General Assembly (HB895, SB336), as well as further policy changes identified by the Board as part of its comprehensive review. Proposed changes identified by the Board include the following:

1. Revising the philosophy and goals to reflect expectations for preparation of a Virginia public school graduate; recognition of multiple areas affecting school quality; and provision of continuous improvement and support.
2. Expanding the use of performance assessments and reducing the number of credits verified by Standards of Learning tests to satisfy graduation requirements.
3. Increasing the emphasis on internships and work-based learning experiences.
4. Increasing career exposure, exploration, and planning in elementary, middle, and high school.
5. Emphasizing critical thinking, creative thinking, collaboration, communication, and citizenship (the five Cs).
6. Implementing the *Profile of a Virginia Graduate*.
7. Reflecting changes in the School Quality Profile.
8. Establishes a new school accreditation system designed to provide a comprehensive picture of school quality, drive continuous improvement, build on the strengths in the existing accreditation system, and inform areas of technical assistance and support to schools.

### 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.*

Not applicable

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.*

The statutory authority for these regulations is provided by §§ [22.1-16](#) and [22.1-253.13:3](#) of the *Code of Virginia*.

In addition, [Chapter 720](#) and [Chapter 750](#), *2016 Acts of Assembly*, directed the Board of Education to promulgate regulations to implement the *Profile of a Virginia Graduate* and associated revised graduation requirements. The legislation further directed the Board to submit final regulations to the Registrar of Regulations no later December 1, 2017. Such regulations are incorporated into this regulatory action.

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. (§ [22.1-16](#) of the *Code of Virginia*)

In addition, § [22.1-253.13:3](#) provides the following:

- 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, 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, requirements for graduation from

high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

## Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

These regulations provide the foundation for the provision of a quality public education within a system of accountability and continual improvement. They are intended to:

1. Provide an essential foundation of educational programs of high quality in all schools for all students.
2. Encourage and promote school quality and acknowledge achievement and continuous improvements by schools and school divisions in multiple areas.
3. Foster public confidence that graduating students have mastered multiple areas of learning to include academic subjects, workplace skills, career exploration and planning, and civic and community responsibility; that is, that they are college-, career-, and citizenship-ready.
4. Assure recognition of Virginia's public schools by other institutions of learning
5. Establish the means of determining the effectiveness of schools as prescribed in the Standards of Quality at § 22.1-253.13:3 of the Code of Virginia, including student learning and progress and student outcomes for multiple areas affecting school quality

## 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.*

### Part I. Definitions

Many definitions have been added or revised in the proposed SOA. Several of these amendments provide additional clarification as to how minimum instructional and planning time is calculated and implement changes to standard and verified unit of credit requirements. Other changes provide consistent definitions for English learner, and reporting group.

Definitions for obsolete terms have been deleted. In addition, technical edits have been made throughout the definitions.

The purpose of the regulations has been expanded to include the promotion of school quality and continuous improvement of schools and school divisions. A new provision specifies that the SOA establishes the foundation of a high quality public education within a system of accountability and continual improvement.

### Part II. Philosophy, Goals, and Objectives

The philosophy, goals, and objectives of the regulations have been expanded to address factors affecting school quality and continual improvement and overall goals and objectives for student learning, achievement, and preparation.

Student preparation is expected to include exploration and understanding of the opportunities available and knowledge and abilities needed for the next phase of their lives. Student preparation is also expected to encompass mastery of creative and critical thinking, analysis and problem solving, and the development of personal attributes, such as communication and collaboration skills, dependability, and persistence.

Philosophy, goals and objectives for schools are expected to reflect the means by which Standards of Learning and the SOA are met.

The board's objective is established to provide an educational foundation to ensure that students are ready for success in a global economy. The board recognizes stakeholder concerns that students need to be prepared not only in content knowledge, but also with soft skills such as critical thinking, creative thinking, communication, collaboration, and citizenship (the five Cs). Expectations are added for students, as they progress through the public education system, to achieve and apply certain knowledge, skills, qualities, and behaviors related to academic content and technology, and workplace and civic readiness. As students' progress through elementary, middle, and secondary schools, it is expected that they will be prepared to be college-, career-, and citizenship-ready at the end of their public school journey.

### **Part III. Student Achievement**

Part III includes those sections which address student achievement expectations, graduation requirements, and graduation requirements and waivers for transfer students. This part now requires the school superintendent to certify that the division's policy for dropping courses ensures that students' course schedules are not changed to avoid taking an end-of-course Standards of Learning test. In addition, students no longer will be required to take an end-of course SOL test in an academic subject after they have earned the number of verified credits required for that academic content area for graduation unless such test is required to meet federal requirements.

Significant changes are made to the graduation requirements for those students who will enroll in the ninth grade as of the 2018-2019 school year. Two separate sections specify the changes in requirements for high school students for those enrolled in the ninth grade prior to the 2018-2019 school year and those enrolled in the ninth grade as of the 2018-2019 school year.

For students who enroll in the ninth grade as of the 2018-2019 school year, the number of verified credits required for the Standard and Advanced Studies Diplomas have been reduced to five, and students will be expected to demonstrate competency in each of: critical thinking, creative thinking, communication, collaboration, and citizenship. Additional methods of achieving a verified credit are also established, including the use of authentic performance assessments in certain subjects, and expansion of the subjects for which a locally awarded verified credit may be offered. For students who transfer into Virginia public schools, amendments clarify whether the existing or proposed graduation requirements will be applicable. These are all significant changes which will move the focus in Virginia's public schools from standardized testing to continuous improvement and academic progress for all students no matter where they live or what their economic status is.

### **Part IV. School Instructional Program**

Part IV includes sections referencing instructional programs, standard and verified units of credit, college and career preparatory programs, and standard school year and school day. Language has been added to reflect the Standards of Quality instructional requirements, to reference the Profile of a Virginia

Graduate and instructional programs, college and career readiness, and critical thinking, creative thinking, collaboration, communication, and citizenship.

Career exploration is expanded in the proposed regulations, by requiring the development of academic and career planning portfolios to be established and maintained for each student to document career interests, and to be used to develop the academic and career plan in the seventh grade. All middle school students would be required to complete a career investigation course that will be used as the foundation to develop academic and career plans.

These are significant changes which will help assure that Virginia' students will be prepared when they complete their public secondary school education. Virginia is moving to preparing the whole student to be career-, college-, and citizenship-ready upon graduation.

**Part V. School and Instructional Leadership**

Significant language has been included to clarify and expand the role of the principal and to clearly lay out what the professional expectations. The principal is expected to foster the success of all students and provide leadership that results in acceptable, measurable student academic progress based on established standards. In addition, language has been added to reflect the Standards of Quality instructional requirements, to reference the Profile of a Virginia Graduate and instructional programs, as well as college-, career-, and citizenship-readiness.

**Part VI. School Facilities and Safety**

This section addresses school communications and safety. Language in this part has been revised per state requirements to require a fire drill at least twice during the first 20 school days and two additional fire drills during the remainder of the school term. School divisions also must conduct a lock-down drill at least twice during the first 20 school days and at least two additional lock-down drills during the remainder of the school term. The requirements fall outside of the parameters of the Virginia Department of Education and have been required to ensure the safety of school students and staff.

**Part VII. School and Community Communications**

This part includes those regulations which address school and community communications. The School Performance Report Card is now referred to as the School Quality Profile. In addition, the regulation specifies certain indicators to be included in that profile, including accreditation status and absenteeism. These changes give the stakeholders a more complete picture as to how the schools and school divisions are performing.

**Part VIII. School Accreditation**

In this part, all existing sections have been repealed and replaced. New language establishes the principles and purpose of school accountability and accreditation systems, and describes the components of such systems. The proposed school accreditation system is established, which will use several indicators of school quality in addition to academic achievement. For each school quality indicator, a school will be designated as having achieved either Level One, Level Two, or Level Three performance. Each of the three performance levels will correspond to actions required to be taken to address below standard performance and to require all schools to continually improve. For schools with indicators at Level Three, which are those performing below standard, a series of more intensive actions are established, including state interventions. Accreditation status is linked to a school's performance levels, and schools that fail to take the requisite actions for school improvement will be designated "Accreditation Denied."

These revisions bring major changes to Virginia's accountability concepts and include an enhanced process that will provide that school quality is to be measured for each school using multiple school quality indicators and focus on continuous improvement.

## Issues

*Please identify the issues associated with the proposed regulatory action, 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, please indicate.*

These regulations will positively impact the public, private citizens, school divisions, students, parents, school staff, and other constituents.

The advantage of these regulations to the Commonwealth include:

- Ensuring all students are prepared for success in the twenty-first century workplace, for realization of personal goals, and for responsible contributions to the quality of civic life in our state, nation, and the world.
- Implementing the *Profile of a Virginia Graduate*, to ensure that students not only acquire content knowledge, but also soft skills needed for success in employment and further education including: critical thinking, creative thinking, communication, collaboration, and citizenship.
- Supporting students with additional career exploration and planning opportunities.
- Providing an accountability system that will provide a comprehensive picture of school quality for the public, and drive continuous improvement for all schools, including state assistance for low performing schools.

These regulations do not present any disadvantages to the public or the commonwealth.

## Requirements more restrictive than federal

*Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include 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 statement to that effect.*

The *Every Student Succeeds Act of 2015* (ESSA) was signed into law on December 10, 2015. The new law replaces the *No Child Left Behind Act of 2001* (NCLB). Under ESSA, states will develop new federal accountability systems during the 2016-2017 year, to be implemented during the 2018-2019 school year. That reauthorization presented Virginia with an opportunity to align state requirements with federal requirements.

## Localities particularly affected

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

All 132 school divisions would be affected. It is not expected that any school division would incur a disproportionate material impact.

## Public participation

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.*

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to:

Ms. Emily Webb, Director of Board Relations  
Virginia Department of Education  
101 North 14<sup>th</sup> Street  
Richmond, Virginia 23218

[BOE@doe.virginia.gov](mailto:BOE@doe.virginia.gov)

Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Five public hearings will be held across the state in June, July, and August 2017. Notice of the hearings will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

## Economic impact

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.*

<b>Projected cost to the state to implement and enforce the proposed regulation, including: a) fund source / fund detail; and b) a delineation of one-time versus on-going expenditures</b>	Students in K-12 public schools, their families, and local school divisions in Virginia would be affected by this regulation. It is believed that any costs would be treated as within operating costs for the department and school divisions.
<b>Projected cost of the new regulations or changes to existing regulations on localities.</b>	There are more than 1,286,000 students in K-12 public schools and 132 local school divisions in Virginia. The cost is expected to be minimal.
<b>Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.</b>	Students in K-12 public schools, their families, and local school divisions in Virginia would be affected by this regulation. Businesses would not be impacted.
<b>Agency’s best estimate of the number of such</b>	None anticipated.

<p><b>entities that will be affected. Please include an estimate of the number of small businesses affected.</b> 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.</p>	
<p><b>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including:</b>  a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and  b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>None anticipated.</p>
<p><b>Beneficial impact the regulation is designed to produce.</b></p>	<p>No economic impact is anticipated.</p>

### Alternatives

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. 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 regulation.*

In 2014 the Board committed to conducting a comprehensive review and revision of these regulations which govern student achievement, graduation requirements, and school accreditation. Since that time, the Board has conducted public hearings, met with stakeholders, and received public comment to best determine how to revise these standards to create a quality statewide system of public education that prepares all students for success in the twenty-first century workplace, for realization of personal goals, and for responsible contributions to the quality of civic life in our state, nation, and the world.

The proposed regulations reflect the significant public engagement that has occurred over the last several years.

### 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) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of 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 proposed regulation.*



These regulations are not expected to affect small businesses.

**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 was announced during the NOIRA stage, please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (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.*

Not applicable.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Virginia Association for Supervision and Curriculum Development (VASCD) (1)	VASCD supports a balanced assessment system; one that incorporates Standards of Learning (SOL) tests, measures of growth in literacy and mathematics, and performance assessments. A balanced system would give a more complete picture of student learning than one that relies too much on SOL tests. This system should also incorporate multiple measures. This organization also supports a system that includes direct growth measures in reading and mathematics during the elementary years instead of achievement testing.	The Virginia Department of Education (VDOE) has done extensive research and worked with stakeholders to make appropriate amendments to the regulations to include multiple measures to be used in the accountability system.
Virginia Association of School Superintendents (VASS) (1)	VASS believes that school divisions should use a variety of assessments to document and enhance student growth and achievement, and to ensure that students are given sufficient opportunities to demonstrate their acquisition of required knowledge	VDOE has done extensive research and worked with stakeholders to make appropriate amendments to the regulations to include multiple measures to be used in the accountability system. Discussions and public comment will continue as we go through the promulgation process.

Commenter	Comment	Agency response
	<p>and skills. The Board's support of the expansion of performance-based assessments, with the assistance of grant funding is much appreciated. As you know, Virginia requires more state assessments than required in ESSA.</p> <p>Superintendents do not believe that state assessments are the only means to ensure that curriculum is taught and students learn. As Virginia moves forward with the Profile of a Virginia Graduate and the new accreditation matrix, it is VASS' hope that consideration is given to further reducing the number of state required assessments or at a minimum creating more performance-based assessments. The proposed Profile of a Virginia Graduate includes the reduction of verified credits for graduation. VASS encourages the Board to support this proposal so that school districts will have more flexibility in providing opportunities for civic engagement and career exposure. VASS supports the proposed Accreditation Matrix, not because it is a perfect accountability system, but because it is a step in the right direction. ESSA allows for state flexibility, the accommodation of student growth, and the inclusion of indicators beyond state assessments. VASS supports the Board's efforts in allowing for flexibility, student growth, and multiple indicators. Even with the proposed matrix, multiple indicators are limited by the available data required for documentation. Superintendents want the opportunity in the future to consider new ways to measure the effectiveness of schools as new data becomes available.</p>	
<p>Virginia Mathematics and Science Coalition (VMSC) (1)</p>	<p>VMSC submitted the following comments:</p> <p>8VAC20-131-51 A definition of laboratory science needs to be included in the current proposed regulations.</p>	<p>VDOE has responded to VMSC's comments as follows:</p> <p>This issue was discussed, but this definition has not been included in the regulations.</p>

Commenter	Comment	Agency response
	<p>Language is added to allow the science verified credit to be substituted for a career and technical education (CTE) certification, competency credential, or license. VMSC recommends that this be eliminated.</p> <p>8VAC20-131-80 Language is added to reference the Standards of Quality (SOQ) that required reading intervention to be provided to students in kindergarten through grade three when they demonstrate deficiencies in reading. VMSC recommends that the Board include mathematics intervention as well to students in kindergarten to grade three who show deficiencies in mathematics.</p> <p>8VAC20-13-90 The previous provision of 140 clock hours in each of the four academic disciplines is replaced with 560 instructional hours per year in the four academic disciplines. VMSC recommends that the requirement read a minimum of 560 instructional hours per year.</p> <p>8VAC20-131-110 The course work for which credit is awarded is comparable to 140 clock hours of instruction. VMSC recommends that the course work for which credit is awarded is comparable to a minimum 140 clock hours of instruction.</p> <p>VMCS recommends that language is added to make explicit the responsibility of the principal to foster the success of all students by providing instructional leadership that results in teachers engaging in professional development which supports an effective instruction program.</p> <p>8VAC20-131-130 The regulation provides that students are not required to take an end-of-course SOL after receiving verified credits for graduation unless the test is</p>	<p>This language has been retained.</p> <p>Language has been added to reference the requirements in the SOQ that local school boards provide for early identification of reading and mathematics problems of students and provide instructional strategies for assistance and development of reading and mathematics skills. 8VAC20-131-80</p> <p>This language has not changed.</p> <p>This language has not changed.</p> <p>The current language in the proposed regulation provides that the principal is responsible for fostering the success of all students and involving the staff in identifying and evaluating professional development needed to improve student achievement. 8VAC20-131-210</p> <p>The intent of the language is to reduce the number of unnecessary required tests. The proposed language indicates that “[s]tudents shall not be required to take an end-of-course SOL test in an academic subject after they</p>

Commenter	Comment	Agency response
	<p>necessary to meet federal accountability requirements. VMSC indicated that this could provide contradictory messages to students.</p> <p>8VAC20-131-140 The regulations require school divisions to provide opportunities for educational and academic experiences in and outside of the classroom, including internships and work-based learning. VMSC has concerns about how this will be implemented in rural areas with limited resources.</p> <p>8VAC20-131-220 VMSC recommends that the regulations provide for individual differences of students through purposefully designed units and lessons that include differentiated instruction.</p> <p>This organization is still concerned about the language regarding Profile of a Virginia Graduate that will allow semester courses in science that will allow students to receive a science credit for two semester courses.</p>	<p>have earned the number of verified credits required for that academic content area for graduation, unless such test is necessary in order for the school to meet federal accountability requirements.”</p> <p>8VAC20-131-100 requires secondary schools to offer a continuum of opportunities, including internships, externships, and work-based learning. Some of this may be done virtually. Moreover, in rural areas, this may addressed through small businesses, local government, the local Chamber of Commerce, local political offices, agribusiness, and other local entities.</p> <p>The current regulation (8VAC20-131-220) requires professional staff to provide “for individual differences of students through the use of differentiated instruction, varied materials, and activities suitable to their interests and abilities....”</p> <p>The language regarding semester courses in science is not included in the proposed regulations.</p>
<p>Virginia Association for CTE (1)</p>	<p>Please consider providing the career investigation course at the sixth, seventh, or eighth grade levels (middle school).</p>	<p>The proposed regulation has been revised to allow school divisions to provide a course in career investigation for middle school students. There is no specific grade level referenced. Regulations 8VAC-20-131-90 and -140 have been aligned to address this.</p>
<p>Virginia Public Education Coalition (VPEC) (1)</p>	<p>VPEC supports much of what the Board is doing regarding SOA revisions. VPEC believes that it is important for communities to understand that the overall quality and full story of a school cannot be captured entirely by test scores. VPEC supports the continued reduction of SOL state assessments and the expansion of locally-developed performance-based assessments, but members are concerned about the unintended consequences of reducing the number of verified credits and its impact on state accreditation under ESSA. We also support the recognition of community and work-based</p>	<p>The Board’s ongoing work is the further development and refinement of a system of accountability to define school quality and to support schools and school divisions by promoting continuous improvement, providing assistance, and acknowledging progress. The Board continues to review your issues of concern as it goes through the review process.</p>

Commenter	Comment	Agency response
	<p>experiences, internships, externships, apprenticeships, etc. and we support the use of multiple measures. In addition, VPEC encourages the use of indicators in the new accreditation matrix that are not highly correlated with poverty. Professional development for educators must be considered in all aspects of this revision of the SOA.</p>	
<p>Equipment and Engine Training Council (1)</p>	<p>Please restore career exploration courses at the eighth grade level.</p>	<p>The proposed regulation requires a course in career investigation for middle school students. Regulations 8VAC-20-131-90 and -140 have been aligned to address this.</p>
<p>Virginia Chamber (1)</p>	<p>High school years are crucial to teach the soft-skills necessary to prepare students for their future. Here is what employers believe students lack: information gathering and computer skills; problem solving skills; basic technical training; proficiency in math and science; employability skills, such as attendance, timeliness, communication; and the ability to work well in a team environment.</p>	<p>The Board is addressing these issues in the SOA and in the Profile of a Virginia Graduate.</p>
<p>Virginia Academy of Science (1)</p>	<p>This organization supports the Board’s efforts. It is pleased to see that the Standard Diploma and the Advanced Studies Diploma are offered to students in the SOA. This will maximize the opportunities for college readiness for most students. The organization also supports the Seal of Advanced Technology and Mathematics and the Seal of Excellence in Science.</p> <p>The Virginia Academy of Science commends the Board of Education’s strong use of the statewide standards to assess the four areas of learning and achievement, content knowledge and application, workplace skills, community engagement, and career exploration. An increase in internships, work-based experiences, career exploration, and an increased emphasis on career planning will positively address the personal skills students need to develop in order to become</p>	<p>The proposed amendments to the SOA and the <i>Profile of a Virginia Graduate</i> have been developed to describe the knowledge, skills, competencies, and experiences students should attain during their K-12 education to make them “life-ready.”</p> <p>The Board’s ongoing work is the further development and refinement of a system of accountability to define school quality and to support schools and school divisions by promoting continuous improvement, providing assistance, and acknowledging progress.</p>

Commenter	Comment	Agency response
	successful employers, business owners, and entrepreneurs.	
Virginia Bankers' Association (1)	Retain the credit for economics and personal finance.	This is a Code requirement and will not be eliminated.
Virginia Society of CPAs (1)	Retain the credit for economics and personal finance. 8VAC20-131-50 and -51	This is a Code requirement and will not be eliminated.
Virginia Association for Career and Technical Education	Retain CTE as an elective in middle school.	The proposed regulations retain this requirement.
Association for Skilled and Technical Sciences (1)	Middle school CTE courses are in jeopardy.	The proposed regulations retain this requirement.
Virginia Association for Career and Development (1)	Schools divisions should be able to offer the career exploration course at sixth, seventh, or eighth grade.	The regulation does not impose a grade restriction.
General comments – SOA (136)	<p>Many are pleased with the direction in which the Board is moving, that is, with the creation of Profile of a Virginia Graduate and preparing students to be college- and career-ready. The commenters encouraged the Board to build a strong foundation for students in mathematics, reading, writing, the sciences, and communication. In addition, commenters mentioned the need to prepare the students with soft-skills so that they are prepared for the workplace. Commenters were also pleased with the changes in how locally awarded credits may be awarded, the reduction in required SOL testing, the plans for internships and externships, and the focus on civic responsibility.</p> <p>There was some concern about the definition of “laboratory science” and concerns about how these proposed changes will impact local budgets and teacher professional development. Some wanted a greater focus on world languages. One person mentioned that the proposal is too CTE heavy.</p>	<p>The Profile of a Virginia Graduate has been developed by the Board of Education to describe the knowledge, skills, competencies, and experiences students should attain during their K-12 education to make them “life-ready.” The Profile presents and describes four overlapping areas for student learning and achievement considered essential to success beyond high school. These are knowledge of subject areas based on statewide standards and their application (content knowledge); demonstration of personal skills and behaviors required for productivity, effective relationships, and problem-solving within one’s workplace (workplace skills); understanding of the opportunities within civic organizations for service and decision-making and responsibility for respectful interaction with others (community engagement and civic responsibility); and individual participation in career exploration, planning, and preparation, based on understanding of personal interests, skills, and abilities and the needs of the economy (career exploration). The plan is to make all students college-, career-, and citizenship ready.</p> <p>The Board has been responsive to public comments received through round tables, public hearings, stakeholder groups, e-mails, and letters.</p>

Commenter	Comment	Agency response
Economics and Personal Finance (361)	All commenters support retaining the Economics and Personal Finance graduation requirement.	Per § <a href="#">22.1-200.03</a> of the <i>Code of Virginia</i> , instruction in economics education and financial literacy is required in Virginia’s public schools. There is no plan to remove this requirement.
Planning Period (13)	Commenters expressed concerns about planning periods and how they are currently used. They asked that planning periods be protected as they are sometimes asked to use them for other responsibilities.	The definition of planning period has been revised to mean not less than 45 minutes or the equivalent of a class period. This requirement applies to middle and secondary schools. As indicated in the definition, a teacher’s planning period should be unencumbered of any teaching or supervisory duties.
CTE (132)	The Board received many comments asking that CTE be retained as a middle school elective. Commenters also asked that the middle school career investigation course be retained.	Both the middle school CTE elective and the career investigation course are retained. The school division will determine at what grade level the career investigation course will be offered in middle school.
Dual enrollment (7)	Commenters asked that dual enrollment be added as an alternative to CTE, Advanced Placement (AP), or Honors courses.	Dual enrollment is available to high school junior and seniors who meet the criteria and to others who demonstrate readiness for college-level work. Participation is voluntary. These regulations encourage students to take college courses simultaneously for high school graduation and college degree credit when they meet certain criteria.

## Family impact

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

In 2014 the Board committed to conducting a comprehensive review and revision of these regulations which govern student achievement and graduation requirements. Since that time, the Board has conducted public hearings, met with stakeholders, and received public comment to best determine how to revise these standards to create a quality statewide system of public education that prepares all students for success in the twenty-first century workplace, for realization of personal goals, and for responsible contributions to the quality of civic life in our state, nation, and the world.

This regulatory action will positively impact the families in Virginia by encouraging economic self-sufficiency and the assumption of self-responsibility. During the 2016 legislative session, the Governor and the General Assembly supported the development of a *Profile of a Virginia Graduate* (Profile) through the introduction and adoption of legislation which directed the Board to redefine the expectations of high school graduates in the Commonwealth. HB 895 (Greason) and SB 336 (Miller) amended § 22.1-253.13:4.D of the *Code of Virginia* to require the Board to develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, business and industry, parents, policymakers, and community leaders in the Commonwealth, a *Profile of a Virginia Graduate* that

identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship (known as the 5 Cs). The *Profile* has been developed by the Board of Education to describe the knowledge, skills, competencies, and experiences students should attain during their K-12 education to make them college-, career-, and citizenship-ready.

In addition, proposed changes to the accreditation system will provide a more comprehensive picture of school quality and state support to schools. This will help identify areas of weakness in schools that are currently not recognized, and direct appropriate assistance to such schools.

### Detail of changes

*Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below.*

For changes to existing regulation(s), please use the following chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
<u>8VAC20-131-5</u>	NA	This section includes additional definitions for these regulations.	Definition of the term “authentic performance assessment” has been added  Definition of the term <i>Board of Education</i> or <i>board</i> added, as prescribed in the <i>Constitution of Virginia</i> and the <i>Code of Virginia</i>  Definition of “class period” revised for clarity  Definition of the term “combined school” has been deleted  Definition of the term “department” added to reference the Virginia Department of Education  Definition of the term “eligible students” has been deleted  Definition of the term <i>English Learner</i> has been added as now referenced in the Elementary and Secondary Education Act



Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			<p>Definition of the term “instructional day” has been added</p> <p>Definition of the term “instructional hours” has been added</p> <p>Definition of the term “planning period” revised to mean a segment of time in middle and secondary schools during the instructional day that is unencumbered of any teaching or supervisory duties, is not less than 45 minutes or the equivalent of a class period, whichever is greater, and which includes passing time for class changes</p> <p>Definition of the term “planning time” for elementary teachers has been added in accordance with the <i>Code of Virginia</i> at § 22.1-291.1</p> <p>Definition of the term “reconstitution” has been deleted</p> <p>Added definition of “reporting group,” as that term is applied to the achievement gap school quality indicator used for accreditation purposes</p> <p>Definition of “standard school year” revised to replace “teaching hours” with “instructional hours”</p> <p>Definition of “standard unit of credit” revised to reflect flexibility in Board of Education guidelines for local school board alternatives to 140 clock hour requirement</p> <p>Definition of “student” revised to replace term “person with Limited English Proficiency” with “for whom English is a second language”</p> <p>Definition of “student periods” deleted</p> <p>Definition of “verified units of credit” revised to include additional methods of receiving a verified credit, including locally awarded verified credits and authentic performance assessments</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
<u>8VAC20-131-10</u>	NA	This regulation currently describes the purpose.	<p>Language added which shows that in addition to educating students so that they attain essential knowledge and skills related to citizenship, the mission of the public education system is to educate students so that they will be equipped for an informed and successful private life</p> <p>Language revised to indicate that the SOA will provide the foundation for the provision of a high quality public education, and intent statement revised and expanded</p> <p>Requires the Board to promulgate regulations 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</p>
<u>8VAC20-131-20</u>	NA	This section includes the philosophy, goals, and objectives for these regulations.	<p>Language added regarding factors affecting school quality and continual improvement and overall goals and objectives for student learning, achievement, and preparation</p> <p>Language added regarding preparation of graduates who have explored and understand what opportunities exist for them after high school and who have the knowledge and abilities necessary for the next phase of their lives as adults</p> <p>Language added to show that the philosophy, goals, and objectives of individual schools should reflect and encompass the means by which both the Standards of Learning (SOL) and</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			<p>Standards of Accreditation (SOA) are to be achieved</p> <p>Language added to reflect the Board’s objective to provide an education foundation that ensures students are ready to be successful in a global economy, which includes a changing and growing technology.</p> <p>Language added to show that the Board is redesigning the public school experience so that students will be adequately prepared for future challenges</p> <p>Language added to clarify that the college, career, and citizenship ready student will be expected to achieve and apply appropriate academic and technical knowledge; attain and demonstrate age-appropriate productive workplace skills, qualities, and behavior; align knowledge, skills, and personal interests with career opportunities; and attain and demonstrate knowledge and skills necessary for productive citizenship and participation in communities and governments</p>
<p><u>8VAC20-131-30</u></p>	<p>NA</p>	<p>This section describes student academic and assessment requirements.</p>	<p>Revision made to clarify that students who are accelerated shall only take the test aligned with the highest grade level, following instruction on the content</p> <p>Language added that expedited retakes of tests are an exemption to the prohibition of students taking more than one test in any content area in each year</p> <p>Language referencing “with such funds as may be appropriated by the General Assembly” deleted in reference to criteria for eligibility for an expedited retake of any SOL test</p> <p>Language added to specify Standards of Quality requirement that any student failing all SOL assessments for the relevant grade level in grades three through eight or failing an end-of-course test required for verified credit shall be</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			<p>required to receive remediation</p> <p>Language added to require a division superintendent to certify that division policy prevents changes in students' course schedules to avoid end-of-course SOL assessments</p> <p>Language added to state that students shall not be required to take an end-of-course SOL test in a subject after they have earned the number of verified credits required for that academic content area for graduation, unless the test is necessary in order for the school to meet federal accountability requirements</p> <p>Clarifying language added to assessments taken for credit by foreign exchange students</p>
<u>8VAC20-131-50</u>	.	This section describes the current requirements for high school graduation.	<p>Section title for 8VAC20-131-50 revised to reflect that the graduation requirements in this section will only be applicable for students who enter the ninth grade prior to the 2018-2019 school year. <i>Refer to the new section 8VAC20-131-51 for graduation requirements for students entering the ninth grade in 2018-2019 or thereafter</i></p> <p>Language added which clarifies, per the Standards of Quality (§ 22.1-253.13:4), a computer science course credit earned by students may be considered a science, mathematics, or career and technical education course credit for a Standard or Advanced Studies Diploma</p> <p>Language added which clarifies eligibility for the Governor's Seal and the Board of Education Seal</p>
<u>8VAC20-131-60</u>	NA	This section provides the graduation requirements for students who transfer into Virginia's public high schools.	<p>Specifies the tests to be accepted by school divisions from a sending state, country, private school, or Department of Defense Educational Activity school for the award of verified credit in courses previously completed at another school or program of study</p> <p>Language added to provide that any substitute test approved by the Board for</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			<p>verified credit shall be accepted in lieu of the applicable SOL if the applicable standard credit has been earned by the student</p> <p>Consolidates all graduation requirements for transfer students into subsection G. Previously, only verified credit requirements were described</p> <p>Specifies whether diploma requirements provided in 8VAC20-131-50 or 8VAC20-131-51 are applicable to transfer students, depending on the year and grade in which the student transfers, to comply with enactment clause 6 in HB895 (2016)</p>
<p><u>8VAC20-131-70</u></p>	<p>NA</p>	<p>This regulation describes the requirements for the school divisions' program of instruction and learning objectives.</p>	<p>Specifies requirement for school boards to develop and implement a program of instruction that is aligned to the SOL and meets Board requirements, as currently set out in the <i>Code</i>. Subject areas to be emphasized are specified</p> <p>Language added to require the instructional program and learning objectives provided through the <i>Profile of a Virginia Graduate</i></p> <p>Sets forth expectations for instructional programs and learning objectives to include career exploration in elementary and middle schools. In the later school years, expectations are set forth for workplace and civic readiness</p> <p>Removes requirement for students identified as gifted/talented to be taught by teachers with specific training</p>
<p>8VAC20-131-80 Instructional program in elementary schools</p>	<p>NA</p>	<p>This section provides the requirements for the instructional programs in the elementary schools.</p>	<p>Requires elementary schools to provide instruction in career exploration as required by 8VAC20-131-140</p> <p>Language added to reference the requirements in the SOQ that local school boards provide for early identification of reading and mathematics problems and provide instructional strategies for assistance and students' development of reading and</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			<p>mathematics skills</p> <p>Language added to reference the requirements in the SOQ that reading intervention services should be provided by school divisions to students who are in kindergarten through grade three and who demonstrate deficiencies in reading</p>
<u>8VAC20-131-90</u>	NA	This section provides the requirements for the instructional programs in the middle schools.	<p>Requires middle schools to provide a course in career investigation as required by 8VAC20-131-140. This course may be delivered through alternate means provided that the alternative is equivalent in content and rigor.</p> <p>Reference to provision of 140 clock hours in each of the four academic disciplines is replaced with “a total of 560 instructional” hours per year in the four academic disciplines. Language regarding an alternative schedule of instruction for sixth-grade students is deleted</p> <p>Section F. added to require each school to ensure that students who need targeted mathematics remediation and intervention receive additional instruction, which may include summer school. Added language that schools are required to provide students in grades six through eight who are at risk of failing the Algebra I end-of-course test with algebra readiness intervention services</p>
<u>8VAC20-131-100</u>	NA	This section provides the requirements for the instructional programs in the secondary schools.	<p>Language added to require the provision of a program of instruction which encompasses the requirements of the Profile of Virginia Graduate, including student knowledge, skills, and competencies; the acquisition and demonstration of the 5Cs; and the offering of opportunities for internships, externships, work-based experiences, and credentialing</p> <p>Added language to require secondary schools to incorporate knowledge of regional workforce needs and</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			<p>opportunities into career and technical education</p> <p>Clarifying language added to define class periods required for driver education in equivalent minutes</p> <p>Added language to require that students in grade nine who are at-risk of failing the Algebra I end-of-course test (based on any diagnostic test approved by the department) shall be provided algebra readiness intervention services in accordance with the SOQ</p>
<p><u>8VAC20-131-110</u></p>	<p>NA</p>	<p>The section describes the standard and verified credits, the 140-clock-hour requirements, and the tests used for the purpose of awarding verified credit.</p>	<p>Revised language to provide that a school division may waive the 140-clock-hour requirement for instruction to earn a standard credit as prescribed in the Code and board guidelines, effective with students enrolled in the 2015-2016 school year</p> <p>Two methods of achieving a verified credit are added:</p> <ul style="list-style-type: none"> <li>• Students who enter the ninth grade for the first time in the 2018-2019 school year or thereafter and who do not pass certain SOL tests and who meet Board criteria may receive locally awarded verified credits in English, mathematics, laboratory science or history and social science according to Board guidelines. <i>Note: Currently, Board guidance limits locally awarded verified credits to be awarded for laboratory science and history/social science.</i></li> <li>• For history and social science and English (writing), an authentic performance assessment can be used to demonstrate mastery of content</li> </ul> <p>Criteria for additional tests approved by the Board adds “statewide” administration of a test, in addition to multistate or international administration</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
<u>8VAC20-131-120</u>		This section describes the requirements for summer school credits and remediation	Eliminates ability to earn course credit for summer school courses taken as a repeat course with reduced seat time
<u>8VAC20-131-140</u>	NA	This section describes the opportunities for college and career readiness, career exposure and planning, as well as opportunities for post-secondary credit.	<p>Eliminates emphasis on college preparation to focus on college and career preparation</p> <p>Provides that current requirements for Academic and Career Plans (ACP) shall only be effective through the 2017-2018 school year</p> <p>New requirements for ACPs effective with the 2018-2019 school year are provided, including:</p> <ul style="list-style-type: none"> <li>• Requirements for elementary, middle, and high schools to provide for the identification by all students of personal interests, and to support planning for post-secondary and career preparation</li> <li>• Requires elementary students to begin career exploration through development of an Academic and Career Plan Portfolio, which is to be used as the foundation for the ACP that is developed in the seventh grade</li> <li>• Requires middle school students to complete a career investigations course, or an equivalent alternative, which is to be used as a basis for developing the ACP</li> <li>• Provisions are made for students who transfer after eighth grade to complete an ACP</li> </ul>
<u>8VAC20-131-150</u>		This section describes the requirements for the standard school year and school day.	Language added to include 990 instructional hours in the standard school year and to specify that the standard school day includes passing time for class changes
<u>8VAC20-131-180</u>	NA	This section provides the requirements for off-site instruction.	Clarifying language added to this section on homebound instruction to specify a Virginia “teaching” license is to be held by the supervising teacher and that



Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			<p>verified units of credit may be earned when the student passes the SOL test associated with the completed course</p> <p>Reorganized language regarding alternative means of instruction and virtual courses combined into one section. Clarifying language regarding standard and verified credits also added. Language regarding <i>correspondence courses</i> deleted and replaced with the term, <i>virtual courses</i></p>
8VAC20-131-190		The regulation provides the requirements for the library, media, materials, and equipment	Word “resources” has been added to the list of supports for the instructional program
8VAC20-131-200	NA	The regulation provides the requirements for extracurricular and other school activities, including recess.	Language added regarding legislative requirements for a current physical fitness program which shall be available to all students with a goal of at least 150 minutes per week on average during the regular school year. A program of physical activity for all students is required, effective with the 2018-2019 school year. Local school boards required to provide a program of physical activity for all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through twelve with a goal of at least 150 minutes per week on average during the regular school year
8VAC20-131-210	NA	This section describes the role of the school principal.	<p>Repetitive introductory paragraph regarding the principal deleted</p> <p>Language added to clarify the role of the principal</p>
8VAC20-131-220		This section provides the requirements for the role of professional teaching staff.	<p>Replace the “correct use of language and spelling” with “the use of Standard English”</p> <p>Closure of the achievement gap among groups of students added as area of aspiration</p>
8VAC20-		This section provides the	Replace outdated reference to guidance

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
131-240		requirements for the role of administrative and support staff.	<p>counselor with school counselor</p> <p>Eliminate staffing requirements for secondary school counselors, and replace with reference to the requirements as set out in <i>Code</i> for elementary, middle, and secondary schools</p> <p>Revises standard teaching load and planning periods required for middle and secondary school teachers so that they are identical.</p> <p>Revised language to eliminate references to student periods used to calculate a teacher's standard load. References instead are made to numbers of students taught per week</p> <p>Revised to clarify and reference definition of planning period</p> <p>Language added to specify that each elementary classroom teacher shall be provided at least an average of 30 minutes per day during the students' school week as planning time as required by <i>Code</i></p>
8VAC20-131-260		This section describes the requirements for school facilities safety.	Language revised, as provided by 2016 legislation, to require a fire drill at least twice during the first 20 school days and two additional fire drills during the remainder of the school term. Language removed to require two simulated lock down drills and crisis emergency evacuation activities each school year in September and January and replaced with requirement to conduct a lock-down drill at least twice during the first 20 school days and at least two additional lock-down drills during the remainder of the school term
8VAC20-131-270	N/A	The section provides the requirements for school and community communications.	<p>Changes the name of the School Performance Report Card to School Quality Profile</p> <p>Requires the School Quality Profile to include, but not be limited to: accountability, assessments, enrollment and demographics, college and career</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			<p>readiness, finance, learning environment, and teacher quality</p> <p>Eliminates requirement for notices sent to parents at beginning of year to include identification of sexually explicit materials. Such requirements are to be addressed through another regulatory action at 8VAC 20-720.</p>

If an existing regulation or regulations (or parts thereof) are being repealed and replaced by one or more new regulations, please use the following chart:

Current chapter-section number	Proposed new chapter-section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
8VAC20-131-50	8VAC20-131-51	<p>Graduation requirements are set forth in 8VAC20-131-50.</p> <p>8VAC20-131-50 is proposed to be retained, to reflect graduation requirements for students who enter the ninth grade prior to the 2018-2019 school year.</p>	<p>This proposed section will set forth the graduation requirements for students entering the ninth grade in the 2018-2019 school year or thereafter.</p> <p>The proposed graduation requirements are intended to provide multiple paths toward college, career, and citizenship readiness, and instructional programs leading toward a diploma are required to be aligned with the Board's <i>Profile of a Virginia Graduate</i></p> <p>Provisions are included to clarify that middle school students shall receive credit toward graduation for successfully completing high school courses</p> <p>For clarity, the definitions and methods of receiving a standard and verified unit of credit are repeated from 8VAC20-131-5 and 8VAC20-131-110</p> <p>No more than one locally awarded verified credit may be used to satisfy graduation requirements</p> <p>The requirements for receiving a Standard or Advanced Studies Diploma, previously presented in 8VAC20-131-50, have been reorganized in this new section and clearly provide the</p>

			<p>requirements in tables and eliminate footnotes.</p> <p>The substantive changes to the prior graduation requirements that were set forth in 8VAC20-131-50 include:</p> <ul style="list-style-type: none"> <li>• Reduces the number of required verified credits from six (Standard) and nine (Advanced) to four for each.</li> <li>• Eliminates requirement for Standard Diploma for two different mathematics courses that must include those above level of Algebra II and replacement with mathematics courses approved by the Board</li> <li>• Laboratory science requirements to include interdisciplinary courses which incorporate SOL content from multiple academic areas</li> <li>• Clarification made to specify the circumstances in which a computer science course may be used to satisfy a graduation requirement.</li> <li>• Requires students to complete either advanced coursework or earn a career and technical education credential for either a Standard or an Advanced Studies diploma.</li> <li>• Requires students to acquire and demonstrate skills in the “5Cs” – critical thinking, creative thinking, collaboration, communication, and citizenship, in accordance with the Board’s <i>Profile of a Virginia Graduate</i>.</li> </ul> <p>Incorporates requirements for an Applied Studies Diploma, a Certificate of Program Completion, or a high school equivalency credential which are currently set out in the <i>Code</i></p> <p>Adds a new diploma seal: “Seal for Excellence in Science and the Environment”</p>
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			Replaces “Foreign language ” with “World language”
N/A	8VAC20-131-280 through 8VAC20-131-360	This part provides the expectations for school accountability, accreditation,	All existing sections repealed and replaced with sections 8VAC20-131-370 through -430.
N/A	8VAC20-131-370 Expectations for school accountability and accreditation (New Section)		<p>Establishes the principles and purpose of school accountability and accreditation systems, and describes the components of such systems</p> <p>Provides that schools are to be accredited based upon meeting certain minimum standards and on continuous improvement of performance levels on school quality indicators</p> <p>Provides that components of the accountability system include the federal accountability provisions required under the Every Student Succeeds Act of 2015 (ESSA) and the Individuals with Disabilities Education Act (IDEA)</p>
N/A	8VAC20-131-380 Measurement of school quality for accreditation (New Section)		<p>Provides that school quality is to be measured for each school using multiple school quality indicators including student academic outcome measures and other factors associated with student learning</p> <p>Provides that schools will be held accountable on each of the adopted school quality indicators, based on its measurement against performance benchmarks for a given school quality indicator</p> <p>Establishes three performance levels:</p> <ul style="list-style-type: none"> <li>• Level One: At or Above Standard</li> <li>• Level Two: Near Standard</li> <li>• Level Three: Below Standard</li> </ul> <p>Provides that benchmarks establish the upper and lower limits for each performance level. Performance levels used to describe whether a school’s performance in a given school quality indicator meets standards or demonstrates adequate improvement</p> <p>Provides that a performance level will be</p>

		<p>assigned for each applicable school quality indicator for each school</p> <p>Specifies the criteria the Board is to consider when selecting school quality indicators and the process that the Board is to follow in determining the benchmarks that will form the upper and lower limits for each performance level</p> <p>Describes the school quality indicators that are to be used, and sets benchmarks for each performance level</p> <p>Performance levels described based on minimum levels of performance, which can be adjusted through board guidance as schools continuously improve, with adequate notice provided to school boards</p> <p>Provides that effective with the 2018-2019 school year, performance levels will be applied to school quality indicators for accreditation purposes, except for the college, career, and civic readiness index, which will not be applied until the 2021-2022 school year</p> <p>Provides that the 2018-2019 school year will be a transition year, meaning that full accreditation may be achieved using the current accreditation standards or the revised standards, whichever benefits the school the most</p> <p>Provides that if a school has a grade configuration where no state assessments are required to be administered, such schools shall be paired with another school for accreditation purposes</p> <p>Relocates and revises the provisions for when assessments for English Learner and transfer students apply to a school's academic performance calculations. These provisions are currently set out in 8VAC20-131-280.D.</p> <p>Permits the Board to adopt special provisions for any indicator. Previously, only dropout rate included language for special provisions</p> <p>Permits the Board to add or remove</p>
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			<p>assessments, and to adopt special provisions for school quality indicators when assessments are revised or phased in</p> <p>Permits the Board to adopt measures of student growth to be incorporated into the calculation of certain school quality indicators.</p> <p>Includes language permitting school boards to appeal performance level designations in limited circumstances that would warrant special consideration</p>
N/A	8VAC20-131-390 Accreditation (New Section)		<p>Provides that schools shall be accredited provided that actions required by 8VAC20-131-400 are completed, and that compliance with certain SOA requirements has been documented by the principal and school superintendent</p> <p>Establishes school accreditation ratings which will be assigned for the academic year 2018-2019:</p> <ul style="list-style-type: none"> <li>• “Accredited”</li> <li>• “Accredited with Conditions”</li> <li>• “Accreditation Denied”</li> </ul> <p>Provides that performance levels for school quality indicators will be reviewed on an annual basis, and that the resulting actions required by 8VAC20-131-400 must be taken</p> <p>Establishes a triennial accreditation cycle for schools that meet the requirements for “Accredited” status for a consecutive three-year period</p>
N/A	8VAC20-131-400 Application of the school quality indicator performance levels to actions (New Section)		<p>Requires all schools to develop comprehensive plans as required by <i>Code</i>, and requires improvement plans and corrective action plans to be incorporated into the comprehensive plans.</p> <p>Establishes actions required of schools and school divisions based upon performance levels in each school quality indicator and other factors</p> <p>School improvement plans for Level Two indicators would require local school boards approval, and such plans could be subject to a department-established</p>

			<p>review process.</p> <p>If a school is at Level Two in an academic area, such schools would undergo a department academic review, and school improvement plans would be subject to a department-established review process, which may include peer review from another school division</p> <p>Corrective action plans would be required for Level Three indicators</p> <p>Provides a process by which a division may be required to enter into a state superintendent to local superintendent agreement, depending on the level of direction and intervention needed</p> <p>Establishes a process by which a school board would be required to enter into a memorandum of understanding to delineate school improvement responsibilities, when a school division fails to adopt or implements components of a corrective action plan</p> <p>Establishes the process by which the Board would consider designating a school as "Accreditation Denied" when a school fails to adopt and implement corrective action plans with fidelity.</p> <p>Provides, as provided in the Appropriation Act, that when a school board has failed or refused to meet certain school improvement obligations, the payment of At-Risk Add-On funds shall be withheld to the school division until it corrects its failures</p> <p>Language from existing SOA and SOQ related to Board authority to pursue additional remedies including court action to seek compliance with school laws</p>
<p>N/A</p>	<p>8VAC20-131-410                  Recognitions and rewards for school and division accountability performance                  (New Section)</p>		<p>Relocates the provisions for the existing Virginia Index of Performance Program for recognizing high performing schools</p> <p>Establishes recognition for schools demonstrating exemplar performance on school quality indicators</p>



N/A	8VAC20-131-420 Waivers and alternative accreditation plans (New Section)		Relocates and revises provisions permitting the Board to approve alternative accreditation plans and to waive certain provisions of the SOA. These provisions are currently set out in 8VAC20-131-280.C and F, 8VAC20-131-290.D, and 8VAC20-131-350.
N/A	8VAC20-131-430 Effective dates (New Section)		Establishes that the revised SOA will be effective for the 2018-2019 school year.  Clarifies the effective dates for phasing in revisions to graduation requirements, locally awarded verified credit provisions, academic and career planning requirements, and application of the career and college readiness indicator as a school quality indicator

If a new regulation is being promulgated, that is not replacing an existing regulation, please use this chart:

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
N/A			

If the proposed regulation is intended to replace an emergency regulation, and the proposed regulation is identical to the emergency regulation, please choose and fill out the appropriate chart template from the choices above. In this case “current section number” or “current chapter-section number” would refer to the **pre-emergency** regulation.

If the proposed regulation is intended to replace an emergency regulation, and the proposed regulation includes changes since the emergency regulation, please create two charts: 1) a chart describing changes from the **pre-emergency** regulation to the proposed regulation as described in the paragraph above, and 2) a chart describing changes from the **emergency** regulation to the proposed regulation. 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.