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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC 20-131
VAC Chapter title(s)	Regulations Establishing Standards for Accrediting Public Schools in Virginia
Action title	Amend Standards for Accrediting Public Schools in Virginia
Date this document prepared	September 30, 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Virginia Board of Education (Board) intends to propose several technical and substantive amendments to its *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (also known as the Standards of Accreditation or SOA). The Standards of Accreditation seek to ensure that an effective educational program is established and maintained in all Virginia public schools and set out the following: expectations for student achievement; graduation requirements; requirements for instructional programs and staffing; standards for school facilities; standards for school and community communications; a system of accreditation; and plans for school improvement.

In 2017, the Board finalized its most recent comprehensive review of and update to the Standards of Accreditation. The Board approved a number of substantive revisions to the SOA, including the addition of new and modified school quality indicators to the state accreditation model as well as an increased emphasis on closing achievement gaps and continuous improvement, among others. The update also allowed the Board to incorporate expectations for student achievement as outlined in the Profile of a

Virginia graduate and the 5Cs (critical thinking, creative thinking, communication, collaboration, and citizenship).

The new Standards of Accreditation became effective in the 2018-2019 school year. Since implementation, the Virginia Department of Education (VDOE) has monitored feedback and inquiries from the field as well as convened an internal committee representing various units across the agency to evaluate and address questions and concerns related to the SOA. VDOE staff has identified several changes and areas of improvement necessitating amendments to the regulations. Additionally, in June 2020, the Board established its own Special Committee for the Review of the Standards of Accreditation tasked with exploring the positive, negative, and unintended consequences of the new accreditation model. As a result of stakeholder feedback, VDOE staff recommendations, and the Committee's early findings, the Board is initiating regulatory action for the purpose of: (1) providing clarifying technical edits; (2) incorporating items unaddressed during the comprehensive update; and (3) correcting for any negative or unintended consequences of the new accreditation model where prudent.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* may be referred to as the Standards of Accreditation or SOA.

The Virginia Department of Education is referred to as VDOE.

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."

This regulatory action is being initiated at the Board's discretion and is the result of feedback from the field, recommendations from VDOE staff, as well as findings from the Board's Special Committee for the Review of the Standards of Accreditation.

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 overall regulatory authority is 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."

The Board of Education's authority for promulgating regulations governing standards for accrediting public schools is 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 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

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

This regulatory action is necessary to protect the health, safety, and welfare of citizens, particularly Virginia's public school students. The SOA ensure that Virginia public schools maintain consistent, high quality, and rigorous standards so that all students receive a quality public education that helps them to become career and college ready. In developing the proposed regulations, the Board and VDOE will continue to consider how amendments to the SOA impact Virginia's public schools and divisions in their operational effectiveness as well as the potential effects on Virginia's learners, especially vulnerable student populations.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

This regulatory action will incorporate comprehensive amendments to the SOA for the purpose of (1) providing clarifying technical edits; (2) incorporating items unaddressed during the comprehensive update; and (3) correcting for any negative or unintended consequences of the new accreditation model where prudent. These changes will impact several existing sections in 8VAC20-131.

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 Board and VDOE have attempted to correct for issues identified during implementation of the revised SOA through new guidance, clarifications in Superintendent's memos, training opportunities, or additional Board action. However, to ensure the SOA is effectively and consistently implemented across Virginia's public schools and divisions, several ongoing issue areas still need to be explicitly addressed in the regulatory language.

Periodic Review and

Small Business Impact Review Announcement

This NOIRA is being used to announce a periodic review.

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. In addition, as required by § 2.2-4007.02 of the Code of Virginia describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The 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, and (iii) the potential impacts of the regulation.

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 Leslie Sale, Director of Policy, P.O. Box 2120 Richmond, VA 23218, (804) 225-2092; Holly.Coy@doe.virginia.gov. 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, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.