

Virginia Board of Education Agenda Item



Agenda Item:

Date: July 23 2015

Title	Final Review of Proposed Amendments to the <i>Regulations Establishing the Standards for Accrediting Public Schools in Virginia</i> (8VAC 20-131) to Comport with Legislation Passed by the General Assembly under the Fast Track Provisions of the Administrative Process Act		
Presenter	Dr. Cynthia A. Cave, Assistant Superintendent for Policy and Communications		
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Purpose of Presentation:

Action required by state or federal law or regulation.

Previous Review or Action:

Previous review and action. Specify date and action taken below:
 First Review June 25, 2015

Action Requested:

Final review: Action requested at this meeting.

Alignment with Board of Education Goals: Please indicate (X) all that apply:

X	Goal 1: Accountability for Student Learning
	Goal 2: Rigorous Standards to Promote College and Career Readiness
X	Goal 3: Expanded Opportunities to Learn
	Goal 4: Nurturing Young Learners
	Goal 5: Highly Qualified and Effective Educators
X	Goal 6: Sound Policies for Student Success
X	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

Background Information and Statutory Authority:

Goal 1: In promulgating these regulations, the Board of Education will establish the policies and standards necessary to ensure accountability of student learning.

Goal 3: The Board will have the ability to expand opportunities to learn by developing policies that promote a more flexible environment in which to create innovative instructional programs.

Goal 6: The regulations will provide the Board with the opportunity to develop and implement sound policies for student success by focusing on college and career readiness.

Goal 7: The regulations will include provisions addressing school safety.

Section 22.1-253.13:3 of the *Code of Virginia* provides, in part:

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....

Summary of Important Issues:

On June 27, 2013, the Board of Education approved a Notice of Intended Regulatory Action (NOIRA) for amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, and, on October 24, 2013, the Board approved amendments to the regulations (Proposed Stage) addressing legislation from the 2012 and 2013 General Assembly, and one bill from 1999. However, on November 20, 2014, the Board withdrew the proposed regulations in favor of conducting a more comprehensive review in 2015.

While the Board of Education is conducting a comprehensive review of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131), the Board is initiating this separate fast track regulatory action for the sole purpose of addressing legislation that was approved by the General Assembly during the 2012, 2013, 2014 and 2015 sessions, and one bill approved by the General Assembly in 1999. The following such bills affect the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation):

- HB 642 and SB 514 (2012) add three points to the Graduation and Completion Index for each student who earns a diploma and a CTE credential.
- HB 1107 and SB 656 (2012) require local school boards to adopt and implement policies for the possession and administration of epinephrine in every school.
- SB 889 (1999) requires school boards to ensure that at least two employees have been trained in the administration of insulin and glucagon in school buildings with an instructional and administrative staff of ten or more, if one or more students diagnosed as having diabetes attend the school. When there are fewer than ten such staff members, school boards shall ensure that at least one employee has been trained if one or more students with diabetes attend the school.
- HB 2028 and SB 986 (2013) require students, beginning with the ninth-grade class of 2016-2017, to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators to be awarded a Standard or an Advanced Studies Diploma.
- HB 2344 (2013) requires each school to have a school threat assessment team. The threat assessment teams shall provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community.
- HB 2346 (2013) requires at least two lockdown drills every year, one in September and one in January.

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

The following sections of the SOA will be amended as described in the chart below:

Part	Section	Proposed Change
Part I:	8 VAC20-131-5	The revision eliminates the term “Special Diploma”

Part	Section	Proposed Change
Definitions and Purpose	Page 2	and replaces it with the term “Applied Studies Diploma.” SB 1236 (2015).
Part II: Philosophy, Goals, and Objectives		
Part III: Student Achievement	8 VAC 20-131-30 Page 6	The revision requires the Board to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test, with the exception of the writing SOL tests, to each student regardless of grade level or course. HB 1490 and SB 874 (2015).
	8 VAC 20-131-50 Page 10 8 VAC 20-131-60 Page 12	Beginning with the ninth-grade class of 2016-2017, in order to be to be awarded a Standard or an Advanced Studies Diploma, students are to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. HB 2028 and SB 986 (2013).
	8 VAC 20-131-50 Page 13	The amendment replaces the term General Educational Development (GED) program or test with "a high school equivalency examination approved by the Board of Education" or “a high school equivalency preparation program.” HB 1007 (2014).
	8 VAC 20-131-50 Page 14	The revision requires the Board to establish criteria for awarding a diploma seal of biliteracy in time for any student graduating from a public high school in 2016 to be awarded such a diploma seal. HB 1351 and SB 916 (2015).
	8 VAC 20-131-50 Page 9-10	The revision creates an alternative when a Career and Technical Education (CTE) credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency. Under such circumstances, the student must receive competency-based instruction in the subject area to satisfy the standard diploma requirements. HB 2276 (2015).
	8 VAC 20-131-50 Page 12 8 VAC 20-131-60 Page 16	The revision eliminates the term “Special Diploma” and replaces it with the term “Applied Studies Diploma.” SB 1236 (2015).
Part IV: School Instructional Program	8 VAC 20-131-100 Pages 22-23	The revision permits local school divisions to waive the requirement for students to receive 140 clock hours of instruction to earn a standard unit of credit upon providing the Board of Education with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the

Part	Section	Proposed Change
		content and skills included in the relevant Standards of Learning. HB 1675 and SB 982 (2015).
Part V: School and Instructional Leadership		
Part VI: School Facilities and Safety	8 VAC 20-131-260 Page 33	In school buildings with an instructional and administrative staff of 10 or more, school boards shall ensure that at least three employees have current certification or training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). In school buildings with an instructional and administrative staff of fewer than 10, school boards shall ensure that at least two employees have current certification or training in emergency first aid, CPR, and the use of an AED. HB 2028 and SB 986 (2013).
	8 VAC 20-131-260 Page 33	In school buildings with an instructional and administrative staff of 10 or more, school boards shall ensure that at least two employees have been trained in the administration of insulin and glucagon, if one or more students diagnosed as having diabetes attend such school. In school buildings with an instructional and administrative staff of fewer than 10, school boards shall ensure that at least one employee has been trained in the administration of insulin and glucagon if one or more students diagnosed as having diabetes attend such school. SB 889 (1999).
	8 VAC 20-131-260 Page 33	This revision will require local school boards to adopt and implement policies for the possession and administration of epinephrine in every school. HB 1107 and SB 656 (2012).
	8 VAC 20-131-260 Page 32	This revision requires each school to have a school threat assessment team. The threat assessment teams shall provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community. HB 2344 (2013).
	8 VAC 20-131-260 Page 32	The amendment requires at least two lockdown drills every year, one in September and one in January. HB 2346 (2013).
Part VII: School and Community Communications	8 VAC 20-131-260 Page 35	The amendment replaces the term General Educational Development (GED) program or test with "a high school equivalency examination approved by the Board of Education" or "a high school equivalency preparation program." HB 1007 (2014).
Part VIII:	8 VAC 20-131-280	The amendment replaces the term General Educational

Part	Section	Proposed Change
School Accreditation	Page 36	Development (GED) program or test with "a high school equivalency examination approved by the Board of Education" or "a high school equivalency preparation program." HB 1007 (2014).
	8 VAC 20-131-280 Pages 36-37	This change will add three points to the Graduation and Completion Index for each student who earns a diploma and a career and technical education (CTE) credential. HB 642 and SB 514 (2012).
	8 VAC 20-131-280 Page 37	The revision requires the Board of Education, for the purposes of the Standards of Accreditation, to use a graduation rate that excludes any student who fails to graduate because he or she is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. Note: This requirement becomes effective on July 1, 2016. HB 2318 (2015).
	8 VAC 20-131-300 Pages 41-45	The revision establishes additional accreditation ratings that recognize the progress of schools and student growth. HB 1873 and SB 1320 (2015).
	8 VAC 20-131-300 Page 50	This addition specifies that the effective date is July 1, 2016, for the revision of the graduation rate formula described in 8VAC201-13-280. HB 2318 (2015).

Impact on Fiscal and Human Resources: The administrative impact required in promulgating these regulations will be absorbed within existing resources.

Timetable for Further Review/Action: With final approval of the proposed revisions, the timetable for further action will be governed by the fast track rulemaking requirements of the Administrative Process Act (APA).

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education approve the proposed revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Fast Track) to comport with legislation passed by the General Assembly, and authorize the Department of Education staff to make technical amendments if needed.

Rationale: By approving the proposed revisions to the Standards of Accreditation, the Board is solely addressing legislation passed by the General Assembly, which provides requirements for regulatory action. Several changes to the Code affecting the Standards of Accreditation include timelines that can be met through the Fast Track process of the APA.