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| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |

# Agenda Item: F

## Date: October 21, 2021

### Title: First Review of the Proposed Stage of the Regulatory Action to Amend the *Regulations Establishing Standards for the Accreditation of Public Schools in Virginia*

#### Presenter: Dr. Leslie Sale, Director of Policy

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## Purpose of Presentation:

Action required by state or federal law or regulation.

**Executive Summary:**In 2017, the Virginia Board of Education completed its comprehensive review of and update to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (also known as the Standards of Accreditation or SOA). Among the substantive revisions approved in 2017 were a revised state accreditation model emphasizing continuous improvement, and the integration of the Profile of a Virginia Graduate. The updated Standards of Accreditation became effective in the 2018-2019 school year.

In June 2020, the Board established the Special Committee for the Review of the Standards of Accreditation tasked with reflecting on the first years of implementation as well as identifying the positive, negative, and unintended consequences of the 2017 SOA revisions. The Special Committee received a number of presentations as part of its work including informational presentations from content experts, panel discussions with a range of education stakeholders, as well as proposals from Virginia Department of Education (VDOE) staff. The Special Committee concluded its work in September 2021.

The attached package of proposed technical and substantive amendments to the SOA were vetted by the Special Committee and are intended to improve the impact and efficacy of the SOA. Some of the major amendments proposed are:

* Refining language related to the award of verified credits and locally-awarded verified credits as well as the use and administration of performance assessments;
* Amending language on the applicability of Certificates of Program Completion to align with the Standards of Quality;
* Adding a new diploma seal for Fine Arts;
* Amending graduation requirements for transfer students entering after the 9th grade to reflect the number of testing opportunities in later high school years;
* Adding explicit expectations for the delivery of remediation to students, including remediation programs specific to numeracy;
* Adding a requirement for divisions to develop a comprehensive data security plan;
* Adding language about the appeals process for certain indicators when a school’s performance level was determined by Students with Limited and Interrupted Formal Education students;
* Allowing the Board to incorporate an improvement indicator for the College, Career, and Civic Readiness Index into the accreditation model when data is available; and
* Requiring a school’s comprehensive, long-range unified plans to draw on student group data to identify opportunity and achievement gaps and identify strategies to improve outcomes for all student groups.

The other technical amendments proposed provide clarification, update SOA language to mirror common vernacular in the field, ensure alignment with statute, and/or promote ease of use and readership.

At the Special Committee’s recommendation, the Board is asked to review and approve these proposed amendments in order for this item to continue through the proposed phase of the regulatory process. This item will return for final review in November 2021.

## Action Requested:

Action will be requested at a future meeting. Specify anticipated date below:

November 18, 2021

**Superintendent’s Recommendation:**
The Superintendent of Public Instruction recommends that the Board of Education receive the proposed amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* for first review.

## Previous Review or Action:

Previous review and action. Specify date and action taken below:

**Date:** October 15, 2021

**Action:** Final review of the Notice of Intended Regulatory Action

**Background Information and Statutory Authority:**
Section [22.1-16](https://law.lis.virginia.gov/vacode/title22.1/chapter2/section22.1-16/) of *Code of Virginia* establishes the Board of Education’s authority to promulgate regulations necessary to fulfill its powers and responsibilities generally.

§ 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’s authority to promulgate regulations governing standards for accrediting public schools is found in § 22.1-253.13:3 of the *Code of Virginia*:

§ [22.1-253.13:3](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13%3A3/) of the *Code of Virginia*:

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 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.

The SOA 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 comprehensive review of and update to the Standards of Accreditation. The Board approved a number of substantive changes to the SOA during its update, including new and revised school quality indicators which inform the state accreditation model as well as a more pronounced emphasis on closing achievement gaps and continuous improvement in schools and divisions. The revision 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 SOA became effective in the 2018-2019 school year.

In June 2020, the Board established a Special Committee for the Review of the Standards of Accreditation tasked with reflecting on the first years of implementation as well as identifying the positive, negative, and unintended consequences of the 2017 SOA revisions. The Special Committee received a number of presentations as part of its work including informational presentations from content experts, panel discussions with a range of education stakeholders, as well as proposals from VDOE staff. VDOE staff presentations drew from the work of an internal SOA Implementation Committee which had been convened following the 2017 revisions to help field questions from divisions, identify outstanding concerns, and propose solutions.

The Special Committee concluded its work in September 2021 after having vetted a number of technical and substantive amendments intended to improve the impact and efficacy of the SOA. Some of the major recommended changes are:

* Refining language related to the award of verified credits and locally-awarded verified credits as well as the use and administration of performance assessments;
* Amending language on the applicability of Certificates of Program Completion to align with the Standards of Quality;
* Adding a new diploma seal for Fine Arts;
* Amending graduation requirements for transfer students entering after the 9th grade year to reflect the number of testing opportunities in later high school years;
* Adding explicit expectations for the delivery of remediation to students, including remediation programs specific to numeracy;
* Adding a requirement for divisions to develop a comprehensive data security plan;
* Adding language about the appeals process for certain indicators when a school’s performance level was determined by Students with Limited and Interrupted Formal Education students;
* Allowing the Board to incorporate an improvement indicator for the College, Career, and Civic Readiness Index into the accreditation model when data is available; and
* Requiring comprehensive, long-range unified plans to draw on student group data to identify opportunity and achievement gaps and identify strategies to improve outcomes for all student groups;

The other technical amendments proposed provide clarification, update SOA language to mirror the vernacular in the field, ensure alignment with statute, and/or promote ease of use and readership.

This item will return to the Board for final review in November 2021. The proposed regulatory action will be submitted for executive branch review and published in the Virginia Register for a 60-day public comment period following that completed review. Once the proposed phase is completed and staff has incorporated changes required from the review or public comment, this item will return to the Board to approve the final stage of regulations.

**Timetable for Further Review/Action:**
This item will return for final review in November 2021 before being submitted for executive branch review, pursuant to the Administrative Process Action. It is anticipated that this item will return to the Board for approval of the final stage of regulatory action in fall 2022.

## Impact on Fiscal and Human Resources:

There are no costs associated with this action.