



COMMONWEALTH of VIRGINIA
Department of Education

September 25, 2015

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: Waiver of Certain Graduation Requirements

The 2010 General Assembly passed HB 1199, which requires the Board of Education to provide for the waiver of certain graduation requirements to be granted only for good cause and to be considered on a case-by-case basis. On January 13, 2011, the Board adopted guidance with respect to waivers permitted pursuant to 8VAC20-131-350.

The information below, located on page 48 of the *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8VAC 20-131, is being provided to school personnel as a reminder of the Board-adopted guidance and conditions by which waivers of certain graduation requirements can be granted. The bolded section pertains to what could constitute “good cause” for the waiver.

8 VAC 20-131-350. Waivers.

“Waivers of some of the requirements of these regulations may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The request shall include documentation of the need for the waiver. In no event shall waivers be granted to the requirements of Part III (8 VAC 20-131-30 et seq.) of these regulations except that the Board of Education may provide for the waiver of certain graduation requirements in 8 VAC 20-131-50 (i) upon the Board’s initiative or (ii) at the request of a local school board on a case-by-case basis in accordance with guidelines established by the Board.

Guidance:

The Board of Education may waive certain graduation requirements in 8 VAC 20-131-50 by resolution. The resolution shall specify the requirement(s) being waived and, if the waiver is time-limited, when the waiver would expire.

Local school boards may seek a waiver of certain graduation requirements in 8 VAC 20-131-50 on a case-by-case basis by submitting a request to the Superintendent of Public Instruction, on behalf of the Board, which explains what requirement(s) are requested to be waived and the justification for each requirement(s) requested for waiver.

The local superintendent shall notify the Superintendent of Public Instruction as soon as feasible when there is a situation that could potentially result in a request for a waiver, in order to explore options that might be available to permit the student to graduate without needing a waiver.

The justification shall include a statement of the efforts made by the local school board to assist the student to meet the requirement(s) prior to requesting the waiver.

Such waiver requests may not be submitted more than 90 days prior to the date the student is expected to graduate and, if possible, at least 15 days prior to graduation.

The Superintendent may approve the waiver on behalf of the Board and report to the Board waivers that have been granted or denied.

For the purposes of this provision, good cause may include, but not be limited to, a catastrophic, sudden, or debilitating illness or injury suffered by the student late in his high school career or a sudden, unexpected requirement or event that causes the family to relocate to another state where the student is unable to complete graduation requirements either in Virginia or the receiving state.

In no event shall a waiver be granted that would substantially reduce or diminish the integrity of the diplomas approved by the Board of Education.

Requirements that have been approved for a waiver shall be noted on the student's official academic record (transcript)."

Please contact Joseph Wharff, school counseling specialist, by telephone at 804-225-3370, or by e-mail at Joseph.Wharff@doe.virginia.gov, if you need additional information.

SRS/JAW/rt