Board of Education Agenda Item

Item: A. Date: May 24, 2006

Topic: Final Review of the Proposed Revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.)

Presenter: Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications

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Origin:

X Board review required by
    X State or federal law or regulation
    ___ Board of Education regulation
    ___ Other: __________

X Action requested at this meeting
___ Action requested at future meeting: __________

Previous Review/Action:

X Previous review/action date June 22, 2005; October 26, 2005; and March 22, 2006
    action June 22, 2005: First Review of the Proposed Revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.);
    October 26, 2005: First Review of Additional Revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.); and
    March 22, 2006: Second Review of Revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.).

Background Information: Section 22.1-253.13:3 of the Code of Virginia requires the Board of Education to promulgate Standards of Accreditation for Virginia’s K-12 public schools. The Code states:

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.

The current regulations were adopted by the Board of Education on July 29, 2000, and became effective September 28, 2000. Those regulations included provisions that served as a transition to the current more rigorous requirements for school accountability and student achievement. Those transitional provisions are now obsolete or outdated. Furthermore, Virginia's accountability system has matured, and it is time to undertake a comprehensive review of the accrediting standards, especially in the areas of consequences for those schools that fail to meet the accountability requirements, and incentives for schools that are achieving success.

A Notice of Intended Regulatory Action (NOIRA) required by the Virginia Administrative Process Act (APA) was published in the Virginia Register on March 21, 2005, to advise the public of the Board’s intent to conduct a comprehensive review of the regulations. No comments from the public were received.

The first review of the proposed changes to these regulations was presented to the Board on June 22, 2005. On October 26, 2005, the Board accepted Governor Warner’s recommendation to add language requiring students in elementary and middle schools to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the Board of Education.

The 60 day public comment period began on November 28, 2005, and ended on January 31, 2006. On January 17, the Board held five public hearings in Chesapeake, Leesburg, Highland Springs, Waynesboro, and Wytheville. A total of 49 people spoke at the five hearings: four in Chesapeake, 18 in Highland Springs, 11 in Leesburg, seven in Waynesboro, and nine in Wytheville. In addition, 351 individuals and organizations submitted written comments during the public comment period. A summary of the public comments was presented at the March 22, 2006, Board meeting.

The second review of the proposed regulations, with additional proposed revisions, was presented at the March 22, 2006, Board meeting. The Board authorized an additional 30-day period of public comment, which ended on April 30, 2006. A summary of the public comments from the 30-day public comment period is attached.

Summary of Major Elements: The following additional changes are proposed:

8 VAC 20-131-05
• A definition of “graduate” is added.
• The definition of “standard school day” is clarified to specify it is a calendar day.

8 VAC 20-131-30. Student Achievement.
• Language is added to clarify that student who limited English proficient (LEP) may be granted an exemption from Standards of Learning (SOL) testing in the areas of writing, science, and history and social science.

8 VAC 20-131-80. Instructional program in elementary schools.
• Language is added encouraging elementary schools to provide instruction in foreign languages.
8 VAC 20-131-100. Instructional program in secondary schools.
- The advanced courses could include Cambridge courses, in addition to Advanced Placement, International Baccalaureate, and college level courses for degree credit.

8 VAC 20-131-240. Administrative and support staff; staffing requirements.
- The requirement that middle school teachers have a teaching load of no more than 25 class periods a week would begin with academic year 2008-2009.
- Language is restored regarding teachers of block programs that encompass more than one class period with no more than 120 student periods per day may teach 30 class periods per week.
- Language is added to strengthen the provision for one planning period per day or equivalent for middle and secondary teachers.

- Language is added in this section and in 8 VAC 20-131-290 to cross-reference the responsibility of the division superintendent in reporting compliance with pre-accreditation eligibility requirements. The term “pre-accreditation eligibility requirements” is used for clarity in this section, and in 8 VAC 20-131-290, 8 VAC 20-131-300, and 8 VAC 20-131-325.

There were a number of comments received with recommendations that would result in a fiscal impact on local school divisions or a major change in policy. Those recommendations were not included in this draft because they represented significant changes from the original proposal; however, the Board may wish to consider these recommendations further at a later date.

Superintendent's Recommendation: The Acting Superintendent of Public Instruction recommends that the Board of Education accept the additional changes and adopt the attached revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia. In addition, the Acting Superintendent of Public Instruction recommends that the Board of Education authorize staff of the Department of Education to proceed with the remaining steps required by the Administrative Process Act and to make any technical changes, such as correcting typographical errors that do not affect the substance of the standard.

Impact on Resources: The impact on resources for the proposed revisions to these regulations is not expected to be significant.

Timetable for Further Review/Action: The Department of Education will notify local school divisions of the changes in the regulations when final approval becomes effective as prescribed by the Administrative Process Act.
Summary of All Proposed Revisions

8 VAC 20-131-05. Definitions.
- A definitions section is proposed to consolidate and clarify terms used in these regulations.
- The definitions of “class period,” “planning period,” and “student periods” are added to clarify the references to 8 VAC 20-131-240 regarding the middle and secondary classroom teacher’s standard load and planning period.
- A definition of “graduate” is added. (New revisions for May 2006.)
- The definition of “recess” is added to clarify that it is a segment of time in which students are given a break from instruction.
- The definition of “reconstitution” is added, in reference to 8 VAC 20-131-315 regarding a school that is denied accreditation.
- The definition of “standard school day” is clarified to specify it is a calendar day. (New revisions for May 2006.)

8 VAC 20-131-10. Purpose.
- Language would clarify that these regulations do not apply to schools licensed under other state regulations (such as state-operated programs licensed under the Standards for Interdepartmental Regulation of Children’s Residential Facilities).

8 VAC 20-131-20. Philosophy, Goals, and Objectives.
- A new objective, to increase graduation rates, would be added to the school’s goals and objectives.

8 VAC 20-131-30. Student Achievement.
- Students who are accelerated would take the tests for the grade level of the content received in instruction.
- Remediation recovery would be expanded from K-8 to K-12 in English and mathematics. The retesting provision would no longer be needed with annual testing in grades three through eight. The application of remediation recovery to a school’s accreditation ratings would continue to be defined in Board guidelines.
- Language would be added to reference § 504 plans, as well as Individual Education Programs (IEP) for students with disabilities. Language would be added to specify that students with disabilities would be assessed with the appropriate accommodations and alternate assessments where necessary.
- Foreign exchange students would be required to take Standards of Learning (SOL) tests when taking courses for credit, but would not be required to take the tests for courses if they audit the course.
- Language is added to clarify that student who limited English proficient (LEP) may be granted an exemption from Standards of Learning (SOL) testing in the areas of writing, science, and history and social science. (New revisions for May 2006.)

- The section would be repealed, as it is obsolete and the tests are no longer administered.

8 VAC 20-131-50. Requirements for Graduation.
Language regarding the Modified Standard Diploma that was originally stricken in the first version of the proposed revisions has been restored. This language specifies that: The informed, written consent of the parent is required,
- The student who has chosen to pursue a Modified Standard Diploma shall be allowed to pursue a Standard or Advanced Studies Diploma at any time in the student’s high school career, and
- The student must not be excluded from courses or tests required for a Standard or Advanced Studies Diploma.

The Board’s current policy that allows students to earn a verified credit for the student-selected test if they complete a career and technical program sequence and earn an industry certification, state license, or occupational competency credential would be added to the regulations.

For a standard diploma, when the certification, license, or credential confers more than one verified credit, a second verified credit could be substituted for a mathematics, science, or history/social science verified credit.

The requirements for the Governor’s Seal would be revised. Students would be able to receive the seal if they earn an Advanced Studies Diploma with a B average or better, and successfully complete college-level coursework to earn 15 transferable college credits in Advanced Placement, International Baccalaureate, Cambridge, or dual enrollment (Early College Scholars).

The requirements for the Board of Education Seal would be revised. Students would receive the seal if they have an A average, whether they earn a Standard or an Advanced Studies Diploma.

The requirements for the Board of Education’s Career and Technical Education Seal would be revised to clarify that the student may pass an occupational competency exam, or earn an industry certification or state license.

The requirements for the Board of Education’s Seal for Excellence in Civics Education would be added. (These requirements are currently in guidelines; the seal itself is established in § 22.1-253.13:4 of the Code of Virginia).

Language about the diploma seals clarifies that a student may earn more than one seal.

Language further clarifies that the licenses and examinations for the Board of Education’s Career and Technical Education Seal and Advanced Mathematics and Technology Seal must be approved by the Board.

8 VAC 20-131-60. Transfer of Students.

Language was revised to clarify that students transferring from Virginia public schools and nonpublic schools accredited by one of the constituent members of the Virginia Council for Private Education shall be recognized for all grade-level work completed in grades K-8. The academic records of students from all other schools shall be evaluated to determine appropriate grade placement.

Language specifies that all secondary schools shall accept credits toward graduation from nonpublic schools accredited by one of the constituent members of the Virginia Council for Private Education.

Additional language specifies that nothing in the regulations prohibits public schools from accepting standard credits towards graduation from all other schools when the course generally matches the course for which the receiving school gives standard credit and the school from which the student transfers certifies that the course meets the requirements for a standard credit, as specified in these regulations.
A provision is added to allow a student who transfers to a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade, who is pursuing a Standard Diploma, and who completes a career and technical education program sequence to substitute the certificate, occupational competency credential, or license for either a science or a history or social science verified credit.

8 VAC 20-131-70. Program of Instruction and Learning Objectives.
- Language would be added to reference § 504 plans.

8 VAC 20-131-80. Instructional Program in Elementary Schools.
- The requirement for a daily recess in elementary schools would be moved from this section to 8 VAC 20-131-200. There is no change in the requirement, but it clarifies that recess is not part of the instructional program and is not counted as instructional time.
- The requirement that each school shall ensure that students who are unable to read with comprehension have both the additional instruction and the materials necessary for instruction is set out in this section, as well as in the sections of the regulations relating to middle school and secondary school (8 VAC 20-131-90 and 8 VAC 20-131-100) to emphasize the importance of reading at all levels.
- The requirement that each school shall require students to participate in a program of physical fitness during the regular school year in accordance with Board of Education guidelines.
- Language is added encouraging elementary schools to provide instruction in foreign languages. (New revisions for May 2006.)

8 VAC 20-131-90. Instructional Program in Middle Schools.
- Middle schools would be required to offer Algebra I as a part of their minimum course offerings to students in the eighth grade.
- The requirement that each school shall require students to participate in a program of physical fitness during the regular school year in accordance with Board of Education guidelines.

8 VAC 20-131-100. Instructional Program in Secondary Schools.
- All secondary schools would be required to offer at least three Advanced Placement, International Baccalaureate, Cambridge, or college level courses for degree credit, or any combination thereof. Current language requires secondary schools to offer at least two advanced-level courses.

8 VAC 20-131-110. Standard and Verified Units of Credit.
- Language would clarify that students seeking a Modified Standard Diploma could use an expedited retake of a Standards of Learning test to meet the literacy and numeracy requirements for the Modified Standard Diploma.
- Provisions for a locally awarded verified unit of credit in science or history/social science, subject to Board guidelines, would be added to the regulations. The language further clarifies that students who were in the ninth-grade class of 2003-2004 and beyond may be eligible to earn locally awarded verified credits from the local school board. (Currently the provisions are in a § 1 statute and apply to the ninth-grade classes of 2000-01, 2001-02, and 2002-03.)
• The criteria for Board approval of substitute tests would be modified to permit tests administered as a part of another state’s accountability program to be approved as substitute tests. Such tests would be held to the same standard of review and approval by the Board as all other substitute tests.

8 VAC 20-131-120. Summer School.
• No changes proposed.

8 VAC 20-131-130. Elective Courses.
• No changes proposed.

8 VAC 20-131-140. College Preparation Programs and Opportunities for Postsecondary Credit.
• Language would be added to provide for counseling of students in opportunities for obtaining industry certification in preparation for entering the workforce.

• Language would be added to clarify that the standard school year is based on instructional days and the standard school days is based upon 5 1/2 instructional hours.
• Language would be deleted that refers to alternative schedules, as this topic is covered in the Code of Virginia and school divisions may elect to have longer terms if they choose.

8 VAC 20-131-160. Additional Reading Instruction.
• This section is repealed and language in this section is included in sections 80, 90, and 100.

8 VAC 20-131-170. Family Life Education.
• No changes proposed.

• Language would clarify that for homebound instruction, the instructional time requirements or alternative means of awarding credit, as adopted by the local school board, have been met.

8 VAC 20-131-190. Library Media, Materials and Equipment.
• No changes proposed.

8 VAC 20-131-200. Extracurricular and Other School Activities, Recess.
• The provision for daily recess would be moved from section 80.

8 VAC 20-131-210. Role of the Principal.
• Language would specify that the principal must notify parents of rising 11th and 12th graders of the number of standard and verified credits required for graduation, and the number of such credits the student must earn in order to graduate. (§ 22.1-253.13:4 of the Code of Virginia)

8 VAC 20-131-220. Role of the Professional Teaching Staff.
• No changes proposed.

8 VAC 20-131-230. Role of Support Staff.
• No changes proposed.
8 VAC 20-131-240. Administrative and Staff Support; Staffing Requirements.

- Staffing requirements that are prescribed in the Standards of Quality for principals, assistant principals, librarians, guidance counselors, and clerical staff would be deleted from the regulations because it is duplicative of language in § 22.1-253.13:2 of the Code of Virginia.
- A revision is made to specify that guidance counselors for all schools, including elementary schools, shall provide a minimum of 60 percent of the time devoted to counseling of students. This provision currently applies to guidance counselors in middle and secondary schools. (New revisions for May 2006.)
- Language about planning period for teachers in middle and secondary schools would be revised to be consistent with language in § 22.1-253.13:2 of the Code of Virginia. It also clarifies that middle and secondary teachers’ standard load shall be based on teaching no more than 5/6 of the instructional day.
- The requirement that middle school teachers have a load of no more than 25 class periods a week would begin with academic year 2008-2009. (New revisions for May 2006.)
- Language would clarify that in schools with a traditional six or seven period day, teachers of block programs that encompass more than one class period with no more than 120 student periods per day may teach 30 class periods per week. (New revisions for May 2006.)
- Language is added to strengthen the provision for one planning period per day or equivalent for middle and secondary teachers. (New revisions for May 2006.)


- Language would be added to provide for adequate and safe administration and storage of student medications.
- Language would also be added to require that written procedures for emergencies include procedures to follow in the event of an allergic reaction.
- Language would be added to require written procedures for the safe evacuation of persons with special physical, medical, or language needs who may need assistance to exit a building.

8 VAC 20-131-270. School and Community Communications.

- A requirement would be added to provide information on the School Report Card on the number of students obtaining industry certifications and passing state licensure assessments and occupational competency assessments while still in high school. (This is consistent with language in SB 1045 passed by the 2005 General Assembly.)
- Language would be added to clarify that compliance with this section of the regulations would be reported through pre-accreditation eligibility procedures.


- Language is added in this section and in 8 VAC 20-131-290 to cross-reference the responsibility of the division superintendent in reporting compliance with pre-accreditation eligibility requirements. The term “pre-accreditation eligibility requirements” is used for clarity in this section, and in 8 VAC 20-131-290, 8 VAC 20-131-300, and 8 VAC 20-131-325. (New revisions for May 2006.)


- Language would be added to clarify the link between accreditation eligibility and pre-accreditation eligibility.
8 VAC 20-131-300. Application of the Standards.

- The requirement that the pass rate for accreditation is 75 percent in English in grades 3 and 5 would be revised to grades 3 through 5 to reflect annual testing in English and mathematics.
- Beginning with ratings earned in 2010-2011 and beyond (based on assessments in 2009-2010 and beyond), the pass rate for accreditation would be raised to 75 percent in English and 70 percent in mathematics, science, and history and social science.
- The accreditation rating, Accreditation Withheld/Improving School Near Accreditation, which was eliminated in the first proposed revision, is restored for school year 2006-2007, based on the assessments taken in school year 2005-2006. The accreditation rating expires at the end of school year 2006-2007.
- Language clarifies that accreditation ratings awarded in an academic year are based upon Virginia assessment results from the academic year immediately prior to the year to which the accreditation rating applies.
- Language further clarifies that the provisions of the current Standards of Accreditation apply to accreditation ratings awarded for academic year 2006-2007, based on assessments taken in 2005-2006.
- Additional language clarifies that a school that is reconstituted and is Conditionally Accredited may have its accreditation rating revert to Accreditation Denied if it fails to be Fully Accredited or fails to have its annual application for such rating renewed.

8 VAC 20-131-310. Action Requirements for Schools That Are Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation.

- Language is revised to clarify that the school is to adopt a research-based instructional intervention with a proven track record of success.
- Language is moved from 8 VAC 20-310-40 to this section. The language says that schools rated Accredited with Warning must undergo an academic review and prepare and implement a school improvement plan.
- Language also specifies that schools rated Accreditation Withheld/Improving School Near Accreditation must also undergo an academic review and prepare and implement a school improvement plan.

8 VAC 20-131-315. Action Requirements for Schools That Are Denied Accreditation.

- A new section is added for clarity. Language about the requirements for schools denied accreditation is moved from 8 VAC 20-131-340 to this section.
- The sequence and timing of these provisions has been modified:
  - Any school rated Accreditation Denied must notify the parents and other interested parties of the accreditation rating within 30 calendar days of receiving the notification, and must provide them with a copy of the proposed corrective action plan and an opportunity to comment on the corrective action plan.
  - The school is subject to actions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school board.
  - The local school board must submit a corrective action plan to the Board of Education within 45 days of the notification of the rating, for consideration in the memorandum of understanding.
  - The memorandum between the Board of Education and the local school board shall be entered into no later than November 1 of the year in which the accreditation rating is awarded.
The local school board must submit status reports to the Board of Education, and the principal, division superintendent, and chair of the school board may be required to appear before the Board of Education to present the status reports.

- The option for reconstituting a school has been modified. If the local school board chooses to reconstitute a school, it must apply annually for an accreditation rating of Conditionally Accredited. The Conditionally Accredited rating may be granted for up to three years if the school is making progress toward a rating of Full Accreditation in accordance with the terms of the approval of the application.
- The provisions about replacing staff, hiring a management firm, or converting to a charter school are no longer included as examples of reconstitution.

8 VAC 20-131-320. Provisional Accreditation Benchmarks.

- The section would be repealed. It is obsolete and the benchmarks are no longer in effect.


- A school that maintains a pass rate of 95 percent or above for two consecutive years may receive a waiver from annual accreditation, and shall be accredited for three years. However, the school must continue to submit documentation that it is in compliance with the regulations.
- The waiver provisions currently in 8 VAC 20-131-325.B would be deleted, as no school has requested such waivers; however, the regulations would still provide for waivers of these regulations pursuant to the current 8 VAC 20-131-330 (which would be moved to 8 VAC 20-131-350).
- The provisions for the Governor’s Award for Outstanding Achievement Language is revised to require that the school be Fully Accredited, and that it has significantly increased student achievement in student subgroups to close the achievement gap.


- This section is moved to 8 VAC 20-131-350.


- The provisions relating to academic reviews and Accreditation Denied are moved to 8 VAC 20-131-310 and 8 VAC 20-131-315. The section is renamed “Special Provisions and Sanctions.”
- A provision is added to specify that withholding of a school’s accreditation rating shall not be considered an interruption of the three consecutive year period for purposes of receiving an Accreditation Denied status.


- This section is moved from 8 VAC 20-131-330.

8 VAC 20-131-360. Effective Date.

- Unless otherwise specified, these regulations are effective for the 2006-2007 school year.

Minor editorial changes are recommended for clarity and consistency.
Proposed Revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia

Summary of Additional Public Comment Period Based on March 22, 2006 Draft of the SOA

During the Board of Education’s March 22, 2006 meeting, the board received the proposed revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia for second review. The document received on second review contained additional revisions that were not in the draft that the board received in October 2005. Those additional revisions have been bulleted below by section number. Based on the revisions presented in March 2006, the board decided to seek an additional 30 days of public comment on the March document. The summary of the public comments received are noted below the corresponding sections. It should be noted that the board received numerous comments in areas that were not revised between the October 2005 and March 2006 drafts. Those areas include foreign language requirements, financial literacy requirements, and health and physical education requirements.

8 VAC 20-131-05. Definitions.

- The definitions of “class period,” “planning period,” and “student periods” are added to clarify the references to 8 VAC 20-131-240 regarding the middle and secondary classroom teacher’s standard load and planning period.
- The definition of “recess” is added to clarify that it is a segment of time in which students are given a break from instruction.
- The definition of “reconstitution” is added in reference to 8 VAC 20-131-315 regarding a school that is denied accreditation.

Public Comment:

- One comment requested that the standards clarify the definition of “school” to include language about corrective action when schools do not meet pre-accreditation requirements.

8 VAC 20-131-50. Requirements for Graduation.

- Language regarding the Modified Standard Diploma that was stricken in the proposed revisions has been restored. This language specifies that:
  1. The informed, written consent of the parent is required,
  2. The student who has chosen to pursue a Modified Standard Diploma shall be allowed to pursue a Standard or Advanced Studies Diploma at any time in the student’s high school career, and
  3. The student must not be excluded from courses or tests required for a Standard or Advanced Studies Diploma.
- Language about the diploma seals clarifies that a student may earn more than one seal.
- Language further clarifies that the licenses and examinations for the Board of Education’s Career and Technical Education Seal and Advanced Mathematics and Technology Seal must be approved by the Board.
Public Comment:

- American Council on the Teaching of Foreign Languages requested that the Board of Education strengthen the foreign language incentives in the proposed Standards of Accreditation by considering:
  - Encouraging elementary schools to offer foreign language instruction when feasible.
  - Adding a one-year foreign language requirement for the General Studies Diploma.
  - Endorsing a Seal of Excellence on any high school diploma when a student demonstrates a high level of language proficiency in a foreign language.

- Foreign Language Association of Virginia (FLAVA) requested that the Board of Education strengthen the foreign language incentives in the proposed Standards of Accreditation by:
  - Requiring elementary schools to offer foreign language instruction.
  - Adding a two-year foreign language requirement for the General Studies Diploma.
  - Endorsing a Seal of Excellence on any high school diploma when a student demonstrates a high level of language proficiency in a world language other than English.

- One parent requested that the board:
  - Institute a requirement that foreign language learning opportunities be made available beginning at the elementary school level.
  - Implement additional foreign language requirements for graduation at the secondary school level.
  - Update the standards of learning to require a foreign language assessment to phase in a more challenging, greater proficiency in the chosen languages.
  - Offer languages of significance to the current economic, academic, and sociological environment (e.g., Chinese, Arabic, Korean, and Spanish).

- One retired teacher requested that:
  - The Board of Education consider implementing foreign languages in all grades K-12 for all students.
  - The languages chosen should be left to the localities so they may serve their respective constituents.
  - The various diplomas should all require at least one year of foreign language.
  - The students should have the option to get one credit in a fine arts, practical arts, or foreign language to add to students’ options to get more credits in foreign languages.

- The Virginia Society of Certified Public Accountants (VSCPA) requested that the Board of Education include at a minimum, a half-credit of personal finance education for all Virginia high school students. The VSCPA provided extensive background and research to support its position.

- One comment objected to the VSCPA advocacy for a financial literacy course as a graduation requirement.

- Seven Certified Public Accountants, at least four of whom are members of the VSCPA, supported the VSCPA request to include, at the minimum, a half-credit of personal
finance education for all Virginia high school students as a graduation requirement.

- One attorney supported a personal financial course in the high school curriculum.
- Two comments supported the restoration of language regarding the modified standard diploma that was deleted in the first draft of the proposed revisions.
- One comment stated that a potential conflict appears in this section because proposed language beginning at line 245 in Section A (p. 16) states, “Students shall be awarded a diploma upon graduation from a Virginia high school.” The comment suggested that this conflicts with sections F and G, both of which allude to awarding of either a certificate or credential, neither of which is a diploma.

8 VAC 20-131-60. Transfer of Students.

- Language was revised to clarify that students transferring from Virginia public schools and nonpublic schools accredited by one of the constituent members of the Virginia Council for Private Education shall be recognized for all grade-level work completed in grades K-8. The academic records of students from all other schools shall be evaluated to determine appropriate grade placement.
- Language specifies that all secondary schools shall accept credits toward graduation from nonpublic schools accredited by one of the constituent members of the Virginia Council for Private Education.
- Additional language specifies that nothing in the regulations prohibits public schools from accepting standard credits towards graduation from all other schools when the course generally matches the course for which the receiving school gives standard credit and the school from which the student transfers certifies that the course meets the requirements for a standard credit, as specified in these regulations.
- A provision is added to allow a student who transfers to a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade, who is pursuing a Standard Diploma, and who completes a career and technical education program sequence to substitute the certificate, occupational competency credential, or license for either a science or a history and social science verified credit.

Public Comment:

- The Arlington Diocese Catholic Schools recommended the following:
  o Board of Education adopt a regulation that will allow Virginia private elementary and secondary schools to obtain accreditation from approved accrediting organizations that are not members of the Virginia Council for Private Education (VCPE).
  o Schools may obtain accreditation from either an approved accrediting constituent member of the VCPE, or from another accrediting organization whose accreditation process is approved by the Southern Association of Colleges and Schools (SACS) or the Board of Education.

8 VAC 20-131-110. Standard and Verified Units of Credit.

- Language simply clarifies that students who were in the ninth-grade class of 2003-2004 and beyond may be eligible to earn locally awarded verified credits from the local school board.
Public Comment:

- Two parents requested that the Board of Education provide for locally awarded verified credits not just for science and history/social sciences, but also for English and mathematics (Sec. 110.B.3.).

8 VAC 20-131-240.  Administrative and Staff Support; Staffing Requirements.

- A revision is made to specify that guidance counselors for elementary schools shall provide a minimum of 60 percent of the time devoted to counseling of students. This provision currently applies to guidance counselors in middle and secondary schools,
- Language clarifies that each full-time middle and secondary classroom teacher shall be provided one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties. It also clarifies that middle and secondary teachers’ standard load shall be based on teaching no more than 5/6 of the instructional day, with no more than 150 student periods per day or 25 class periods per week.

Public Comment:

- 26 staff members/teachers from Spotsylvania County public schools objected to the proposal that teachers receive one-sixth of the school day for planning time. They viewed this as a reduction in their planning time.
  - One of those comments supported a policy that “states a planning period each calendar day for a 3/4 daily schedule.” The comment indicated that Spotsylvania adopted an “A-B block schedule where teachers usually have 3 blocks of class and one block of planning or planning/duty each day.”
  - One of those comments requested that the regulations state that teachers must have a daily planning period of the same amount of time as the daily instructional block.
  - Five of those comments stated that the local school division should define “period” and not the state.
  - Seven of those comments requested a 90 minute planning period for teachers on block schedules.
  - Eight of those comments supported planning time for teachers in general.
- One Williamsburg-James City County teacher expressed concern is with the item that states "the requirement that middle and secondary teachers' standard load shall be based on teaching no more than 5/6 of the instructional day with no more than 150 student periods per day or 25 class periods per week." The comment stated that “[g]iven that most schools are on a block schedule, this stand is meaningless.” The comment stated that to have this standard have an impact “there should also be something that describes and reflects schools on a block schedule.”
- One elementary school counselor supported the proposal to include elementary school guidance counselors in the mandate for 60 percent of the counselors’ time being spent on counseling of students and 40 percent of the counselors’ time being spent on other tasks.
- One high school counselor indicated that although the standards currently provide for high school counselors to spend 60 percent of their time counseling students, this is not
what is really happening in the schools. Counselors spend the majority of their time administering tests, registering students for courses, counting student credits and SOL tests passed, monitoring attendance, substituting for teachers, disciplining students, and doing paperwork. Little or no time is spent counseling students one on one or in groups.

- Bristol City public schools requested that the board rethink the proposed revisions to the standards beginning with line 993 and going to line 1002 regarding the secondary teacher’s standard load. Bristol believes that there seems to be some ambiguity in the regulation as written as well as some financial implications for local divisions already on tight budgets. Bristol was unclear whether the term 5/6 (five-sixth) of the instructional day assumes a six-period day, and if so what would a school do that operates on a seven-period day, use 6/7 (six-seventh) of the instructional day and 30 class periods per week?

- Virginia Education Association (VEA) Delegate Assembly voted overwhelmingly in favor of the following recommendation for 8 VAC 20-131-240:
  - "Full time middle and secondary teachers shall have one daily unencumbered planning period equivalent in length to the longest instructional period of the day. If a school on alternating block schedule counts two days as one instructional day, then teachers shall have two unencumbered planning periods, each equivalent in length to the longest instructional period."
  - The delegates further directed the VEA to seek no less than 45 minutes of daily, unencumbered planning time for all full-time elementary teachers.

- Frederick County public schools requested that the Board of Education provide for a phase-in of the proposed revision that requires that middle school teachers be assigned 25 class periods per week. The current language is 30 class periods per week.

8 VAC 20-131-300. Application of the Standards.


- Language clarifies that accreditation ratings awarded in an academic year are based upon Virginia assessment program scores from the academic year immediately prior to the year to which the accreditation rating applies.

- Language further clarifies that the provisions of the current Standards of Accreditation apply to accreditation ratings awarded for academic year 2006-2007, based on assessments taken in 2005-2006.

- Additional language clarifies that a school that is reconstituted and is Conditionally Accredited may have its accreditation rating revert to Accreditation Denied if it fails to be Fully Accredited or fails to have its annual application for such rating renewed.

Public Comment: None

8 VAC 20-131-310. Action Requirements for Schools That Are Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation.

- Language is moved from 8 VAC 20-310-40 to this section. The language says that schools rated Accredited with Warning must undergo an academic review and prepare and implement a school improvement plan.
• Language also specifies that schools rated Accreditation Withheld/Improving School Near Accreditation must also undergo an academic review and prepare and implement a school improvement plan.

Public Comment: None

8 VAC 20-131-315. Action Requirements for Schools That Are Denied Accreditation.
• A new section is added for clarity. Language about the requirements for schools denied accreditation is moved from 8 VAC 20-131-340 to this section.
• The sequence and timing of these provisions has been modified:
  ✓ Any school rated Accreditation Denied must notify the parents and other interested parties of the accreditation rating within 30 calendar days of receiving the notification, and must provide them with a copy of the proposed corrective action plan and an opportunity to comment on the corrective action plan.
  ✓ The school is subject to actions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school board.
  ✓ The local school board must submit a corrective action plan to the Board of Education within 45 days of the notification of the rating, for consideration in the memorandum of understanding.
  ✓ The memorandum between the Board of Education and the local school board shall be entered into no later than November 1 of the year in which the accreditation rating is awarded.
  ✓ The local school board must submit status reports to the Board of Education, and the principal, division superintendent, and chair of the school board may be required to appear before the Board of Education to present the status reports.
• The option for reconstituting a school has been modified. If the local school board chooses to reconstitute a school, it must apply annually for an accreditation rating of Conditionally Accredited. The Conditionally Accredited rating may be granted for up to three years if the school is making progress toward a rating of Full Accreditation in accordance with the terms of the approval of the application.
• The provisions about replacing staff, hiring a management firm, or converting to a charter school are no longer included as examples of reconstitution.

Public Comment: None

• This section is moved to 8 VAC 20-131-350.

Public Comment: None

• The provisions relating to academic reviews and Accreditation Denied are moved to 8 VAC 20-131-310 and 8 VAC 20-131-315. The section is renamed “Special Provisions and Sanctions.”
• A provision is added to specify that withholding of a school’s accreditation rating shall not be considered an interruption of the three consecutive year period for purposes of receiving an Accreditation Denied status.

Public Comment: None

• This section is moved from 8 VAC 20-131-330.

Public Comment: None

8 VAC 20-131-360. Effective Date.
• Unless otherwise specified, these regulations are effective for the 2006-2007 school year.

Public Comment: None

HEALTH AND PHYSICAL EDUCATION

Public Comment:
• Virginia Board of Health submitted commentary in support of the proposed revisions requiring elementary and middle school students to participate in a program of physical fitness. The board also submitted the following:
  o The Board of Health endorses a standardized system of fitness testing for all students.
  o The board endorses a system that assesses body strength, aerobic capacity and flexibility, student height and student weight.
  o The board advocates for inclusion of students’ fitness test scores in the school report card, as was the case up until 1998.
  o The board supports administering standardized testing of students’ understanding of health and physical education.
  o The board applauds the delineation of recess from instructional time.
• The American Heart Association applauded Governor Warner’s proposed revision to the regulations regarding physical fitness. The association believes that is a good first step and recommended the following:
  o Daily physical education for all students required in grades K-8 for the entire school year with a minimum of 150 minutes per week for elementary students and a minimum of 225 minutes per week for middle school students.
  o Comparable student teacher ratios for physical education and other curricular areas.
  o End-of-course testing of all students to assess attainment of health and physical
education learning objectives. One test during elementary school, one test during middle school, and one test during high school to assess student learning.

- Wellness related fitness testing integrated into the curriculum as an instructional tool that is appropriate to students’ developmental levels and physical abilities.
- School report card include health related data such as aerobic capacity, muscular strength, endurance, flexibility, and body composition (BMI, skin fold or another method).
- Adequate facilities, supplies and budgets necessary to achieve the objectives of the physical education program.
- Exemptions in physical education courses should not be permitted on the basis of participation on athletic teams, community recreation programs, ROTC, marching band, or other school or community activities.
- Physical education or recess should not be taken away from a student as a means of remediation or punishment.

- Virginia Healthy Pathways Coalition’s Schools Committee requested that the Board of Education put into practice regulations that require an externally validated elementary and middle school program of instruction in health and physical education and include fitness test scores on the school’s annual report card. The coalition supported Governor Warner’s proposed revision regarding physical fitness. The coalition also stated:
  - There is a growing body of evidence suggesting that less time dedicated to health and physical education may undermine the goal of better academic performance.
  - There are elementary and middle school students who never receive any instruction in health or physical education. This is due to disciplinary reasons, remediation, or because 8th grade physical education may be offered as an elective. This practice occurs because school divisions are allowed to interpret the “shall be offered” language in the SOA to mean “does not have to be taken.”
  - Participation in school health and physical education program ensures a minimum amount of health literacy and physical activity, and provides a forum to teach health-enhancing behaviors and physical activity strategies that can be continued into adulthood.

- Two comments supported the position paper submitted by the Healthy Pathways Committee to 1) institute SOL testing for health and PE; 2) to report wellness-related fitness data by school (including BMI); 3) to include fitness test scores on the school's annual report card.
- Virginia Beach City public schools expressed concern regarding implementing any new physical fitness program guidelines due to the fact that the school system's budget has already been given to the city government.

**GRADUATION RATES**

**Public Comment:**

- The Civil Rights Project at Harvard University submitted comments regarding its report on dropouts and graduation rates. The Civil Rights project is concerned about the high percentages of students who do not graduate from high school. The Civil Rights Project feels that without countervailing incentives to keep children in school, test score accountability creates incentives for schools to push low-performing students out the back door.
• The Civil Rights Project requested that the SOA incorporate graduation rate targets.
• The Civil Rights Project and its partners in releasing Losing Our Future, The Urban Institute, Advocates for Children in New York, and the Civil Society Institute recommend, among other things:
  o Setting reasonable graduation rate floors;
  o Requiring significant progress toward meeting those floors over a reasonable period of time driven primarily by positive incentives and rewards; and
  o Extending graduation rate accountability benchmarks to the NCLB subgroups.
• One comment supported the board’s language on graduation rates.
• Two parents requested that the Board of Education define “graduation rates” as the percentage of ninth graders who leave with a diploma four years later, taking into account transfers into and out of schools and divisions (Section 20.A.3), and make graduation rates part of school accreditation criteria (Sec. 300.)

OTHER

Public Comment:
• One comment questioned whether the writing SOL test was no longer being included as part of the proposed Standards of Accreditation.
• One parent provided the following comments:
  o The Board of Education objectives for charter schools need to be updated.
  o Schools need to maintain services and support for high achieving students.
  o In closing the achievement gap among groups of students having high performing students in direct contact with students needing help to achieve, presents many opportunities to address the educational difficulties, and the social/emotional needs of students on both sides of the achievement gap.
  o Minority and ESL (English as a Second Language) students are at-risk of receiving mostly remedial education. Ultimately they may not graduate, or if they do, they may still face being disadvantaged when it comes to college or career opportunities.
  o Average students are often forgotten or not targeted to receive opportunities that are directed at high achievers or low achievers.
• One parent provided a comment regarding how teachers prepare their students for SOL assessments:
  o “The amount of pressure and unnecessary practice reviews that teachers are shoveling onto their students is utterly ridiculous. Accurately measuring school performance was the original intent of the SOL. Yet it seems that it is more a tactic used to pass blame on the student for a schools failure to educate. Students are forced to participate in the ritual of memorization and regurgitation in preparation for SOL. An enormous pressure has been placed on students to learn what amounts to the ‘pursuit of trivia.’ The SOL tests are meaningless and do not measure what a child actually knows. Stop cheating by giving teachers a ‘blueprint’ of the test to teach from. Stop allowing teachers to waste valuable class time by reviewing for the SOL for months on end.”
• Superintendents in Region 8 requested that the Board of Education keep the pass rate for third grade science and history at 50 percent with tests administered beginning in the academic year 2009-2010 for accreditation rating awarded for school year 2010-2011 and
beyond. Schools need more time to provide additional services to at-risk students entering school who need extra time to master reading and mathematics by grade three. There is not enough time in the school day to provide these services without pulling students from science and history.

- Two parents requested that the Board of Education keep Limited English Proficiency (LEP) students’ one-time exemption from K-8 testing "in each of the four core areas," not replace it with an exemption only from science and history/social science testing for student “accountability” purposes under our own system (regardless of limits on such exemptions for purposes of "No Child Left Behind") (Sec. 30.G.)

- Two parents requested that the Board of Education require notifying parents of credits needed for graduation starting with rising ninth graders instead of starting with rising eleventh graders, which is too late. (Sec. 210)

- Two parents requested that the Board of Education not limit the provision for "authority to seek school division compliance with school laws" to schools that have been denied accreditation. Schools can and do for example, violate laws regarding rights of students with disabilities and students identified as gifted and can still be fully accredited; the Board should seek compliance with such laws and not just with SOL-test pass-rate requirements.

- One comment generally supported the revisions to the regulations.

- One comment suggested that there are a few sections that may benefit from an editing review, to ensure that consistency of language is used throughout the document. These are listed below:
  
  - “Three-year trailing average”-This language is used in 8 VAC 20-131-280. The Board should clarify with the department whether the calculation is intended to be truly a percent passing average OR whether the calculation is a cumulative percent pass based upon the total number of students taking and passing tests over a three-year period.
  - “Scores”- 8 VAC 20-131-280 and 8 VAC 20-131-300 refer to using schools’ or students’ “scores” to determine accreditation status. The document should use the term “pass rate” throughout.
  - 8 VAC 20-131-270, School and Community Communications - Proposed language states that the division superintendent “will report compliance with this section through the pre-accreditation eligibility procedures....” Reporting on this requirement should be listed in 8 VAC 20-131-280.F., and 8 VAC 20-131-290,.
  - “Pre-accreditation should be hyphenated, and one term using either “criteria” or “requirements” should be used throughout for consistency.

- Frederick County public schools requested that the Board of Education exclude half-day kindergarten programs from the requirement to provide daily recess. However, based on additional comments, Frederick’s County’s concerns appear to have been resolved with the proposed revisions presented to the Board of Education at its March 2006 meeting.
8 VAC 20-131-05. Definitions.

The following words and terms apply only to these regulations and do not supersede those definitions used for federal reporting purposes or for the calculation of costs related to the Standards of Quality (§§ 22-253.13:1 through 22.1-253.13:8). When used in these regulations, these words shall have the following meanings, unless the context clearly indicates otherwise:

“Accreditation” means a process used by the Virginia Department of Education (hereinafter “department”) to evaluate the educational performance of public schools in accordance with these regulations.

“Additional test” means a test, including substitute tests approved by the Board of Education that students may use in lieu of a Standards of Learning test to obtain verified credit.

[“Class period” means a segment of time in the school day that is approximately one-sixth (1/6) of the instructional day.]
“Combined school” means a public school that contains any combination of or all of the grade levels from kindergarten through 12. This definition does not include those schools defined as elementary, middle, or secondary schools.

“Elementary school” means a public school with any grades kindergarten through five.

“Eligible students” means the total number of students of school age enrolled in the school at a grade or course for which a Standards of Learning test is required unless excluded under the provisions of 8 VAC 20-131-30 F and 8 VAC 20-131-280 D relative to limited English proficient (LEP) students.

“Enrollment” means the act of complying with state and local requirements relative to the registration or admission of a child for attendance in a school within a local school division. This term also means registration for courses within the student’s home school or within related schools or programs.

“First time” means the student has not been enrolled in the school at any time during the current school year (for purposes of 8 VAC 20-131-60 with reference to students who transfer in during the school year).
“Four core areas” or “four core academic areas” means English, mathematics, science, and history and social science for purposes of testing for the Standards of Learning.

[“Graduate” means a student who has earned a Board of Education recognized diploma, which includes the Advanced Studies, Standard, Modified Standard, Special, and General Achievement diplomas.]

“Homebound instruction” means academic instruction provided to students who are confined at home or in a health care facility for periods that would prevent normal school attendance based upon certification of need by a licensed physician or a licensed clinical psychologist.

“Locally awarded verified credit” means a verified unit of credit awarded by a local school board in accordance with 8 VAC 20-131-110.

“Middle school” means a public school with any grades six through eight.

[“Planning period” means one class period per day or the equivalent unencumbered of any teaching or supervisory duties.]
“Recess” means a segment of free time exclusive of time provided for meals during the standard school day in which students are given a break from instruction.

“Reconstitution” means a process that may be used to initiate a range of accountability actions to improve pupil performance, curriculum, and instruction to address deficiencies that caused a school to be rated Accreditation Denied which may include, but not be limited to, restructuring a school’s governance, instructional program, staff or student population.

“School” means a publicly funded institution where students are enrolled for all or a majority of the instructional day and:

1. Those students are reported in fall membership at the institution; and

2. At a minimum, the institution meets the pre-accreditation eligibility requirements of the Regulations Establishing Standards for Accrediting Public Schools in Virginia adopted by the Board of Education.

“Secondary school” means a public school with any grades nine through twelve.

“Standard school day” means a [calendar] day that averages at least five and one-half instructional hours for students in grades one through 12, [excluding breaks for meals and
recess,] and a minimum of three instructional hours for students in kindergarten[,
excluding breaks for meals and recess].

“Standard school year” means a school year of at least 180 teaching days or a total of at
least 990 teaching hours per year.

“Standard unit of credit” or “standard credit” means credit awarded for a course in which
the student successfully completes 140 clock hours of instruction and the requirements of
the course. Local school boards may develop alternatives to the requirement for 140
clock hours of instruction as provided for in these regulations at 8 VAC 20-131-110.

“Standards of Learning” (SOL) tests means those criterion referenced assessments
approved by the Board of Education for use in the Virginia assessment program that
measure attainment of knowledge and skills required by the Standards of Learning.

“Student” means a person of school age as defined by § 22.1-1 of the Code of Virginia, a
child with disabilities as defined in § 22.1-213 of the Code of Virginia, and [a] person
with limited English proficiency in accordance with § 22.1-5 of the Code of Virginia.

[“Student periods” means the number of students a teacher instructs per class period
multiplied by the number of class periods taught.]
“Verified unit of credit” or “verified credit” means credit awarded for a course in which a student earns a standard unit of credit and achieves a passing score on a corresponding end-of-course SOL test or an additional test approved by the Board of Education as part of the Virginia assessment program.

“Virginia assessment program” means a system used to evaluate student achievement that includes Standards of Learning tests and additional tests which may be approved from time to time by the Board of Education.
The foremost purpose of public education in Virginia is to provide children with a quality education giving them opportunities to meet their fullest potential in life. The standards for the accreditation of public schools in Virginia are designed to ensure that an effective educational program is established and maintained in Virginia's public schools. The mission of the public education system is to educate students in the essential academic knowledge and skills in order that they may be equipped for citizenship, work, and a private life that is informed and free. The accreditation standards:

1. Provide an essential foundation of educational programs of high quality in all schools for all students.

2. Encourage continuous appraisal and improvement of the school program for the purpose of raising student achievement.

3. Foster public confidence.

4. Assure recognition of Virginia's public schools by other institutions of learning.

5. Establish a means of determining the effectiveness of schools.
of public elementary, middle and secondary schools in accordance with regulations prescribed by it. These regulations govern public schools operated by local school boards providing instruction to students as defined in 8 VAC 20-131-05. Other schools licensed under other state statutes are exempt from these requirements.
8 VAC 20-131-20. Philosophy, goals, and objectives.

A. Each school shall have a current philosophy, goals, and objectives that shall serve as the basis for all policies and practices and shall be developed using the following criteria:

1. The philosophy, goals, and objectives shall be developed with the advice of professional and lay people who represent the various populations served by the school and in consideration of the needs of the community and shall serve as a basis for the creation and review of the biennial school plan.

2. The school's philosophy, goals and objectives shall be consistent with the Standards of Quality.

3. The goals and objectives shall (i) be written in plain language so as to be understandable to noneducators, including parents; (ii) to the extent possible, be stated in measurable terms; and (iii) consist primarily of measurable objectives to raise student and school achievement in the core academic areas of the Standards of Learning (SOL), to improve student and staff attendance, to reduce student drop-out rates, to increase graduation rates, and to increase the quality of instruction through professional staff development and licensure.

4. The school staff and community representatives shall review annually the extent to which the school has met its prior goals and objectives, analyze the school's student performance data including data by grade level or academic department as necessary, and
report these outcomes to the division superintendent and the community in accordance
with local school board policy. This report shall be in addition to the school report card
required by 8 VAC 20-131-270 B.

B. Copies of the school's philosophy, goals and objectives shall be available upon
request.
Part III  

Student Achievement  

8 VAC 20-131-30. Student achievement expectations.  

A. Each student should learn the relevant grade level/course subject matter before promotion to the next grade. The division superintendent shall certify to the Department of Education that the division's promotion/retention policy does not exclude students from membership in a grade, or participation in a course, in which SOL tests are to be administered. Each school shall have a process, as appropriate, to identify and recommend strategies to address the learning, behavior, communication, or development of individual children who are having difficulty in the educational setting.  

B. In kindergarten through eighth grade, where [the administration of Virginia Assessment Program SOL] tests are [administered required by the Board of Education], each student shall be expected to take the SOL tests; students who are accelerated should take the tests for the grade level of the content received in instruction. Schools shall use the [SOL Virginia Assessment Program] test results in kindergarten through eighth grade as part of a set of multiple criteria for determining the promotion or retention of students. Students promoted to high school from eighth grade should have attained basic mastery of the Standards of Learning in English, history and social science, mathematics, and science and should be prepared for high school work. Students shall not be required to retake the [SOL Virginia Assessment Program] tests unless they are retained in grade and
have not previously passed the related [SOL] tests, or they participate in a remediation
recovery program established by the board in English (Reading, Literature, and Research) or
mathematics or both.

C. In kindergarten through grade 8, students may participate in a remediation recovery
program as established by the board in English (Reading, Literature and Research) or
mathematics or both. In grades 9 through 12, the remediation recovery program shall
include all retakes of end-of-course SOL mathematics tests only. However, students in
the ninth grade who are participants in a remediation recovery program may be retested
on the eighth-grade English (Reading, Literature and Research) and mathematics SOL
tests.

D. The board recommends that students in kindergarten through grade 8 not be required
to attend summer school or weekend remediation classes solely based on failing a SOL
test in science or history/social science.

E. Each student in middle and secondary schools shall take all applicable end-of-course
SOL tests following course instruction. Students who achieve a passing score on an end-
of-course SOL test shall be awarded a verified unit of credit in that course in accordance
with the provisions of 8 VAC 20-131-110 B. Students may earn verified units of credit in
any courses for which end-of-course SOL tests are available. Middle and secondary
schools may consider the student's end-of-course SOL test score in determining the student's final course grade. However, no student who has failed an end-of-course SOL test but passed the related course shall be prevented from taking any other course in a content area and from taking the applicable end-of-course SOL test. The board may approve additional tests to verify student achievement in accordance with guidelines adopted for verified units of credit described in 8 VAC 20-131-110 B.

F. Participation in the Virginia assessment program SOL testing by students with disabilities will be prescribed by provisions of their Individualized Education Program (IEP) or 504 Plan. All students with disabilities shall be assessed with appropriate accommodations and alternate assessments where necessary. Beginning with the school year 2000-01, students with disabilities for whom participation in an alternate assessment is prescribed in their IEP shall demonstrate proficiency on that assessment.

G. All students identified as limited English proficient (LEP) shall participate in the Virginia assessment program. A school based committee shall convene and make determinations regarding the participation level of LEP students in SOL the Virginia assessment program testing by students identified as limited English proficient (LEP) shall be guided by a school-based committee convened to make such determinations. In kindergarten through eighth grade, LEP students may be granted a
one-time exemption from SOL testing in each of the four core areas—the core academic areas of writing, science, and history and social science.

H. Students identified as foreign exchange students taking courses for credit shall be required to take the relevant Standards of Learning Virginia assessment program tests. Foreign exchange students who are auditing courses and who will not receive a standard unit of credit for such courses shall not be required to take the Standards of Learning tests for those courses.
8 VAC 20-131-40. Literacy Passport Tests. (Repealed)

Students who were in the eighth grade or above in the 1998-99 school year shall be required to pass the Literacy Passport Tests in order to receive a Standard or Advanced Studies Diploma from a Virginia public school.

In order to receive a graded status, such students must pass the Literacy Passport Tests, except for students with disabilities who progress according to the goals of their Individualized Education Program (IEP).

Students who are not eligible for graded status shall be enrolled in appropriate programs leading to passing of the Literacy Passport Tests and one or more of the following:

1. High school diploma;
2. General Educational Development (GED) credential;
3. Certificate of Program Completion; and
4. Job-entry skills.
8 VAC 20-131-50. Requirements for graduation.

A. The requirements for a student to earn a diploma [and graduate] from a Virginia high school shall be those in effect when that student enters the ninth grade for the first time. Students may shall be awarded a diploma or certificate upon graduation from a Virginia high school.

When students below the ninth grade successfully complete courses offered for credit in grades 9 through 12, credit shall be counted toward meeting the standard units required for graduation provided the courses meet SOL content requirements or are equivalent in content and academic rigor as those courses offered at the secondary level. To earn a verified unit of credit for these courses, students must meet the requirements of 8 VAC 20-131-110 B.

The following requirements shall be the only requirements for a diploma, unless a local school board has prescribed additional requirements which have been approved by the Board of Education. All additional requirements prescribed by local school boards[, and in effect as of June 30, 1997,] are approved to continue those requirements pending further action by the board that have been approved by the Board of Education, remain in effect until such time as the local school board submits a request to amend or discontinue them. The requirements for Certificates of Program Completion are developed by local school boards in accordance with the Standards of Quality.

B. Requirements for a Standard Diploma.
1. Beginning with the ninth grade class of 1998-99, students shall earn the standard units of credit outlined in subdivision 4 of this subsection.

2. During a transition period applicable only to the ninth grade classes of 2000-01, 2001-02, and 2002-03, students shall earn the standard units of credit described in subdivision 4 of this subsection and the following number of verified units of credit (8VAC 20-131-110):
   a. English—two;
   b. Four additional verified units of credit of the student's own choosing.

3.1. Beginning with the [ninth grade] classes of 2003-04 and beyond, students shall earn the required standard and verified units of credit described in subdivision 4-2 of this subsection.

4-2. Credits required for graduation with a Standard Diploma.
FN1 Courses completed to satisfy this requirement shall be at or above the level of algebra and shall include at least two course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of algebra and geometry. The board may approve additional courses to satisfy this requirement.

FN2 Courses completed to satisfy this requirement shall include course selections from at least two different science disciplines: earth sciences, biology, chemistry, or physics. The board may approve additional courses to satisfy this requirement.

FN3 Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and one world history/geography course in either world history or geography or both. Courses which satisfy the world history/geography requirement are: (i) World History, (ii) World Geography, (iii) World History and Geography Part I, (iv) World History and Geography Part II, or (v) a semester course of World History Part I and a semester course of World Geography. The board may approve additional courses to satisfy this requirement.

<table>
<thead>
<tr>
<th>Discipline Area</th>
<th>Standard Units of Credit Required</th>
<th>Verified Credits Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Mathematics(^1)</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Laboratory Science(^2,(^3))</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>History and Social Sciences(^4,(^3))</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Health and Physical Education</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Fine Arts or Practical Arts Career and Technical Education</td>
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<td></td>
</tr>
<tr>
<td>Electives(^4)</td>
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<tr>
<td>Student Selected Test(^5)</td>
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<tr>
<td>Total</td>
<td>22</td>
<td>6</td>
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</table>

280 FN1 Courses completed to satisfy this requirement shall be at or above the level of algebra and shall include at least two course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of algebra and geometry. The board may approve additional courses to satisfy this requirement.

281 FN2 Courses completed to satisfy this requirement shall include course selections from at least two different science disciplines: earth sciences, biology, chemistry, or physics. The board may approve additional courses to satisfy this requirement.

284 FN3 Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and one world history/geography course in either world history or geography or both. Courses which satisfy the world history/geography requirement are: (i) World History, (ii) World Geography, (iii) World History and Geography Part I, (iv) World History and Geography Part II, or (v) a semester course of World History Part I and a semester course of World Geography. The board may approve additional courses to satisfy this requirement.
Beginning with the graduating class of 2003, courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.

A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education or other areas as prescribed by the board in 8 VAC 20-131-110 B.

Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for (1) the student selected verified credit and (2) either a science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the Board of Education as an additional test to verify student achievement.

Students completing the requirements for the Standard Diploma may be eligible to receive an honor deemed appropriate by the local school board as described in subsection I of this section.

C. Requirements for an Advanced Studies Diploma.

Beginning with the ninth grade class of 1998-99, students shall earn the standard units of credit outlined in subdivision 2 of this subsection. Beginning with the ninth grade class of 2000-01, students shall earn the standard and verified units of credit outlined in subdivision 2 of this subsection.

Credits required for graduation with an Advanced Studies Diploma.
FN1 Courses completed to satisfy this requirement shall be at or above the level of algebra and shall include at least three different course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II. The board may approve additional courses to satisfy this requirement.

FN2 Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board may approve additional courses to satisfy this requirement.

FN3 Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and two world history/geography courses in either world history or geography or both courses. Acceptable courses to satisfy the world history/geography requirements include: (i) World History and World Geography; (ii) World History and Geography Part I, and World History and Geography Part II.
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I, and a year-long course of World History Part II. The board may approve additional courses to satisfy this requirement.

FN4 Courses completed to satisfy this requirement shall include three years of one language or two years of two languages.

FN5 A student may utilize additional tests for earning verified credit in computer science, technology, career or technical education or other areas as prescribed by the board in 8 VAC 20-131-110.

Students completing the requirements for the Advanced Studies Diploma may be eligible to receive an honor deemed appropriate by the local school board as described in subsection F I of this section.

D. Requirements for the Modified Standard Diploma.

1. Every student shall be expected to pursue a Standard Diploma or Advanced Studies Diploma. The Modified Standard Diploma program is intended for certain students at the secondary level who have a disability and are unlikely to meet the credit requirements for a Standard Diploma. Eligibility and participation in the Modified Standard Diploma program shall be determined by the student's Individualized Education Program (IEP) team and including the student, where appropriate, at any point after the student's eighth grade year.
[2. The school must secure the informed written consent of the parent/guardian and the student to choose this diploma program after review of the student's academic history and the full disclosure of the student's options.

3. The student who has chosen to pursue a Modified Standard Diploma shall also be allowed to pursue the Standard or Advanced Studies Diploma at any time throughout that student's high school career, and the student must not be excluded from courses and tests required to earn a Standard or Advanced Studies Diploma.]

42. Beginning with the ninth grade class of 2000-01, students pursuing the Modified Standard Diploma shall pass literacy and numeracy competency assessments prescribed by the board.

53. Credits required for graduation with a Modified Standard Diploma.

<table>
<thead>
<tr>
<th>Discipline Area</th>
<th>Standard Units of Credit Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>4</td>
</tr>
<tr>
<td>Mathematics(^1)</td>
<td>3</td>
</tr>
<tr>
<td>Science(^2)</td>
<td>2</td>
</tr>
<tr>
<td>History and Social Sciences(^3)</td>
<td>2</td>
</tr>
<tr>
<td>Health and Physical Education</td>
<td>2</td>
</tr>
<tr>
<td>Fine Arts or Career and Technical Education(^1)</td>
<td>1</td>
</tr>
<tr>
<td>Electives(^4)</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>20</td>
</tr>
</tbody>
</table>
FN1 Courses completed to satisfy this requirement shall include content from among applications of algebra, geometry, personal finance, and statistics in courses that have been approved by the board.

FN2 Courses completed shall include content from at least two of the following: applications of earth science, biology, chemistry, or physics in courses approved by the board.

FN3 Courses completed to satisfy this requirement shall include one unit of credit in U.S. and Virginia History and one unit of credit in U.S. and Virginia Government in courses approved by the board.

FN4 Beginning with the graduating class of 2003, courses to satisfy this requirement shall include at least two sequential electives in the same manner required for the Standard Diploma.

65. The student must meet any additional criteria established by the Board of Education.

E. In accordance with the requirements of the Standards of Quality, students with disabilities who complete the requirements of their Individualized Education Program (IEP) and do not meet the requirements for other diplomas shall be awarded Special Diplomas.

F. In accordance with the requirements of the Standards of Quality, students who complete prescribed programs of studies defined by the local school board but do not qualify for [Special,] or General Achievement diplomas shall be awarded Certificates of Program Completion. The requirements for Certificates of Program Completion are developed by local school
boards in accordance with the Standards of Quality. Students receiving a general achievement diploma shall comply with 8 VAC 20-680-10 et seq., Regulations Governing the General Achievement Diploma.

G. In accordance with the provisions of the compulsory attendance law and 8 VAC 20-360-10 et seq., Regulations Governing General Education Development Certificates, students who do not qualify for diplomas may earn a high school equivalency credential.

H. At a student's request, the local school board shall communicate or otherwise make known to institutions of higher education, potential employers, or other applicable third parties, in a manner that the local school board deems appropriate, that a student has attained the state's academic expectations by earning a Virginia diploma and that the value of such a diploma is not affected in any way by the accreditation status of the student's school.

I. Awards for exemplary student performance. Students who demonstrate academic excellence and/or outstanding achievement may be eligible for one [or more] of the following awards:

1. Students who complete the requirements for an Advanced Studies Diploma with an average grade of "B" or better, and successfully complete college-level coursework that will earn the student at least 9 transferable college credits in at least one
advanced placement course Advanced Placement (AP), international baccalaureate

International Baccalaureate (IB), or Cambridge, or dual enrollment courses one college-
level course for credit, will shall receive the Governor's Seal on the diploma.

2. Students who complete the requirements for a Standard Diploma or Advanced Studies
Diploma with an average grade of "A" will shall receive a Board of Education Seal on the
diploma.

3. The Board of Education's Career and Technical Education Seal will be awarded to
students who earn a Standard or Advanced Studies Diploma and complete a prescribed
sequence of courses in a career and technical education concentration or specialization
that they choose and maintain a "B" or better average in those courses; or (i) pass an
examination or an occupational competency assessment in a career and technical
education concentration or specialization that confers certification or occupational
competency credential from a recognized industry, trade or professional association or
(ii) acquire a professional license in that career and technical education field from the
Commonwealth of Virginia. [The Board of Education shall approve all professional
licenses and examinations used to satisfy these requirements.]

4. The Board of Education's Seal of Advanced Mathematics and Technology will be
awarded to students who earn either a Standard or Advanced Studies Diploma and (i)
satisfy all of the mathematics requirements for the Advanced Studies Diploma (four units
of credit including Algebra II; two verified units of credit) with a "B" average or better;
and (ii) either (a) pass an examination in a career and technical education field that
confers certification from a recognized industry, or trade or professional association; (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia; or (c) pass an examination approved by the board that confers college-level credit in a technology or computer science area. [The Board of Education shall approve all professional licenses and examinations used to satisfy these requirements.]

5. The Board of Education’s Seal for Excellence in Civics Education will be awarded to students who earn either a Standard or Advanced Studies Diploma and: i) complete Virginia and United States History and Virginia and United States Government courses with a grade of "B" or higher; and, ii) have good attendance and no disciplinary infractions as determined by local school board policies and, iii) complete 50 hours of voluntary participation in community service or extracurricular activities. Activities that would satisfy the requirements of iii) include: a) volunteering for a charitable or religious organization that provides services to the poor, sick or less fortunate; b) participating in Boy Scouts, Girl Scouts, or similar youth organizations; c) participating in JROTC; d) participating in political campaigns or government internships, or Boys State, Girls State, or Model General Assembly; or e) participating in school-sponsored extracurricular activities that have a civics focus. Any student who enlists in the United States military prior to graduation will be deemed to have met this community service requirement.
Students may receive other seals or awards for exceptional academic, career and technical, citizenship, or other exemplary performance in accordance with criteria defined by the local school board.

J. Students completing graduation requirements in a summer school accredited under this chapter shall be eligible for a diploma. The last school attended by the student during the regular session shall award the diploma unless otherwise agreed upon by the principals of the two schools.

K. Students who complete advanced placement, college-level courses, or courses required for an International Baccalaureate Diploma shall be deemed to have completed the requirements for graduation under these standards provided they have earned the standard units of credit and earned verified units of credit in accordance with the requirements of subsections B and C of this section.

L. Students shall be counseled annually regarding the opportunities for using additional tests for earning verified credits as provided in accordance with the provisions of 8VAC20-131-110 B, and the consequences of failing to fulfill the obligations to complete the requirements for verified units of credit.
8 VAC 20-131-60. Transfer of credits students.

A. The provisions of this section pertain generally to students who transfer into Virginia high schools. Students transferring in grades K-8 [from Virginia public schools or nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education shall be given recognition for all grade-level work completed. The academic record of students transferring from all other schools] shall be [evaluated to determine appropriate grade placement placed in grade] in accordance with policies adopted by the local school board.

A. B. For the purposes of this section, the term "beginning" means within the first 20 hours of instruction per course. The term "during" means after the first 20 hours of instruction per course.

A. B. C. Standard or verified units of credit earned by a student in a Virginia public school shall be transferable without limitation regardless of the accreditation status of the Virginia public school in which the credits were earned. Virginia public schools shall accept standard and verified units of credit from other Virginia public schools and state operated programs. Standard units of credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted or the student has been given credit by the previous school attended.
B D. A secondary school shall accept credits toward graduation received from [other] accredited secondary [Virginia nonpublic] schools [accredited by any of the accrediting agencies recognized by the U.S. Department of Education], including [and schools] accredited through by one of the [approved accrediting] constituent members of the Virginia Council for Private Education (VCPE). The board Board of Education will maintain contact with the VCPE to and may periodically review its accrediting procedures and policies on a periodic basis as part of its policies under this section.

[Nothing in these standards shall prohibit a public school from accepting standard units of credit toward graduation awarded to students who transfer from all other schools when the courses for which the student receives credit generally match the description of or can be substituted for courses for which the receiving school gives standard credit, and the school from which the child transfers certifies that the courses for which credit is given meet the requirements of 8 VAC 20-131-110 A.]

Students transferring into a Virginia public school shall be required to meet the requirements prescribed in 8 VAC 20-131-50 to receive a Standard, Advanced Studies, or Modified Standard Diploma, except as provided by subsection F G of this section. To receive a Special Diploma or Certificate of Program Completion, a student must meet the requirements prescribed by the Standards of Quality. [Students who transfer from

...
schools accredited by other non-recognized agencies shall have their records evaluated by the receiving school in accordance with 8 VAC 20-131-60 F.1

C. Standard or verified units of credit earned by a student in a Virginia public school shall be transferable without limitation regardless of the accreditation status of the Virginia public school in which the credits were earned.

D. The academic record of a student transferring from other Virginia public schools shall be sent directly to the school receiving the student upon request of the receiving school in accordance with the provisions of the 8 VAC 20-150-10 et seq., Management of the Student's Scholastic Records in Virginia.

E. The academic record of a student transferring into Virginia public schools from other than a Virginia public school, shall be evaluated to determine the number of standard units of credit that have been earned, including credit from schools outside the United States, and the number of verified units of credit needed to graduate in accordance with subsection F. Schools shall accept standard and verified units of credit from other Virginia public schools and state-operated programs. Standard units of credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted or the student has been given credit by the previous school attended.
Students transferring above the tenth grade from schools or other education programs that do not require or give credit for health and physical education shall not be required to take these courses to meet graduation requirements.

H.G. Students entering a Virginia public high school for the first time after the tenth grade shall be encouraged to earn as many credits as possible toward the graduation requirements prescribed in 8 VAC 20-131-50. However, schools may substitute courses required in other states in the same content area if the student is unable to meet the specific content requirements of 8 VAC 20-131-50 without taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated. In any event, no such student shall earn fewer than the following number of verified units, nor shall such students be required to take SOL tests or additional tests as defined in 8 VAC 20-131-110 B for verified units of credit in courses previously completed at another school or program of study, unless necessary to meet the requirements listed in subdivisions 1 and 2 of this subsection:

1. For a Standard Diploma:
   a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8 VAC 20-131-50;
   b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of four verified units of credit:
one each in English, mathematics, history, and science. Students who complete a career and technical education program sequence may substitute a certificate, occupational competency credential or license for either a science or history and social science verified credit pursuant to 8 VAC 20-131-50; except that during the transition period 2000-01 through 2002-03, students shall earn one in English and three of the student's own choosing; and

c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of two verified units of credit: one in English and one of the student's own choosing.

2. For an Advanced Studies Diploma:

a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8 VAC 20-131-50;

b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of six verified units of credit: two in English and one each in mathematics, history, and science and one of the student's own choosing; and

c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of four verified units of credit: one in English and three of the student's own choosing.
Students entering a Virginia high school for the first time after the first semester of their eleventh grade year must meet the requirements of subdivision F or G 1 c or F G 2 c of this section. Students transferring after 20 instructional hours per course of their senior or twelfth grade year shall be given every opportunity to earn a Standard, Advanced Studies, or Modified Standard Diploma. If it is not possible for the student to meet the requirements for a diploma, arrangements should be made for the student's previous school to award the diploma. If these arrangements cannot be made, a waiver of the verified unit of credit requirements may be available to the student. The Department of Education may grant such waivers upon request by the local school board in accordance with guidelines prescribed by the Board of Education.

Any local school division receiving approval to increase its course credit requirements for a diploma may not deny either the Standard, Advanced Studies, or Modified Standard Diploma to any transfer student who has otherwise met the requirements contained in these standards if the transfer student can only meet the division's additional requirements by taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated.
J. The transcript of a student who graduates or transfers from a Virginia secondary school shall conform to the requirements of 8 VAC 20-160-10 et seq., Regulations Governing Secondary School Transcripts.

K. The accreditation status of a high school shall not be included on the student transcript provided to colleges, universities, or employers. The board expressly states that any student who has met the graduation requirements established in 8 VAC 20-131-50 and has received a Virginia diploma holds a diploma that should be recognized as equal to any other Virginia diploma of the same type, regardless of the accreditation status of the student's high school. It is the express policy of the board that no student shall be affected by the accreditation status of the student's school. The board shall take appropriate action, from time to time, to ensure that no student is affected by the accreditation status of the student's school.
8 VAC 20-131-70. Program of instruction and learning objectives.

A. Each school shall provide a program of instruction that promotes individual student academic achievement in the essential academic disciplines and shall provide additional instructional opportunities that meet the abilities, interests, and educational needs of students. Each school shall establish learning objectives to be achieved by students at successive grade levels that meet or exceed the knowledge and skills contained in the Standards of Learning for English, mathematics, science, and history/social science adopted by the board and shall continually assess the progress of each student in relation to the objectives.

B. Instruction shall be designed to accommodate all students, including those identified with disabilities in accordance with the Individuals with Disabilities Education Act or § 504 of the Rehabilitation Act, as amended, those identified as gifted/talented, and those who have limited English proficiency. Each school shall provide students identified as gifted/talented with instructional programs taught by teachers with special training or experience in working with gifted/talented students. Students with disabilities shall have the opportunity to receive a full continuum of education services, in accordance with 8 VAC 20-80-10 et seq., Regulations Governing Special Education Programs for Children with Disabilities in Virginia and other pertinent federal and state regulations.
8 VAC 20-131-80. Instructional program in elementary schools.

A. The elementary school shall provide each student a program of instruction which corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, and physical education and health, and shall provide students with a daily recess during the regular school year as determined appropriate by the school to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the Board of Education.

B. In kindergarten through grade 3, reading, writing, spelling, and mathematics shall be the focus of the instructional program. Schools shall maintain, in a manner prescribed by the Board of Education, an early skills and knowledge achievement record in reading and mathematics for each student in grades kindergarten through grade 3 to monitor student progress and to promote successful achievement on the third grade SOL tests. This record shall be included with the student's records if the student transfers to a new school.

C. To provide students with sufficient opportunity to learn, a minimum of 75% of the annual instructional time of 990 hours shall be given to instruction in the disciplines of English, mathematics, science, and history/social science. Students who are not successfully progressing in early reading proficiency or who are unable to read with
comprehension the materials necessary used for instruction shall receive additional
instructional time in reading, which may include summer school.

[D. Elementary schools are encouraged to provide instruction in foreign languages.]
8 VAC 20-131-90. Instructional program in middle schools.

A. The middle school shall provide each student a program of instruction which corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, foreign language, physical education and health, and career and technical exploration, and shall require students to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the Board of Education.

B. The middle school shall provide a minimum of eight courses to students in the eighth grade. English, mathematics, science, and history/social science shall be required. Four elective courses shall be available: level one of a foreign language, one in health and physical education, one in fine arts, and one in career and technical exploration.

C. Level one of a foreign language and an Algebra I course shall be available to all eighth grade students. For any high school credit-bearing course taken in middle school, parents may request that grades be omitted from the student's transcript and the student not earn high school credit for the course in accordance with policies adopted by the local school board. Notice of this provision must be provided to parents with a deadline and format for making such a request. Nothing in this chapter these regulations shall be construed to prevent a middle school from offering any other credit-bearing courses for graduation.
D. To provide students a sufficient opportunity to learn, each student shall be provided 140 clock hours per year of instruction in each of the four disciplines of English, mathematics, science, and history/social science. Sixth grade students may receive an alternative schedule of instruction provided each student receives at least 560 total clock hours of instruction in the four academic disciplines.

E. Each school shall ensure that students who are unable to read with comprehension the materials used for instruction receive additional instruction in reading, which may include summer school.
8 VAC 20-131-100. Instructional program in secondary schools.

A. The secondary school shall provide each student a program of instruction in the academic areas of English, mathematics, science, and history/social science that enables each student to meet the graduation requirements described in 8 VAC 20-131-50 and shall offer opportunities for students to pursue a program of studies in academics foreign languages, fine arts, and career and technical areas including:

1. Career and technical education choices that prepare the student as a career and technical education program completer in one of three or more occupational areas and that prepare the student for technical or preprofessional postsecondary programs;

2. [Course work] and experiences that prepare the student for college-level studies including access to at least two advanced placement courses, or two college-level courses for degree credit, International Baccalaureate courses, or any combination thereof;

3. Preparation for college admissions tests; and

4. Opportunities to study and explore the fine arts and foreign languages.

B. Minimum course offerings for each secondary school shall provide opportunities for students to meet the graduation requirements stated in 8 VAC 20-131-50 and must include:
REGULATIONS ESTABLISHING STANDARDS FOR ACCREDITING PUBLIC SCHOOLS IN VIRGINIA

<table>
<thead>
<tr>
<th>Subject</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>4</td>
</tr>
<tr>
<td>Mathematics</td>
<td>4</td>
</tr>
<tr>
<td>Science (Laboratory)</td>
<td>4</td>
</tr>
<tr>
<td>History and Social Sciences</td>
<td>4</td>
</tr>
<tr>
<td>Foreign Language</td>
<td>3</td>
</tr>
<tr>
<td>Electives</td>
<td>4</td>
</tr>
<tr>
<td>Career and Technical Education</td>
<td>11</td>
</tr>
<tr>
<td>Fine Arts</td>
<td>2</td>
</tr>
<tr>
<td>Health and Physical Education</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total Units</strong></td>
<td><strong>38</strong></td>
</tr>
</tbody>
</table>

C. Classroom driver education may count for 36 class periods of health education.

Students shall not be removed from classes other than health and physical education for the in-car phase of driver education.

D. Each school shall ensure that students who are unable to read with comprehension the materials used for instruction receive additional instruction in reading, which may include summer school.
8 VAC 20-131-110. Standard and verified units of credit.

A. The standard unit of credit for graduation shall be based on a minimum of 140 clock hours of instruction and successful completion of the requirements of the course. When credit is awarded in less than whole units, the increment awarded must be no greater than the fractional part of the 140 hours of instruction provided. If a school division elects to award credit in a noncore academic course on a basis other than the 140 clock hours of instruction required for a standard unit of credit defined in this subsection, the local school division shall develop a written policy approved by the superintendent and school board which ensures:

1. That the content of the course for which credit is awarded is comparable to 140 clock hours of instruction; and

2. That upon completion, the student will have met the aims and objectives of the course.

B. A verified unit of credit for graduation shall be based on a minimum of 140 clock hours of instruction, successful completion of the requirements of the course, and the achievement by the student of a passing score on the end-of-course SOL test for that course or additional tests as described in this subsection. A student may also earn a verified unit of credit by the following methods:

1. In accordance with the provisions of the Standards of Quality, students may earn a standard and verified unit of credit for any elective course in which the core academic SOL course content has been integrated and the student passes the related end-of-course
SOL test. Such course and test combinations must be approved by the Board of Education.

2. Upon the recommendation of the division superintendent and demonstration of mastery of course content and objectives, qualified students may receive a standard unit of credit and be permitted to sit for the relevant SOL test to earn a verified credit without having to meet the 140-clock-hour requirement.

3. [Beginning with the ninth grade class of 2003-2004 and beyond Students] who do not pass Standards of Learning tests in science or history and social science may [be receive locally] awarded verified credits [by from] the local school board in accordance with criteria established in guidelines adopted by the Board of Education.

C. The Board of Education may from time to time approve additional tests for the purpose of awarding verified credit. Such additional tests, which enable students to earn verified units of credit, must, at a minimum, meet the following criteria:

1. The test must be standardized and graded independently of the school or school division in which the test is given;

2. The test must be knowledge based;

3. The test must be administered on a multistate or international basis, or administered as part of another state’s accountability assessment program; and

4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the course for which verified credit is given.
The Board of Education will set the score that must be achieved to earn a verified unit of credit on the additional test options.

D. With such funds as are appropriated by the General Assembly, the Board of Education will provide opportunities for students who meet criteria adopted by the board to have an expedited retake of an end-of-course SOL test to earn verified credit or to meet literacy and numeracy requirements for the Modified Standard Diploma.

C. A school employing a scheduling configuration of less than 140 clock hours per core academic course may retain that scheduling configuration through the end of the 2000-01 school year unless a waiver is granted by the board under the provisions of 8VAC20-131-325 B or 8VAC20-131-330. If the school does not comply following the end of the 2000-01 school year, the board may take appropriate action which may include, but not be limited to, adjustment or withdrawal of the school's accreditation.
8 VAC 20-131-120. Summer school.

A. The courses offered and the quality of instruction in the summer school program shall be comparable to that offered during the regular school term. At the middle and secondary school levels, credit for courses taken for credit toward graduation other than a repeat course shall be awarded in accordance with the requirements of 8 VAC 20-131-110. Students must also meet the requirements for SOL testing if appropriate.

B. At the middle and secondary school levels, credit for repeat courses ordinarily will be granted on the same basis as that for new courses; however, with prior approval of the principal, students may be allowed to enroll in repeat courses to be completed in no less than 70 clock hours of instruction per unit of credit. Students must also meet the requirements for SOL testing if appropriate.

C. Summer school instruction at any level, which is provided as part of a state-funded remedial program, shall be designed to improve specific identified student deficiencies. Such programs shall be conducted in accordance with regulations adopted by the board.
Locally developed elective courses offered for credit toward high school graduation shall be approved by the division superintendent and local school board.
8 VAC 20-131-140. College preparation programs and opportunities for postsecondary credit.

Each middle and secondary school shall provide for the early identification and enrollment of students in a college preparation program with a range of educational and academic experiences in and outside the classroom, including an emphasis on experiences that will motivate disadvantaged and minority students to attend college.

Beginning in the middle school years, students shall be counseled on opportunities for beginning postsecondary education and opportunities for obtaining industry certifications, occupational competency credentials, or professional licenses in a career and technical education field prior to high school graduation. Such opportunities shall include access to at least three Advanced Placement courses or three college-level courses for degree credit pursuant to 8 VAC 20-131-100. Students taking advantage of such opportunities shall not be denied participation in school activities for which they are otherwise eligible. Wherever possible, students shall be encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit (dual enrollment), under the following conditions:

1. Written approval of the high school principal prior to participation in dual enrollment must be obtained;

2. The college must accept the student for admission to the course or courses; and
3. The course or courses must be given by the college for degree credits (no remedial courses will be accepted).

Schools that comply with this standard shall not be penalized in receiving state appropriations.
803 8 VAC 20-131-150. Standard school year and school day.

804 A. The standard school year shall be 180 [instructional] days. The standard school day for
805 students in grades 1 through 12 shall average at least 5-1/2 [instructional] hours,
806 excluding breaks for meals and recess, and a minimum of three hours for kindergarten.
807 School divisions may develop alternative schedules for meeting these requirements as
808 long as a minimum of 990 hours of instructional time is provided for grades 1 through 12
809 and 540 hours for kindergarten. Such alternative plans must be approved by the local
806 school board and by the board under guidelines established by the board. No alternative
811 plan which reduces the instructional time in the core academies shall be approved.
812
813 B. All students in grades 1 through 12 shall maintain a full day schedule of classes (5-1/2
814 hours), unless a waiver is granted in accordance with policies defined by the local school
815 board.
816 8 VAC 20-131-160. Additional reading instruction. (Repealed)

817 Each school shall ensure that students who are unable to read with comprehension the

818 materials necessary for instruction receive additional instruction in reading, which may

819 include summer school.
820 8 VAC 20-131-170. Family Life Education.

821 Each school may implement the Standards of Learning for the Family Life Education

822 program promulgated by the board Board of Education or a Family Life Education

823 program consistent with the guidelines developed by the board, which shall have the

824 goals of reducing the incidence of pregnancy and sexually-transmitted diseases and

825 substance abuse among teenagers.
826  8 VAC 20-131-180. Off-site instruction.
827  A. Homebound instruction shall be made available to students who are confined at home
828  or in a health care facility for periods that would prevent normal school attendance based
829  upon certification of need by a licensed physician or licensed clinical psychologist. For
830  students eligible for special education or related services, the Individualized Education
831  Program committee must revise the IEP, as appropriate. Credit for the work shall be
832  awarded when it is done under the supervision of a licensed teacher, a person eligible to
833  hold a Virginia license, or other appropriately licensed professional employed by the
834  local school board, and there is evidence that the meets the instructional time
835  requirements or alternative means of awarding credit adopted by the local school board of
836  in accordance with the provisions of 8 VAC 20-131-110 have been met.
837
838  B. Students may enroll in and receive a standard and verified unit of credit for supervised
839  correspondence courses with prior approval of the principal. Standard units of credit shall
840  be awarded for the successful completion of such courses when the course is equivalent
841  to that offered in the regular school program and the work is done under the supervision
842  of a licensed teacher, or a person eligible to hold a Virginia license, approved by the local
843  school board. Verified units of credit may be earned when the student has passed the SOL
844  test associated with the correspondence course completed. The local school board shall
845  develop policies governing this method of instruction in accordance with the provisions
C. Schools are encouraged to pursue alternative means to deliver instruction to accommodate student needs through emerging technologies and other similar means. Standard units of credit shall be awarded for successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia teaching license and approved by the local school board. Verified units of credit may be earned when the student has successfully completed the requirements and passed the SOL test associated with the course. The local school board shall develop policies governing this method of delivery of instruction that shall include the provisions of 8 VAC 20-131-110 and the administration of required SOL tests prescribed by 8 VAC 20-131-30.
859  8 VAC 20-131-190. Library media, materials and equipment.
860  A. Each school shall maintain an organized library media center as the resource center of
861  the school and provide a unified program of media services and activities for students and
862  teachers before, during, and after school. The library media center shall contain hard
863  copy, electronic technological resources, materials and equipment that are sufficient to
864  meet research, inquiry, and reading requirements of the instructional program and general
865  student interest.
866
867  B. Each school shall provide a variety of materials and equipment to support the
868  instructional program.
869  8 VAC 20-131-200. Extracurricular and other school activities, recess.
870  A. School sponsored extracurricular activities shall be under the direct supervision of the
871  staff and shall contribute to the educational objectives of the school. Extracurricular
872  activities must be organized to avoid interrupting the instructional program.
873  Extracurricular activities shall not be permitted to interfere with the student's required
874  instructional activities. Extracurricular activities and eligibility requirements shall be
875  established and approved by the superintendent and the school board.
876
877  B. Competitive sports of a varsity nature (scheduled league games) shall be prohibited as
878  a part of the elementary school program.
879
880  C. Each elementary school shall provide students with a daily recess during the regular
881  school year as determined appropriate by the school.
882 Part V

883 School and Instructional Leadership


885 A. The principal is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources. As a matter of policy, the board, through these standards, recognizes the critically important role of principals to the success of public schools and the students who attend those schools and recommends that local school boards provide principals with the maximum authority available under law in all matters affecting the school including, but not limited to, instruction and personnel, in a manner that allows the principal to be held accountable in a fair and consistent manner for matters under his direct control.

894

895 B. As the instructional leader, the principal is responsible for ensuring that students are provided an opportunity to learn and shall:

896 1. Protect the academic instructional time from unnecessary interruptions and disruptions and enable the professional teaching staff to spend the maximum time possible in the teaching/learning process by keeping to a minimum clerical responsibility and the time students are out of class;

899 2. Ensure that the school division's student code of conduct is enforced and seek to maintain a safe and secure school environment;
3. Analyze the school's test scores annually, by grade and by discipline, to:

a. Direct and require appropriate prevention, intervention, and/or remediation to those students performing below grade level or not passing the SOL tests;

b. Involve the staff of the school in identifying the types of staff development needed to improve student achievement and ensure that the staff participate in those activities; and

c. Analyze classroom practices and methods for improvement of instruction;

4. Ensure that students' records are maintained and that criteria used in making placement and promotion decisions, as well as any instructional interventions used to improve the student's performance, are included in the record;

5. Monitor and evaluate the quality of instruction, provide staff development, provide support that is designed to improve instruction, and seek to ensure the successful attainment of the knowledge and skills required for students by the SOL tests; [and]

6. Maintain records of students who drop out of school, including their reasons for dropping out and actions taken to prevent these students from dropping out [and]

7. Notify the parents of rising [eleventh-grade] and [twelfth-grade] students of:

a. the number of standard and verified units of credit required for graduation; and

b. the remaining number of such units of credit the individual student requires for graduation.

C. As the school manager, the principal shall:
1. Work with staff to create an atmosphere of mutual respect and courtesy and to facilitate constructive communication by establishing and maintaining a current handbook of personnel policies and procedures;

2. Work with the community to involve parents and citizens in the educational program and facilitate communication with parents by maintaining and disseminating a current student handbook of policies and procedures that includes the school division's standards of student conduct and procedures for enforcement, along with other matters of interest to parents and students;

3. Maintain a current record of licensure, endorsement, and in-service training completed by staff; and

4. Maintain records of receipts and disbursements of all funds handled. These records shall be audited annually by a professional accountant approved by the local school board.
8 VAC 20-131-220. Role of professional teaching staff.

The professional teaching staff shall be responsible for providing instruction that is educationally sound in an atmosphere of mutual respect and courtesy, which is conducive to learning, and in which all students are expected to achieve the objectives of the Standards of Learning for the appropriate grade level or course. The staff shall:

1. Serve as role models for effective oral and written communication with special attention to the correct use of language and spelling;
2. Strive to strengthen the basic skills of students in all subjects;
3. Establish teaching objectives to achieve the following:
   a. Identify what students are expected to learn; and
   b. Inform students of the achievement expected and keep them engaged in learning tasks;
4. Provide for individual differences of students through the use of differentiated instruction, varied materials, and activities suitable to their interests and abilities; and
5. Assess the progress of students and report promptly and constructively to them and their parents.
8 VAC 20-131-230. Role of support staff.

The school's support staff shall work with the principal and professional teaching staff to promote student achievement and successful attainment of the school's goals.
8 VAC 20-131-240. Administrative and support staff; staffing requirements.

A. Each school shall have at a minimum the staff as specified in the Standards of Quality with proper licenses and endorsements for the positions they hold, including:

1. Principal; elementary: one half-time to 299, one full-time at 300; middle: one full-time; secondary: one full-time.

2. Assistant principal; elementary: one half-time at 600, one full-time at 900; middle: one full-time each 600; secondary: one full-time each 600.

3. Librarian; elementary: part-time to 299, one full-time at 300; middle: one half-time to 299, one full-time at 300, two full-time at 1,000; secondary: one half-time to 299, one full-time at 300, two full-time at 1,000.

4. Guidance counselors or reading specialists; elementary: one hour per day per 100, one full-time at 500, one hour per day additional time per 100 or major fraction.

5. Guidance counselor; middle: one period per 80, one full-time at 400, one additional period per 80 or major fraction; secondary: one period per 70, one full-time at 350, one additional period per 70 or major fraction.

6. Clerical; elementary: part-time to 299, one full-time at 300; middle: one full-time and one additional full-time for each 600 beyond 200 and one full-time for the library at 750; secondary: one full-time and one additional full-time for each 600 beyond 200 and one full-time for the library at 750.
B. The principal of each middle and secondary school shall be employed on a 12-month basis.

C. Each secondary school with 350 or more students and each middle school with 400 or more students shall employ at least one member of the guidance staff for 11 months. Guidance counseling shall be provided for students to ensure that a program of studies contributing to the student's academic achievement and meeting the graduation requirements specified in 8 VAC 20-131-50 is being followed. [In addition, the counseling program shall provide for a minimum of 60% of the time of each member of the guidance staff devoted to such counseling of students.]

[D. The counseling program for elementary, middle, and secondary schools shall provide a minimum of 60 percent of the time for each member of the guidance staff devoted to counseling of students.]

[D. E. The middle] school [teachers classroom teacher’s standard load in schools with a seven period day may teach shall be based on teaching no more than 5/6 (five-sixths) of the instructional day with no more than] 150 student periods per day or [30 25] class periods per week, provided all teachers with more than 25 class periods per week have one period per day or the equivalent unencumbered of any teaching or supervisory duties]. [Beginning with the academic year 2008-2009 a middle school classroom]
Teacher’s standard load shall be based on teaching no more than 5/6 (five-sixths) of the instructional day with no more than 150 student periods per day or 25 class periods per week.

The secondary classroom teacher’s standard load shall be based on teaching no more than 5/6 (five-sixths) of the instructional day with no more than 150 student periods per day or 25 class periods per week. One class period each day or the equivalent, unencumbered by supervisory or teaching duties, shall be provided to every full-time classroom teacher for instructional planning. Teachers of block programs that encompass more than one class period with no more than 120 student periods per day may teach 30 class periods per week. Teachers who teach very small classes may teach 30 class periods per week, provided the teaching load does not exceed 75 student periods per day. If a classroom teacher teaches 30 class periods per week with more than 75 student periods per day, an appropriate contractual arrangement and compensation shall be provided.

Middle or secondary school teachers shall teach no more than 750 student periods per week; however, physical education and music teachers may teach 1,000 student periods per week.
H. Notwithstanding the provisions of subsections E, F, and G each full-time middle and secondary classroom teacher shall be provided one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.]

G. Each school shall report the extent to which an unencumbered lunch is provided for all classroom teachers.

H. Staff-student ratios in special and career and technical education classrooms shall comply with regulations of the Board of Education.

I. Pupil personnel services, including visiting teachers, school social workers, school psychologists, and guidance counselors, as defined in the Standards of Quality shall be available as necessary to promote academic achievement and to provide support services to the school.
REGULATIONS ESTABLISHING STANDARDS FOR ACCREDITING PUBLIC SCHOOLS IN VIRGINIA

1032 8 VAC 20-131-250. [Repealed]
Part VI

School Facilities and Safety

8 VAC 20-131-260. School facilities and safety.

A. Each school shall be maintained in a manner ensuring compliance with the Virginia Uniform Statewide Building Code (13 VAC 5-61-10 et seq.) and regulations of the board pertaining to facilities. In addition, the school administration shall:

1. Maintain a physical plant that is accessible, barrier free, safe, and clean;

2. Provide for the proper outdoor display of flags of the United States and of the Commonwealth of Virginia;

3. Provide suitable space for classrooms, administrative staff, pupil personnel services, library and media services, and for the needs and safety of physical education; [and]

4. Provide adequate, safe, and properly-equipped laboratories to meet the needs of instruction in the sciences, technology, fine arts, and career and technical programs;

5. Provide facilities for the adequate and safe administration and storage of student medications.

B. Each school shall maintain records of regular safety, health, and fire inspections that have been conducted and certified by local health and fire departments. The frequency of such inspections shall be determined by the local school board in consultation with the local health and fire departments. In addition, the school administration shall:
1. Equip all exit doors with panic hardware as required by the Uniform Statewide Building Code (13 VAC 5-61-10 et seq.); and

2. Conduct fire drills at least once a week during the first month of school and at least once each month for the remainder of the school term. Evacuation routes for students shall be posted in each room. Additionally, at least one simulated lock-down and crisis emergency evacuation activity should be conducted early in the school year.

C. Each school shall have contingency plans for emergencies that include staff certified in cardiopulmonary resuscitation (CPR), the Heimlich maneuver, and emergency first aid. In addition, the school administration shall ensure that the school has:

1. Written procedures to follow in emergencies such as fire, injury, illness, allergic reactions, and violent or threatening behavior. The plan shall be outlined in the student handbook and discussed with staff and students during the first week of each school year;

2. Space for the proper care of students who become ill; and

3. A written procedure, in accordance with guidelines established by the local school board, for responding to violent, disruptive or illegal activities by students on school property or during a school sponsored activity; and

4. Written procedures to follow for the safe evacuation of persons with special physical, medical, or language needs who may need assistance to exit a facility.
School and Community Communications

8 VAC 20-131-270. School and community communications.

A. Each school shall promote communication and foster mutual understanding with parents and the community. Each school shall:

1. Involve parents, citizens, community agencies, and representatives from business and industry in developing, disseminating, and explaining the biennial school plan; on advisory committees; in curriculum studies; and in evaluating the educational program.

2. Provide annually to the parents and the community the School Performance Report Card in a manner prescribed by the board. The information contained therein will be for the most recent three-year period. Such information shall include but not be limited to:

   a. SOL test scores and scores on the literacy and numeracy tests required for the Modified Standard Diploma for the school, school division, and state.

   b. Percentage of students tested, as well as the percentage of students not tested, to include a breakout of students with disabilities and limited English proficient students.

   c. Percentage of students who are otherwise eligible, but do not take, the SOL tests due to enrollment in an alternative, or any other program not leading to a Standard, Advanced Studies, Modified Standard, or International Baccalaureate Diploma.
d-b. Performance of students with disabilities or students with limited English proficiency student subgroups on SOL tests and alternate assessments the Virginia assessment program as appropriate.

e-c. The accreditation rating awarded to the school.

f-d. Attendance rates for students.

g-e. Information related to school safety to include, but not limited to, incidents of physical violence (including fighting and other serious offenses), possession of firearms, and possession of other weapons.

h-f. Information related to qualifications and experience of the teaching staff including the percentage of the school's teachers endorsed in the area of their primary teaching assignment.

i-g. In addition, secondary schools' School Performance Report Cards shall include the following:

(1) Advanced Placement (AP) information to include percentage of students who take AP courses and percentage of those students who take AP tests;

(2) International Baccalaureate (IB) [and Cambridge course] information to include percentage of students who are enrolled in IB [or Cambridge] programs and percentage of students who receive IB [or Cambridge] Diplomas;

(3) College-level course information to include percentage of students who take college-level courses including dual enrollment courses;
REGULATIONS ESTABLISHING STANDARDS FOR ACCREDITING PUBLIC SCHOOLS IN VIRGINIA

(4) Percentage of (i) [graduates by diploma type as prescribed by the Board of Education diplomas], (ii) certificates awarded to the senior class including GED credentials, and (iii) students who do not [graduate complete high school:]

(5) Percentage of students in alternative programs that do not lead to a Standard, Advanced Studies, or Modified Standard Diploma. Information on the number of students obtaining industry certifications, and passing state licensure examinations and occupational competency assessments while still in high school; and

(6) Percentage of students in academic year Governor's Schools; and

(7) Percentage of drop-outs.

3. Cooperate with business and industry in formulating career and technical educational programs and conducting joint enterprises involving personnel, facilities, training programs, and other resources.

4. Encourage and support the establishment and/or continuation of a parent-teacher association or other organization and work cooperatively with it.

B. At the beginning of each school year, each school shall provide to its students' parents or guardians information on the availability of and source for receiving:

1. The learning objectives developed in accordance with the provisions of 8 VAC 20-131-70 to be achieved at their child's grade level or, in high school, a copy of the syllabus for each of their child's courses, and a copy of the school division promotion, retention, and remediation policies;
2. A copy of the Standards of Learning applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing; and

3. An annual notice to students in all grade levels of all requirements for Standard, Advanced Studies, and Modified Standard Diplomas, and the board's policies on promotion and retention as outlined in 8 VAC 20-131-30.

No later than the end of the first semester of each school year, the division superintendent shall certify to the department compliance with this subsection through the pre-accreditation eligibility procedures in 8 VAC 20-131-290 of these regulations.

A. Schools will be accredited annually based on compliance with pre-accreditation eligibility requirements and achievement of the school accountability requirements of 8 VAC 20-131-300 C.

B. These standards apply to schools for all grade levels, kindergarten through 12, as listed below:

1. Schools with grades kindergarten through 5 shall be classified as elementary schools;
2. Schools with grades 6 through 8 shall be classified as middle schools;
3. Schools with grades 9 through 12 shall be classified as secondary schools.
4. Schools with grade configurations other than these shall be classified in accordance with policies and practices of the Department of Education.

C. Each school shall be accredited based, primarily, on achievement of the criteria established in 8 VAC 20-131-30 as specified below:

1. All students enrolled in a grade or course in which a SOL test is administered shall take each applicable SOL test, unless exempted from participating in all or part of the testing program by one of the following:
   a. IEP team;
b. LEP committee;

c. Use of additional tests for verified units of credit as outlined in 8 VAC 20-131-110 B;

er or

d. In accordance with 8 VAC 20-131-30 B.

2. In a manner prescribed by the board, the evaluation of the performance of schools shall take into consideration:

a. The percentage of eligible students who achieve a passing score on the prescribed SOL tests or additional tests used for verified units of credit as outlined in 8 VAC 20-131-110 B;

b. The percentage of students who pass the literacy and numeracy tests required for the Modified Standard Diploma;

c. The percentage of those students with disabilities whose IEPs specify their participation in alternate assessment who attain a proficient level score (beginning with the 2001-02 school year); and

d. The school's attainment of the provisional accreditation benchmarks as described in 8 VAC 20-131-320.

e. The number of students who successfully complete a remediation recovery program and subsequently pass SOL tests in English (Reading, Literature, and Research) and/or mathematics during any scheduled administration by the end of the following school year.
3-1. The awarding of an accreditation rating shall be based on the percentage of students passing the Virginia assessment program SOL tests or approved additional tests described in 8 VAC 20-131-110 B in the four core academic areas administered in the school, or with the accreditation rating calculated on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or on the current year's scores, whichever is higher.

2. The number of students who successfully complete a remediation recovery program.

4. Eligible students shall be defined as the total number of students of school age enrolled in the school at a grade or course for which a SOL test is required unless excluded under subsection E of this section and those students with disabilities who participate in the alternate assessment program.

5. Schools shall be evaluated by the percentage of the school's eligible students who achieve a passing score on the SOL tests or other additional tests approved by the board as outlined in 8 VAC 20-131-110 B in the four core academic areas administered in the school.

6.3. Schools, with grade configurations that do not house a grade or offer courses for which SOL tests or other additional tests approved by the board Board of Education as outlined in 8 VAC 20-131-110 B are administered, will be paired with another school in the division housing one or more of the grades in which SOL tests are administered. The pairing of such schools will be made upon the recommendation of the local
superintendent. The schools should have a "feeder" relationship and the grades should be contiguous.

D. Subject to the provisions of 8 VAC 20-131-330, the governing school board of special purpose schools such as those provided for in § 22.1-26 of the Code, regional, Governor’s schools, special education schools, alternative schools, or career and technical schools that serve as the student's school of principal enrollment may seek approval of an alternative accreditation plan from the Board of Education. Special purpose schools with alternative accreditation plans shall be evaluated on standards appropriate to the programs offered in the school and approved by the board prior to August 1 of the school year for which approval is requested. Any student graduating from a special purpose school with a Standard, Advanced Studies, or Modified Standard Diploma must meet the requirements prescribed in 8 VAC 20-131-50.

E. When calculating the passing rates on SOL Virginia assessment program tests for the purpose of school accountability accreditation, the following tolerances for limited English proficient (LEP) and transfer students will apply:

1. LEP students shall have a one time exemption in each of the four core areas for SOL tests designed to assess SOL content in grades kindergarten through 8.

2. LEP students shall not be exempted from participating in the SOL end of course testing.
3-1. The scores of LEP students enrolled in Virginia public schools fewer than 11 semesters may be removed from the calculation used for the purpose of school accreditation required by 8 VAC 20-131-280 C B and 8 VAC 20-131-300 C. Completion of a semester shall be based on school membership days. Membership days are defined as the days the student is officially enrolled in a Virginia public school, regardless of days absent or present. For a semester to count as a completed semester, a student must have been in membership for a majority of the membership days of the semester. These semesters need not be consecutive.

4-2. In accordance with the provisions of 8 VAC 20-131-30, all students who transfer into Virginia public schools are expected to take and pass all applicable SOL tests unless they have been exempted as defined in subdivision C 1 of this section in the content areas in which they receive instruction.

5-3. All students who transfer within a school division shall have their scores counted in the calculation of the school's accountability (accreditation) rating. Students who transfer into a Virginia school from home instruction, [or from] another Virginia school division, another state, or another country, in grades kindergarten through 8 shall be expected to take all applicable SOL tests or [other]-additional tests approved by the board as outlined in 8 VAC 20-131-110 B. If the transfer takes place after the 20th instructional day following the opening of school, the scores on these tests may be used in calculating school accountability (accreditation) ratings.
6. Students who transfer into a Virginia middle or high school from home instruction, or from another state or country, and enroll in a course for which there is an end-of-course SOL test, shall be expected to take the test or other additional tests for that course approved by the board as outlined in 8 VAC 20-131-110 B. If the transfer takes place after 20 instructional hours per course have elapsed following the opening of school or beginning of the semester, if applicable, the scores on those tests may be used in calculating school [accountability (accreditation)] ratings in the year the transfer occurs.

7. Students who enroll on the first day of school and subsequently transfer to a school outside of the division for a total amount of instructional time equal to or exceeding [50%] 50 percent] of a current school year or semester, whether the transfer was a singular or multiple occurrence, and return during the same school year shall be expected to take any applicable SOL test. The scores of those tests may be used in calculating the school accountability (accreditation) rating in the year in which the transfers occur.

8. The scores of LEP and transfer students will be used in the calculation of a school's accountability (accreditation) rating if it will benefit the school.

9. The board may alter the inclusions and exclusions from the accountability accreditation calculations by providing adequate notice to local school boards.

E. The Board of Education may [enact adopt] special provisions related to the administration and use of any [SOL Virginia assessment program] test [or tests] in a content area as applied to these regulations.
F. As a prerequisite to the awarding of an accreditation rating as defined in 8 VAC 20-131-300, each new or existing school shall document, in a manner prescribed by the board, the following: (i) the division's promotion/retention policies developed in accordance with the requirements of 8 VAC 20-131-30, (ii) compliance with the requirements to offer courses that will allow students to complete the graduation requirements in 8 VAC 20-131-50, (iii) the ability to offer the instructional program prescribed in 8 VAC 20-131-70 through 8 VAC 20-131-100, (iv) the leadership and staffing requirements of 8 VAC 20-131-210 through 8 VAC 20-131-240, and (v) the facilities and safety provisions of 8 VAC 20-131-260. [The division superintendent shall report to the department compliance with this subsection through the pre-accreditation eligibility procedures in 8 VAC 20-131-290 of these regulations.]
A. Schools will be accredited under these standards annually based, in part, on compliance with the pre-accreditation [criteria eligibility requirements] described in 8 VAC 20-131-280 F.

B. To be eligible for accreditation, the principal of each school and the division superintendent shall certify report to the Department of Education:

1. The extent to which each school continues to meet standards reported as met in the previous year described in 8 VAC 20-131-280 F.

2. That the SOL have been fully incorporated into the school division's curriculum in all accreditation-eligible schools and the SOL material is being taught to all students eligible to take the SOL tests. This shall be certified in writing to the board no later than July 1 of every year, by each school division superintendent as part of the pre-accreditation eligibility determination process.

3. Actions taken to correct any noncompliance issues cited in the previous year.

The principal of each school and the division superintendent shall submit pre-accreditation eligibility reports in a manner prescribed by the board to the Department of Education. Failure to submit the reports on time will constitute grounds for denying accreditation to the school.

[4. Compliance with subsection B of 8 VAC 20-131-270.]
C. In keeping with provisions of the Standards of Quality, and in conjunction with the six-year plan of the division, each school shall prepare and implement a biennial school plan which shall be available to students, parents, staff, and the public. Each biennial school plan shall be evaluated as part of the development of the next biennial plan. Schools may use other plans to satisfy the requirement for the biennial plan with prior written approval from the Department of Education.

D. With the approval of the local school board, local schools seeking to implement experimental or innovative programs, or both, that are not consistent with these standards shall submit a waiver request, on forms provided, to the board for evaluation and approval prior to implementation. The request must include the following:

1. Purpose and objectives of the experimental/innovative programs;
2. Description and duration of the programs;
3. Anticipated outcomes;
4. Number of students affected;
5. Evaluation procedures; and

Except as specified below, the board may grant, for a period up to five years, a waiver of these regulations that are not mandated by state or federal law or designed to promote health or safety. The board may grant all or a portion of the request. Waivers of
requirements in 8 VAC 20-131-30, 8 VAC 20-131-50, 8 VAC 20-131-70, and 8 VAC 20-131-280 through 8 VAC 20-131-340 shall not be granted, and no waiver may be approved for a program which would violate the provisions of the Standards of Quality.
8 VAC 20-131-300. Application of the standards.

A. Schools that meet the pre-accreditation requirements prescribed in 8 VAC 20-131-280 F shall be assigned one of the following ratings as described in this section:

1. Earned During Academic Years Ending in 2000 through 2003:
   a. Fully Accredited;
   b. Provisionally Accredited/Meets State Standards;
   c. Provisionally Accredited/Needs Improvement;
   d. Accredited with Warning in (specified academic area or areas);
   e. Conditionally Accredited.

2. Earned During Academic Years Ending in 2004 and 2005:
   a. Fully Accredited;
   b. Accredited with Warning in (specified academic area or areas);
   c. Conditionally Accredited.

3. Earned During Academic Years Ending in 2006 and Beyond:
   a.1. Fully Accredited;
   b.2. Accredited with Warning in (specified academic area or areas);
   c.3. Accreditation Denied;
   d.4. Conditionally Accredited;
   e.5. Accreditation Withheld/Improving School Near Accreditation (rating shall not be awarded after academic year ending in 2009), 2007, based on tests administered in 2005-2006).]
B. Compliance with the student academic achievement expectations shall be documented to the board directly through the reporting of the results of student performance on SOL tests and other alternative means of assessing student academic achievement as outlined in 8 VAC 20-131-110 B. Compliance with other provisions of these regulations will be documented in accordance with procedures prescribed by the Board of Education.

C. Accreditation ratings defined.

Accreditation ratings awarded in an academic year are based upon Virginia assessment program scores from the academic year immediately prior to the year to which the accreditation rating applies. Accreditation ratings are defined as follows:

1. Fully accredited.

[a. With tests administered in the academic year 2005-2006 for the accreditation ratings awarded for academic year 2006-2007, a school will be rated Fully Accredited when its eligible students meet the pass rate of 70 percent in each of the four core academic areas except, the pass rates required shall be 75 percent in third-grade and fifth-grade English and 50 percent in third-grade science and history/social science.]

[a. b. For school years 2004-05 through 2008-09 a] With tests administered in the academic years 2006-2007 and 2007-2008 for the accreditation ratings awarded for academic years 2007-2008 and 2008-2009 respectively, a] school will be rated Fully Accredited when its eligible students meet the pass rate of [70% 70 percent] in each of
the four core academic areas except, effective with ratings earned in the academic year 2003-04 and beyond, the pass rates required shall be [75% 75 percent] in [third third-grade] and through [fifth-grade fifth-grade] English and [50% 50 percent] in [third-grade third-grade] science and history/social science. [In schools housing grades kindergarten through 5, the English and mathematics pass rates for accreditation purposes shall be calculated for these grades as single rates by combining the scores of all third-grade and fifth-grade SOL tests administered in English and by combining the scores of all third-grade and through fifth-grade SOL tests administered in mathematics.] [b. c.] During the transition period covering ratings earned during 1999-2000 through 2002-03, in schools housing grades kindergarten through 5, the science and history/social science pass rates for accreditation purposes shall be calculated by using the fifth-grade scores alone, or by combining the scores of all SOL tests administered in grades 3 through 5 in science and by combining the scores of all SOL tests administered in grades 3 through 5 in history/social science, whichever is higher. If the third-grade scores are combined with the fifth-grade scores, the required passing rate shall be 70% for full accreditation. In schools housing grades kindergarten through 3, the accreditation rating shall be calculated using the English and mathematics scores only. For schools housing grade configurations where multiple pass rates apply, the results of the tests may be combined in each of the four core academic areas for the purpose of calculating the school’s accreditation rating provided the school chooses to meet the higher pass rate. [e. d.] With tests administered [beginning] in the academic year 2009-2010 for the
accreditation ratings [awarded for in] school year 2010-2011 and beyond a school will be rated Fully Accredited when its eligible students meet the pass rate of [75\% 75 percent] in English and the pass rate of [70\% 70 percent] in mathematics, science, and history and social science.

For accreditation purposes the pass rate will be calculated as single rates for each of the four core academic areas by combining all scores of all tests administered in each subject area.

2. Provisionally Accredited/Meets State Standards. For ratings earned during the academic years 1999-2000 through 2002-03, a school will be rated Provisionally Accredited/Meets State Standards when it has met the provisional accreditation benchmarks as defined in accordance with 8 VAC 20-131-320 but has not met the requirement to be rated Fully Accredited.

3. Provisionally Accredited/Needs Improvement. For ratings earned during the academic years 1999-2000 through 2002-03, a school will be rated Provisionally Accredited/Needs Improvement when it fails to meet the provisional accreditation benchmarks as defined in 8 VAC 20-131-320 in one or more academic areas.

4-2. Accredited with Warning (in specific academic area or areas).

a. For ratings earned during academic years ending in 1999-2000 through 2002-03, a school will be Accredited with Warning (in specific academic area or areas) if its pass-
rate performance on SOL tests is 20 or more percentage points below any of the
provisional accreditation benchmarks set forth in the appendix to these standards.

b. For ratings earned during academic years 2003-04 and 2004-05, a school will be
Accredited with Warning in (specific academic area or areas) if it does not meet the pass-
rate requirements to be Fully Accredited.

c. For ratings earned during academic years 2005-06 and beyond, a school will be
Accredited with Warning (in specific academic area or areas) if it has achieved failed to
achieve Fully Accredited status but has failed to meet the requirements to maintain that
status in any one year. Following the academic year 2005-06, such a school may
remain in the Accredited with Warning status for no more than three consecutive years.

§ 3. Accreditation Denied. Based on a school's academic performance during academic
years ending in 2006 and beyond, a school shall be rated Accreditation Denied if it fails
to meet the requirements to be rated Fully Accredited for the preceding three consecutive
years or for three consecutive years anytime thereafter, except for schools rated
Accredited with Warning as set forth in subdivision 4 c of this subsection.

In any school division in which 1/3 one-third or more of the schools have been rated
Accreditation Denied, the superintendent shall be evaluated by the local school board
with a copy of such evaluation submitted to the Board of Education no later than
December 1 of each year in which such condition exists. In addition, the Board of
Education may take action against the local school board as permitted by the Standards of
Quality due to the failure of the local board to maintain accredited schools.
6. Accreditation Withheld/Improving School Near Accreditation. A school that has never met the requirements to be rated Fully Accredited by end of the academic year ending in 2006 and subject to being awarded a rating of Accreditation Denied may apply to the board for this accreditation designation for 2006-2007. To be eligible, the school must meet each of the following criteria:

a. By the With assessments administered in 2005-2006 year ending in 2006, at least 70% of its students must have passed the applicable English SOL tests except at third and fifth grade where the requirement is 75%.

b. By the With assessments administered in 2005-2006 year ending in 2006, a combined pass rate of 60% of its students must have passed the SOL Virginia Assessment Program tests in the other three core academic areas.

c. In each academic area in which the pass rate is below the rate required to be rated Fully Accredited, the school's pass rate must have increased by at least 25 percentage points as compared to the pass rates on tests taken during the academic year ending in 1999.

To retain this rating, a school must continue to show annual improvement in each academic area in which the pass rate is below the rate required for full accreditation.

[This rating shall not be awarded after the 2006-2007 academic year ending in 2009.]

7. Conditionally Accredited. New schools that are comprised of students from one or more existing schools in the division will be awarded this status for one year pending an evaluation of the school's eligible students' performance on SOL tests or additional tests.
described in 8 VAC 20-131-110 B approved by the Board of Education to be rated Fully Accredited. This rating may also be awarded to a school that is being reconstituted in accordance with the provisions of 8 VAC 20-131-340 of these regulations upon [agreement approval] by the Board of Education. A school awarded this rating under those circumstances will revert to a status of Accreditation Denied if it fails to meet the requirements to be rated Fully Accredited by the end of the agreed upon term [or if it fails to have its annual application for such rating renewed.]
8 VAC 20-131-310. Action requirements for schools that are accredited with warning or accreditation withheld/improving school near accreditation.

A. With such funds as are appropriated by the General Assembly, the Department of Education shall develop a school academic review process and monitoring plan designed to assist schools rated as Accredited with Warning. All procedures and operations for the academic review process shall be approved and adopted by the board.

Schools rated Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation] must undergo an academic review in accordance with guidelines adopted by the board and prepare a school improvement plan as required by 8 VAC 20-131-310 F.

B. Any school that is rated Accredited with Warning in English or mathematics is expected to adopt a research based instructional method intervention that has a proven track record of success at raising student achievement in those areas as appropriate.

C. The superintendent and principal shall certify in writing to the Board of Education that such a method intervention has been adopted and implemented.
D. The board shall publish a list of recommended instructional methods interventions, which may be amended from time to time.

E. Adoption of instructional methods interventions referenced in subsections B and D of this section shall be funded by eligible local, state, and federal funds.

F. A three-year School Improvement Plan must be developed and implemented, based on the results of an academic review of each school that is rated Accredited with Warning [or Accreditation Withheld/Improving School Near Accreditation] upon receipt of notification of the awarding of this rating and receipt of the results of the academic review. The plan:

1. Shall be developed with the assistance of parents and teachers and made available to the public;

2. Must include the components outlined in subsection G of this section; and

3. Must be approved by the division superintendent and the local school board and be designed to assist the school in meeting the student achievement standard to be Fully Accredited as outlined in 8 VAC 20-131-300.

G. The improvement plan shall include the following:

1. A description of how the school will meet the provisional accreditation benchmarks, or

2. The requirements to be Fully Accredited, for each of the years covered by the plan;
2. Specific measures for achieving and documenting student academic improvement;

3. A description of the amount of time in the school day devoted to instruction in the core academic areas;

4. Instructional practices designed to remediate students who have not been successful on SOL tests;

5. Intervention strategies designed to prevent further declines in student performance;

6. Staff development needed;

7. Strategies to involve and assist parents in raising their child's academic performance;

8. The need for flexibility or waivers to state or local regulations to meet the objectives of the plan; and

9. A description of the manner in which local, state, and federal funds are used to support the implementation of the components of this plan.

As part of its approval of the school improvement plan, the board may grant a local school board a waiver from the requirements of any regulations promulgated by the board when such a waiver is available.

H. The school improvement plan and related annual reports submitted to the board shall provide documentation of the continuous efforts of the school to achieve the requirements to become rated Fully Accredited. The board shall adopt and approve all policies and formats for the submission of annual reports under this section. The reports shall be due no later than October 1 of the school year.
[8 VAC 20-131-315. Action requirements for schools that are denied accreditation.]

A. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and shall provide parents of enrolled students and other interested parties with the following:

1. Written notice of the school’s accreditation rating within 30 calendar days of the notification of the rating from the Department of Education;

2. A copy of the school division’s proposed corrective action plan, including a timeline for implementation, to improve the school’s accreditation rating; and

3. An opportunity to comment on the division’s proposed corrective action plan. Such public comment shall be received and considered by the school division prior to finalizing the school’s corrective action plan and a Board of Education memorandum of understanding with the local school board.

B. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school board. The local school board shall submit a corrective action plan to the Board of Education for its consideration in prescribing actions in the memorandum of understanding within 45 days of the notification of the rating. The memorandum of understanding shall be entered into no later than November 1 of the academic year in which the rating is awarded.
The local board shall submit status reports detailing implementation of actions prescribed by the memorandum of understanding to the Board of Education. The status reports shall be signed by the school principal, division superintendent, and the chair of the local school board. The school principal, division superintendent, and the chair of the local school board may be required to appear before the Board of Education to present status reports.

The memorandum of understanding may also include but not be limited to:

1. Undergoing an educational service delivery and management review. The Board of Education shall prescribe the content of such review and approve the reviewing authority retained by the school division.

2. Employing a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success.

C. As an alternative to the memorandum of understanding outlined in subsection B, a local school board may choose to reconstitute a school rated Accreditation Denied and apply to the Board of Education for a rating of Conditionally Accredited. The application shall outline specific responses that address all areas of deficiency that resulted in the Accreditation Denied rating and may include any of the provisions of subsection B.
If a local school board chooses to reconstitute a school, it may annually apply for an accreditation rating of Conditionally Accredited as provided for in 8 VAC 20-131-300.D.6. The Conditionally Accredited rating may be granted for a period not to exceed three years if the school is making progress toward a rating of Fully Accredited in accordance with the terms of the Board of Education’s approval of the reconstitution application. The school will revert to a status of Accreditation Denied if it fails to meet the requirements to be rated Fully Accredited by the end of the three year term or if it fails to have its annual application for such rating renewed.

D. The local school board may choose to close a school rated Accreditation Denied or to combine such school with a higher performing school in the division.

E. A local school board that has any school with the status of Accreditation Denied shall annually report each school’s progress toward meeting the requirements to be rated Fully Accredited to the Board of Education. The local board shall submit such report in a manner prescribed by the Board of Education no later than October 1 of each year. Such reports on each school’s progress shall be included in the Board of Education’s annual report on the condition and needs of public education to the Governor, and the General Assembly submitted on November 15 of each year.]
8 VAC 20-131-320. Provisional accreditation benchmarks.

The board will set the minimum acceptable pass rates required for a school to achieve the rating of Provisionally Accredited/Meets State Standards in the academic years 1999-2003. These benchmarks are outlined in the appendix to these standards.

A. Schools may be recognized by the board in accordance with procedures it shall establish. Such recognition may include:

1. Public announcements recognizing individual schools;
2. Tangible rewards;
3. Waivers of certain board regulations;
4. Exemptions from certain reporting requirements; or
5. Other commendations deemed appropriate to recognize high achievement.

In addition to board recognition, local school boards shall adopt policies to recognize individual schools through public announcements, media releases, participation in community activities for input purposes when setting policy relating to schools and budget development, as well as other appropriate recognition.

B. A school that maintains a passing rate on SOL tests or other additional tests approved by the board as outlined in 8 VAC 20-131-110 B of 80% or above may, upon application to the Department of Education, receive a waiver from some or all provisions of the following regulations and reporting requirements for a period of up to three years:

- 8 VAC 20-131-80. Instructional program in elementary schools. (clock hour requirement only)
- 8 VAC 20-131-90. Instructional program in middle schools. (clock hour requirement only)
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8 VAC 20-131-100. Instructional program in secondary schools.

8 VAC 20-131-110. Standard and verified units of credit. (clock hour requirement only)

8 VAC 20-131-120. Summer school. (clock hour requirement only)

8 VAC 20-131-130. Elective courses.

8 VAC 20-131-140. College preparation programs and opportunities for postsecondary credit.

8 VAC 20-131-150. Standard school year and school day.

8 VAC 20-131-190. Library media, materials and equipment.

8 VAC 20-131-200. Extracurricular and other school activities.


8 VAC 20-131-220. Role of professional teaching staff.

8 VAC 20-131-230. Role of support staff.

8 VAC 20-131-240. Administrative and support staff; staffing requirements.

B. A school that maintains a passing rate on [SOL-Virginia Assessment Program] tests or [other]-additional tests approved by the board as outlined in 8 VAC 20-131-110 of [95% 95 percent] or above in [each of] the four core academic areas for two consecutive years may, upon application to the Department of Education, receive a waiver from annual accreditation. A school receiving such a waiver shall be Fully Accredited for a three-year period. However, such school shall continue to annually submit documentation in
compliance with the pre-accreditation [eligibility] requirements described in 8 VAC 20-
131-280 F.

C. Schools may be eligible to receive the Governor's Award for Outstanding Improvement Achievement. This award will be given to schools in each classification defined in 8 VAC 20-131-280 B rated below Fully Accredited that significantly increase the achievement of students within student subgroups in accordance with guidelines prescribed by the Board of Education exceed the improvement levels defined in 8 VAC 20-131-320 by 10 percentage points or more in one year during the school years 2000-01 through 2002-03. In addition, any school that raises its rating from Accredited with Warning to Fully Accredited in one year will receive this award when it was 10 percentage points or more below the performance level to be rated Fully Accredited.
Waivers of some of the requirements of this chapter 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 will waivers be granted to the requirements of Part III (8 VAC 20-131-30 et seq.) of this chapter.
8 VAC 20-131-340. [Academic reviews, special provisions and sanctions.]

[A. ] Beginning with the 2000-01 school year, schools [Schools rated Accredited with Warning must undergo an academic review in accordance with guidelines adopted by the board and prepare a school improvement plan as required by 8 VAC 20-131-310.]

B. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be subject to sanctions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school board. The memorandum of understanding shall be entered into no later than 30 days after the opening of school. The memorandum or understanding may include but not be limited to:

1. Submitting status reports detailing implementation of corrective actions to the Board of Education. The status reports shall be signed by the school principal, division superintendent, and the chair of the local school board. The Board of Education may require the school principal, division superintendent, and the chair of the local school board to appear before the Board to present such status reports.

2. Undergoing an educational service delivery and management review. The Board of Education shall prescribe the content of such review and approve the reviewing authority retained by the school division.
3. Employing a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success.

C. Any school rated Accreditation Denied shall provide parents of enrolled students and other interested parties with the following:

1. Written notice of the school’s accreditation rating within 30 calendar days of the notification of the rating from the Department of Education;

2. A copy of the school division’s proposed corrective action plan, including a timeline for implementation, to improve the school’s accreditation rating; and

3. An opportunity to comment on the division’s proposed corrective action plan.

Such public comment shall be received and considered by the school division prior to finalizing the school division’s corrective action plan and memorandum of understanding with the Board of Education.

D. As an alternative to the memorandum of understanding outlined in subsection B, a local school board may choose to enter into an agreement with the Board of Education to reconstitute a school rated Accreditation Denied. The reconstitution agreement may include any of the provisions of subsection B, along with one or more of the following actions:
1. Replacing all or a majority of the administrative staff and a substantial percentage of the instructional staff; or
2. Hiring a private or nonprofit management firm from a Board of Education reviewed list; or
3. Converting the school to a charter school in accordance with § 22.1-212.6 of the Code of Virginia, with consideration given to collaboration with an institution of higher education or other suitable.

If a local school board chooses to reconstitute a school, it may apply for an accreditation rating of Conditionally Accredited as provided for in 8 VAC 20-131-300.D.6. The Conditionally Accredited rating may be extended for a period not to exceed three years if the school is making progress toward a rating of Fully Accredited in accordance with the terms of the agreement. The school will revert to a status of Accreditation Denied if it fails to meet the requirements to be rated Fully Accredited by the end of the term of the agreement.

E. The local school board may choose to close a school rated Accreditation Denied or to combine such school with a higher performing school in the division.

F. A local school board that has any school with the status of Accreditation Denied shall annually report each school’s progress toward meeting the requirements to be rated Fully
Accredited to the Board of Education. The local board shall submit such report in a manner prescribed by the Board of Education no later than October 1 of each year. Such reports on each school’s progress shall be included in the Board of Education’s annual report on the condition and needs of public education to the Governor, and the General Assembly submitted on November 15 of each year.

B. The board may enact special provisions related to the administration and use of any SOL test or tests in a content area as applied to this chapter for any period during which the SOL content in that area is being revised and phased in.

C [G.A.] Any school in violation of this chapter shall be subject to appropriate action by the Board of Education including, but not limited to, the adjustment or withdrawal of a school’s accreditation.

[H.B.] A school’s accreditation rating may be withheld by action of the Board of Education for any school found to be in violation of test security procedures pursuant to § 22.1-19.1 of the Code of Virginia. [Withholding of a school’s accreditation rating shall not be considered an interruption of the three consecutive year period for purposes of receiving an Accreditation Denied status pursuant to 8 VAC 20-131-300.]


[1. C.] The Board of Education may exercise its authority to seek school division compliance with school laws pursuant to relevant provisions of the Code of Virginia when any school within a division is rated Accreditation Denied.
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.
[8 VAC 20-131-360. Effective date.

Unless otherwise specified these regulations shall be effective for the 2006-2007 academic year.]