

# Board of Education Agenda Item

Item: C.

Date: January 13, 2011

Topic: Final Review of the Proposed Revisions to the *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia*

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

Telephone Number: (804) 225-2403 E-Mail Address: [Anne.Wescott@doe.virginia.gov](mailto:Anne.Wescott@doe.virginia.gov)

## Origin:

Topic presented for information only (no board action required)

Board review required by  
 State or federal law or regulation  
 Board of Education regulation  
 Other: \_\_\_\_\_

Action requested at this meeting

Action requested at future meeting: \_\_\_\_\_

## Previous Review/Action:

No previous board review/action

Previous review/action

dates November 18, 2010

actions First review

**Background Information:** The 2010 General Assembly passed [HB 1199](#), which requires the Board of Education to provide for the waiver of certain graduation requirements to be granted only for good cause and to be considered on a case-by-case basis.

In a separate Board action item, an amendment to the [Regulations Establishing Standards for Accrediting Public Schools in Virginia](#) is being considered to address implementation of this bill by including the following proposed language in the waiver section ([8 VAC 20-131-350](#)) of these regulations:

### [8 VAC 20-131-350](#). Waivers

Waivers of some of the requirements of these regulations may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The request shall include documentation of the need

for the waiver. In no event shall waivers be granted to the requirements of Part III (8 [VAC 20-131-30](#) et seq.) of these regulations **except that the Board of Education may provide for the waiver of certain graduation requirements in 8 VAC 20-131-50 (i) upon the Board's initiative or (ii) at the request of a local school board on a case-by-case basis in accordance with guidelines established by the Board.**

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

Two additions are proposed to the guidelines. First, there would be a provision to require that the local superintendent notify the Superintendent of Public Instruction as soon as feasible when there is a situation that could warrant a waiver. This would permit the Superintendent or designee to explore options and offer technical assistance that might enable the student to graduate without a waiver. Second, there would be a provision that the waiver must be submitted at within 15 days of graduation if possible.

Therefore, the guidelines for waiver requests from local school boards would include the following:

1. Provisions for local school boards to submit to the Superintendent of Public Instruction, on behalf of the Board, requests for waivers of certain graduation requirements for a student.
2. A requirement that any local school board submitting a waiver must include an explanation of what requirements are requested to be waived and a justification, which shall include a statement of all efforts that the local school board has made to assist the student prior to the submission of the request to the Board.
3. **A requirement that the local superintendent must notify the Superintendent of Public Instruction as soon as feasible when there is a situation that could potentially result in a waiver, in order to explore options that might be available to permit the student to graduate without needing a waiver.**
4. A provision that a waiver request may not be submitted more than 90 days prior to the date of graduation **and, if possible, at least 15 days prior to graduation.**
5. A provision allowing the Superintendent of Public Instruction to approve a waiver on behalf of the Board. The Superintendent will also report to the Board any waivers granted or denied.
6. Provisions for determining 'good cause', which would include, but not be limited to:
  - A catastrophic, sudden, or debilitating illness or injury suffered by the student late in his high school career; or

- A sudden, unexpected requirement or event that causes a student's family to relocate to another state where the student is unable to complete graduation requirements in Virginia or the receiving state.
7. In no event shall a waiver be granted if that waiver substantially reduces or diminishes the integrity of the diplomas approved by the Board.
  8. Graduation requirements that have been approved for a waiver shall be noted on a student's official academic record.

The Board of Education authorized a 30-day period of public comment on the criteria, procedures, and application. Two comments were received. One commenter raised questions, and staff responded to the questions. Another commenter noted that a waiver does reduce the integrity of the diploma, and objected to the statement: "In no event shall a waiver be granted that would substantially reduce or diminish the integrity of the diplomas approved by the Board of Education." Copies of the comments are attached.

**Superintendent's Recommendation:** The Superintendent of Public Instruction recommends that the Board of Education approved guidelines.

**Impact on Resources:** The impact on resources is not expected to be significant.

**Timetable for Further Review/Action:** The Department of Education will notify school divisions and will post the revised guidelines on the department's Web site.

## Attachment A

### Proposed Amendments to the Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia

#### STANDARD: 8 VAC 20-131-350. Waivers.

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

#### Guidance:

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

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

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

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

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

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

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

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

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

## Public Comments on the Guidance for a Waiver of the Graduation Requirements

**From:** jbm  
**Sent:** Tuesday, November 30, 2010 2:21 PM  
**To:** Wescott, Anne (DOE)  
**Cc:** State NAACP; Rev. Vines  
**Subject:** Amendment ( Waivers )

Ms Wescott,

Please consider the following inquiry regarding waivers.

\* The phrases; "**GOOD CAUSE**" & **CASE- BY- CASE** may allow some direction for a school division to proceed with deciding to whom and why waivers should be granted.... however, will school divisions be more specific in defining "**GOOD CAUSE**" & will some examples of **CASE -BY CASE**

be given as a guideline ?.

\* Will the decision to grant a waiver be left to a sole school staff member, or will several signatures be required to approve the waiver?

\* What role will parents play in the granting of a waiver ?

Virginia State Conference NAACP Education Committee

Mrs. Janette Boyd Martin, Chair

From: Patti Flynn  
Sent: Tuesday, December 28, 2010 4:10 PM  
To: Wescott, Anne (DOE)  
Subject: Public Comment

Dear Ms. Wescott,

In response to:

Attachment A

Proposed Amendments to the Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia

STANDARD: 8 VAC 20-131-350. Waivers.

Items included in the proposed amendment that contradict one another are:

- \* In no event shall a waiver be granted that would substantially reduce or diminish the integrity of the diplomas approved by the Board of Education.
- \* Requirements that have been approved for a waiver shall be noted on the student's official academic record (transcript)."

If the proposed elimination of one or more graduation requirements does not substantially reduce or diminish the integrity of the diplomas approved by the Board of Education, then there is no need for the approved waiver to be noted on the official transcript. A notice should be included on the transcript only when the integrity of the diploma has been altered. This is to alert any person or agency viewing the diploma that the student was unable to be taught, and or fully learn all of the material said to be required in order to earn that particular diploma type. If the elimination of the content material does not upset the integrity of the diploma type because the student's knowledge base in that area was assessed some other way, or because the content knowledge was unnecessary, then the notice of waiver does nothing more than violate the student's privacy, and should not be included.

By all other measures mentioned in the waiver, the student's awarding of the diploma, in and of itself, is certification that according to the Commonwealth of Virginia the student has learned, to the extent required, all necessary information required to graduate with that particular diploma. If removing any of the content requirements alters in any way the knowledge base by which the Commonwealth requires the student to have prior to receiving the diploma, then and only then should there be a warning or notice on the transcript mentioning the waiver, so as not to false advertise.

The diploma is not a reward for completing state set requirements, no more than denying the diploma to someone, who has not completed those state set requirements, a punishment. Rather, the document is an artifact representing the completion of a certain kind, and of a certain amount, of material learned while in school. If eliminating a content area does not effect the integrity of the high school diploma, then that content area should be re-named an elective. Unless the student tests out of that content requirement, earning them that credit and eliminating the need for the waiver, then removing a requirement does change the integrity of the diploma's meaning. Because of that that fact, the

notation should be made on the transcript, and the following should not be included in the amended waiver:

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

Respectfully,

Patti Lee Flynn M.S. Ed.  
English Teacher/Special Educator  
Special Education Advisory Committee (SEAC)  
Drop Out Prevention Committee  
Framework for Quality Learning (FQL) Advisory Team  
School Improvement Committee (SIC)  
Administrative Intern  
Albemarle County High School