

**Proposed Amendments to the
Regulations Establishing the Standards for Accrediting Public Schools in Virginia
8 VAC 20-131
Standards of Accreditation**

8VAC20-131-5. 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 (§ 22.1-253.13:1 et seq. of the Code of Virginia). 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 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 grade 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 8VAC20-131-30 F and 8VAC20-131-280 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 8VAC20-131-60 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, Advanced Technical, Standard, Standard Technical, 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.

“Learning management system” (LMS) means a technology platform through which online courses are accessed by students and teachers. The LMS facilitates delivery, management, tracking, and reporting of content, student and teacher interactions, and learner progress.

“Locally awarded verified credit” means a verified unit of credit awarded by a local school board in accordance with 8VAC20-131-110.

“Middle school” means a public school with any grades 6 through 8.

“Planning period” means one class period per day or the equivalent unencumbered of any teaching or supervisory duties.

“Public virtual school” means a school under the authority of the local school board where a student is enrolled full-time and receives instruction primarily electronically, using the Internet or other computer-based methods.

“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 that 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:

- Those students are reported in fall membership at the institution;
- At a minimum, the institution meets the preaccreditation eligibility requirements of these regulations as adopted by the Board of Education.

“Secondary school” means a public school with any grades 9 through 12.

“Standard school day” means a calendar day that averages at least five and one-half instructional hours for students in grades 1 through 12, excluding breaks for meals and recess, and a minimum of three instructional hours for students in kindergarten.

“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 8VAC20-131-110.

"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 that may be approved from time to time by the Board of Education.

8VAC20-131-185. Public virtual schools.

- A. Public virtual schools shall meet all of the laws and regulations required of all other public schools, unless otherwise specified in this section.

Instruction in a public virtual school 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, and those who have limited English proficiency. Any school division providing instruction to students in a virtual school setting must have written policies and procedures that address service delivery to accommodate all students. Instruction provided by a public virtual school must comport with the requirements of the Standards of Learning and career and technical education competencies, and must be provided by teachers licensed by the Board of Education and endorsed in the subjects in which they provide instruction.

Students enrolled in a public virtual school shall be required to take all applicable Virginia assessment program tests in a secure, controlled and proctored environment under the supervision of licensed personnel employed by a local school division or the public virtual school provider and trained in administering the tests.

If a student enrolled in a public virtual school participates in a career and technical education course that requires cooperative education/work-based experience, the safety training provided in the virtual classroom must be equivalent and related to the safety training given at a worksite. To achieve the competencies related to the use of equipment/machinery may require on-site instruction during the course, which may be conducted in a classroom laboratory or in a work-based instructional environment in which any safety requirements would apply.

- B. Any teacher providing instruction in a full-time virtual school in Virginia shall hold a valid Virginia teaching license and shall be appropriately endorsed for their assignment by the Board of Education.
- C. Each student enrolled in a public virtual school shall have access to the necessary technology for participation in public virtual school courses, such as a computer and printer, and to a broadband Internet connection for school work purposes. The local school board shall develop a policy that students who are unable to afford the necessary technology, including the hardware, software, and the broadband connection to the Internet, shall be provided with these items. In addition, students and teachers shall have the necessary technical security to ensure student safety while using the computer for school work.

Technical support services and training shall be provided to assist in the resolution of technical problems for teachers and students.

New and experienced online teachers employed to instruct students in the public virtual school shall participate annually in professional development for online teaching.

- D. The requirement for 140-clock hours of instruction to earn a standard unit of credit may be waived if the content of the course is comparable to a course that would otherwise require 140 clock hours of instruction in a non-virtual school setting and, upon completion, the student will be able to demonstrate mastery of the course.
- E. Section 22.1-98 of the Code of Virginia requires the length of the school term to be not less than 180 teaching days or 990 teaching hours in any school year unless there are severe weather conditions or other emergency situations resulting in the closing of the school. Furthermore, students who complete their course requirements in fewer than 180 days or 990 hours (a standard school year) are still subject to § 22.1-154 of the Code, the compulsory attendance law. The school division shall develop policies and procedures to ensure that the student is in compliance with the compulsory attendance law throughout the school year.

Where a student has mastered the course content and completed all course requirements in fewer than 180 days or 990 hours, the school shall enroll the student in the next course level or in another course, provide remediation if needed, focus on increasing the student's academic proficiency, provide enrichment, or meet the student's academic needs in another way as determined by school board policies.

- F. Each local school board that authorizes a public virtual school must develop a written policy to ensure that all students receiving instruction in a public virtual school setting have access to adequate and appropriate library resources sufficient to meet research, inquiry, and reading requirements of the instructional program and general student interest.
- G. Guidance counseling and other student support services shall be available to students in the public virtual school from appropriately licensed and endorsed personnel.
- H. Extracurricular activities and eligibility requirements for students in virtual school settings shall be established and approved by the superintendent and the school board.

- I. Public virtual schools are exempt from the requirements in 8 VAC 20-131-260, related to school facilities and safety, unless the public virtual school is operated in a stand-alone facility.
- J. A full time public virtual school shall have a learning management system that provides secure and appropriate access to the virtual learning environment; supports the creation and management of content and assessments; provides communication tools that facilitate synchronous and asynchronous discussion and collaboration among learners and teachers; and supports the collection, management, and reporting of data on learning outcomes.
- K. Student engagement shall be monitored. If a student fails to interact with the learning management system every school day, the public virtual school principal or designee shall contact the student's parent or guardian.
- L. The public virtual school principal or designee shall be responsible for:
 1. Analyzing 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 online instruction;
 2. Ensuring that student 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;
 3. Monitoring and evaluating the quality of instruction, providing staff development, providing support that is designed to improve instruction, and seeking to ensure the successful attainment of the knowledge and skills required for students by the SOL tests and for college and career readiness;
 4. Maintaining records of students who drop out of school, including their reasons for dropping out and actions taken to prevent these students from dropping out;
 5. Notifying 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;
 6. Maintaining a current record of licensure, endorsement, and in-service training completed by staff; and
 7. Maintaining 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.

All of the records, reports, and other information maintained by the public virtual school related to these documents, student scholastic records, and any other record or document maintained by the

public virtual school shall be made available as may be necessary to the school board, superintendent, and school board employees.

- M. Public virtual schools shall provide all policies and procedures unique to enrollment and matriculation in the public virtual school to parents prior to enrollment and post such information for the public on the school division's Web site.
- N. Public virtual schools shall develop policies and procedures regarding the monitoring of student attendance, notification of parents and students regarding attendance issues and related disciplinary actions, and maintenance of records of attendance and this information shall be provided to parents prior to enrollment.
- O. Information regarding student accountability and assessment shall be provided to the parents prior to enrollment. Public virtual schools shall develop policies and procedures to ensure that each student shall be assessed annually to determine what remediation and other support structures are needed to help the student achieve academic success. As determined by the school division, traditional and non-traditional assessments, such as state assessments and portfolios, may be used as part of this annual assessment process.