

Virginia Board of Education Agenda Item



Agenda Item: S

Date: June 27, 2013

Title	First Review of Notice of Intended Regulatory Action (NOIRA) for Amendments to the <i>Regulations Establishing Standards for Accrediting Public Schools in Virginia</i> (8 VAC 20-131)		
Presenter	Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications		
E-mail	Anne.Wescott@doe.virginia.gov	Phone	(804) 225-2403

Purpose of Presentation:

Action required by state or federal law or regulation.

Previous Review or Action:

No previous review or action.

Action Requested:

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

Date: July 25, 2013

Action: Final review (NOIRA)

Alignment with Board of Education Goals: Please indicate (X) all that apply:

	Goal 1: Expanded Opportunities to Learn
X	Goal 2: Accountability of Student Learning
	Goal 3: Nurturing Young Learners
	Goal 4: Strong Literacy and Mathematics Skills
	Goal 5: Highly Qualified and Effective Teachers and Administrators
X	Goal 6: Sound Policies for Student Success
X	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

Background Information and Statutory Authority:

Goal 2: In promulgating these regulations, the Board would establish the policies and standards necessary to ensure accountability of student learning.

Goal 6: The regulations would provide the Board with the opportunity to develop and implement sound policies for student success by focusing on college and career readiness.

Goal 7: The regulations would include provisions addressing school safety, pursuant to 2013 legislation.

Section 22.1-253.13:3 of the *Code of Virginia* says, in part:

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....

Summary of Important Issues:

There were several bills passed by the 2012 and 2013 General Assembly that require regulatory changes.

- HB 642 and SB 514 (2012) would add three points to the Graduation and Completion Index for each student who earns a diploma and a CTE credential.
- HB 1999, SB 1167, and SB 1207 (2013) would require the Board to approve student growth indicators to be used in the Standards of Accreditation.
- HB 2028 and SB 986 (2013) would require students, beginning with the ninth-grade class of 2016-2017, to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators to be awarded a Standard or an Advanced Studies Diploma.
- HB 2344 (2013) would require each school to have a school threat assessment team. The threat assessment teams shall provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community.
- HB 2346 (2013) requires at least two lock-down drills every year, one in September and one in January.

This will also provide the Board of Education with the opportunity to conduct a comprehensive review of the regulations. The last comprehensive revision to the regulations was conducted in 2009. The Board may wish to address such topics as accreditation ratings, closing the achievement gap, rewards and recognitions, and flexibility provisions, in addition to those topics required by legislation.

Impact on Fiscal and Human Resources:

The administrative impact required in promulgating these regulations will be absorbed within existing resources.

Timetable for Further Review/Action:

The timetable for further action will be governed by the requirements of the Administrative Process Act.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the Notice of Intended Regulatory Action (NOIRA) for the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.



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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) citation	<u>8VAC20-131</u>
Regulation title	<i>Regulations Establishing the Standards for Accrediting Public Schools in Virginia</i>
Action title	Comprehensive review of the regulations, including updates to comport with recent General Assembly actions that require amendments to the <i>Regulations Establishing the Standards for Accrediting Public Schools in Virginia</i> .
Date this document prepared	June 17, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The Virginia Board of Education plans to propose comprehensive amendments to these regulations, including several amendments that are needed to comport with legislative changes made by HB 642 and SB 514 (2012) about the graduation and completion index; HB 1999, SB 1167, and SB 1207 (2013) about the student growth indicators; HB 2028 and SB 968 (2013) about CPR; HB 2344 (2013) about the threat assessment team; and HB 2346 (2013) about lock-down drills.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

The Board of Education's authority for promulgating regulations governing standards for accrediting public schools may be found in § 22.1-253.13:3 of the *Code of Virginia*:

"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 Board of Education's overall regulatory authority may be found in § 22.1-16 of the *Code of Virginia*:

"The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title."

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

Amendments are needed to comport with legislative changes made by HB 642 and SB 514 (2012) about the graduation and completion index; HB 1999, SB 1167, and SB 1207 (2013) about the student growth indicators; HB 2028 and SB 968 (2013) about CPR; HB 2344 (2013) about the threat assessment team; and HB 2346 (2013) about lock-down drills.

This will also provide the Board of Education with the opportunity to conduct a comprehensive review of the regulations. The last comprehensive revision to the regulations was conducted in 2009. The Board may wish to address such topics as accreditation ratings, closing the achievement gap, rewards and recognitions, and flexibility provisions, in addition to those topics required by legislation.

Substance

Please detail any changes that will be proposed. Be sure to define all acronyms. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

There were several bills passed by the 2012 and 2013 General Assembly that require regulatory changes.

- HB 642 and SB 514 (2012) would add three points to the Graduation and Completion Index for each student who earns a diploma and a CTE credential.
- HB 1999, SB 1167, and SB 1207 (2013) would require the Board to approve student growth indicators to be used in the Standards of Accreditation.
- HB 2028 and SB 986 (2013) would require students, beginning with the ninth-grade class of 2016-2017, to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators to be awarded a Standard or an Advanced Studies Diploma.

- HB 2344 (2013) would require each school to have a school threat assessment team. The threat assessment teams shall provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community.
- HB 2346 (2013) requires at least two lock-down drills every year, one in September and one in January.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

There are no viable alternatives to revisions of the regulations.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on this regulatory action, including, but not limited to 1) ideas to be considered in the development of this proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall Web site (<http://www.townhall.virginia.gov>), or by mail, e-mail, or fax to Anne Wescott, Assistant Superintendent for Policy and Communications, Virginia Department of Education, P. O. Box 2120, Richmond, VA 23218-2120, (804) 225-2403, Anne.Wescott@doe.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action and notice of the hearing will be posted on the Virginia Regulatory Town Hall Web site (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar Web site (<http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>). Both oral and written comments may be submitted at that time.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights

of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulatory action is expected to impact the family by providing opportunities for all public school children to gain strong academic and career skills to become productive citizens and be prepared for postsecondary education and for employment in the workplace. The amendments are also expected to improve school safety and to protect children from harm while they are in school.