



## COMMONWEALTH of VIRGINIA

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Superintendent of Public Instruction

DEPARTMENT OF EDUCATION  
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February 19, 2019

Mr. Jason Kamras  
Division Superintendent  
Richmond City Public Schools  
301 N. Ninth Street  
Richmond, Virginia 23219

Dear Mr. Kamras,

We are in receipt of your email from February 16, 2019, seeking advice about a proposed Memorandum of Agreement (MOA) between Richmond Public Schools (RPS) and the Dream Academy, a private organization which serves adult students. Based on the information provided by your staff, the MOA states that RPS will review the transcripts of students enrolled in the Dream Academy and will grant Adult High School Diplomas to students who complete the requirements of the Dream Academy. Dream Academy will pay RPS to review the transcripts.

We understand that RPS and Dream Academy have had similar agreements over the past several years. In fact, the Virginia Department of Education provided guidance to RPS regarding the agreements between RPS and the Dream Academy in December 2015 and in October 2017. However, currently there is no active MOA. Under the requirements of the Division Memorandum of Understanding (MOU) between the Virginia Board of Education and the Richmond City School Board, you are seeking our review before entering into another MOA with Dream Academy. Sections of the RPS division MOU that are pertinent to the Department's oversight in this area are provided below. Please note that the reference to "OSI" staff in these excerpts refer to staff of the Office of School Quality at the Virginia Department of Education, formerly called the Office of School Improvement.

- OSI staff will review all recommendations regarding new or modified instructional programs and/or professional development.
- OSI staff will provide administrative oversight over processes, procedures, and strategies that are implemented in support of the MOU, through the corrective action

plan, in the areas of human resources, operations and support services, and community relations and communications.

Section 22.1-225 of the *Code of Virginia* requires local school boards to provide adult education programs for residents of the school division, and the Board of Education's *Regulations Governing Adult High School Programs* at Virginia Administrative Code 8VAC20-30-10 et seq. set forth the following requirements for adult high school programs and adult high school diplomas.

**8VAC20-30-20. Minimum requirements for adult high school programs.**

Adult high school programs are not part of the 9 through 12 high school program and shall meet the following minimum requirements:

1. Age. Only those students who are not subject to the compulsory attendance requirements of § 22.1-254 of the Code of Virginia shall be enrolled in an adult high school program.
2. Credit.
  - a. Satisfactory completion of 108 hours of classroom instruction in a subject shall constitute sufficient evidence for one unit of credit toward a high school diploma.
  - b. When, in the judgment of the principal or the superintendent, an adult not regularly enrolled in the grades 9 through 12 high school program is able to demonstrate by examination or other objective evidence, satisfactory completion of the work, he may receive credit in accordance with policies adopted by the local school board. It is the responsibility of the school issuing the credit to document the types of examinations employed or other objective evidence used, the testing or assessment procedures, and the extent of progress in each case.
  - c. Credits earned in adult high school programs shall be transferable as prescribed in the Regulations Establishing Standards for Accrediting Public Schools in Virginia within the sponsoring school division and shall be transferable to public secondary schools outside of the sponsoring school division.
3. Diplomas.
  - b. An adult high school diploma shall be awarded to an adult student who completes the course credit requirements in effect for any Board of Education diploma, with the exception of health and physical education course requirements, at the time he first entered the ninth grade. The requirement for specific assessments may be waived if the assessments are no longer administered to students in Virginia public schools.
  - c. An adult high school diploma shall be awarded to an adult student who demonstrates through applied performance assessment full mastery of the National External Diploma Program Competencies, version 5.0, January 2013, a

CASAS program, as promulgated by the American Council on Education and validated and endorsed by the U.S. Department of Education...

**8VAC20-30-30. Minimum qualifications of teachers.**

Teachers teaching in the adult high school program shall be licensed and endorsed in the subject areas they teach.

**8VAC20-30-40. Library facilities.**

The adult high school program shall have library media services, science laboratories, and computer technology accessible to instructional staff and adult learners.

**8VAC20-30-60. Administration and supervision.**

The adult high school program shall be under the supervision of the high school principal, assistant principal, or a qualified staff member approved by the division superintendent.

**8VAC20-30-70. Guidance services.**

The adult high school program shall have appropriate guidance services available.

As described above, to be eligible for an adult high school diploma, a student must “complete the course credit requirements in effect for any Board of Education diploma, with the exception of health and physical education course requirements, at the time he first entered the ninth grade.” Because the Dream Academy is a private organization, rather than a public adult high school, it is unclear how credit awarded by this school can be considered in determining if students have met the requirements for an adult high school diploma. Further, while 8VAC20-30-20 states that “requirements for specific assessments may be waived if the assessments are no longer administered to students in Virginia public schools,” students who enrolled in the ninth grade from 2000-2001 forward are required to earn verified credits to meet diploma requirements. Under the graduation requirements in effect for students who were first time ninth grades from 2000-2001 to 2017-2018, students pursuing a standard diploma must earn 6 verified credits in specific subject areas and students must earn 9 verified credits to be eligible for an advanced studies diploma. To earn verified credits students must: 1) achieve a passing score on an Standards of Learning (SOL) end-of-course test, 2) achieve the required score on a substitute test approved by the Virginia Board of Education, or 3) earn a locally awarded verified credit according to guidelines approved by the Virginia Board of Education. Students enrolled in private entities, such as the Dream Academy, are not permitted to take the SOL tests so it is not clear how students would have earned the required verified credits. The SOL tests are still being administered so the testing requirement related to these assessments cannot be waived.

In summary, the requirements of the Virginia Administrative Code cited above do not support the authority of RPS to grant adult high school diplomas based on credits awarded by a private entity, such as Dream Academy. In addition, it appears that many of the students served by the Dream Academy would be required to earn verified credits to be eligible for an Adult High School Diploma. Since the SOL tests cannot be administered to Dream Academy students, it seems unlikely that these students who were first time ninth graders in 2000-2001 and beyond could have met the verified credit requirements for an Adult High School Diploma.

Based on the information provided above, the *Regulations Governing Adult High School Programs* do not permit RPS's continued issuance of adult high school diplomas to students served by the Dream Academy. Should you have questions about the guidance provided in this letter, please contact Beverly Rabil, director of the Office of School Quality.

Sincerely,



Donald R. Fairheart  
Deputy Superintendent and Chief of Staff