MINUTES
Virginia Board of Education
School and Division Accountability Committee
July 26, 2012
3:40 p.m.
Jefferson Conference Room, James Monroe Building

Welcome and Opening Comments

Dr. Virginia McLaughlin, Chair, convened the meeting with the following Board members present: Mrs. Diane Atkinson, Mrs. Winsome Sears, Mr. David Foster, Dr. Billy Cannaday, Mr. Chris Braunlich, and Mrs. Darlene Mack. Dr. Patricia Wright, Superintendent of Public Instruction, was also present.

Dr. McLaughlin opened the meeting with a discussion of action taken by the Board in May 2012 when the Board approved a *Notice of Intended Regulatory Action* (NOIRA) to begin the process of promulgating regulations governing public virtual schools as required by HB 1215, approved during the 2012 General Assembly Session. The intent of that legislation is to address situations where local school boards would establish public virtual schools that enroll students full-time.

Dr. McLaughlin stated that the Board's *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (SOA) are applicable to all of Virginia's public schools and are designed to ensure that an effective educational program is established and maintained in Virginia's public schools. However, these regulations have been geared to the traditional "brick and mortar" public schools and do not specifically address differences in service delivery that exist between the public virtual school that enrolls students full time and the traditional "brick and mortar" school. SOA requirements, such as those related to library media, staffing requirements, hours of instruction, extracurricular activities, school facilities and safety, and other areas need to be examined for appropriate service delivery for the public virtual schools. Currently the Board may grant waivers of those sections of the SOA that may not be appropriate, but these waivers will no longer be required once the new regulations are promulgated.

Dr. McLaughlin noted that today the Board would begin discussion of some of the issues for consideration in developing regulations governing public virtual schools and noted the Board expects the first review of the proposed SOA regulations for public virtual schools to come to the Board in September.

Discussion of Issues for Consideration in Developing SOA Regulations Governing Virtual Schools

Michelle Vucci, director of the Policy Office at the Virginia Department of Education, presented information gathered from educational organizations and other states. She discussed two documents provided to the Board: one titled *Issues for Consideration* and the other titled *Briefing Materials*, a companion document that included information and research from organizations and other states.

Ms. Vucci discussed the information from six key organizations:

- Evergreen Education Group – This is a key group which publishes a report called *Keeping Pace* that discusses the related policies and practices going on in all of the states.
- Southern Regional Education Board (SREB) – Virginia is a member state in this organization. In 2010 SREB surveyed its members and found funding for virtual schools is a major issue with its members. (Note: Other SREB states have been included in this research.)
- International Association for K-12 Online Learning (iNACOL) – This organization has two sets of standards – one for teaching and one for online program standards which look at issues, such as teaching and learning and support and evaluation. This organization also supports the availability of technology infrastructure and connectivity for all students.
- Foundation for Excellence in Education which published *Digital Learning Now* – This document contains ten elements for high quality virtual learning. The *Keeping Pace* report also referred back to this report in the sense that *Keeping Pace* found several states had adopted some of the ten elements referenced in *Digital Learning Now*.
- AdvanceEd which includes several accreditation divisions, including the Northwest Accreditation Commission (NWAC). One of the states staff talked to used the NWAC model when it was putting together its virtual schools and programs. In addition, last year this Board approved NWAC to accredit virtual learning programs operated by multi-division online providers.

Ms. Vucci also reported that in its research staff looked at states with high achievement and states with expertise or experience in virtual learning, including key practices in the following states: Arkansas, Colorado, Florida, Georgia, Maryland, Massachusetts, Minnesota, Missouri, Pennsylvania, Utah, and Wyoming. What staff found was that many of the states wanted feedback as the department continued its research. She then reviewed key state practices for the Board's consideration:

- School attendance/truancy – Cheating and plagiarism are issues in other states and are to be added to the school attendance/truancy issue as requested by a Board member.
- The 180 days/990 hour requirement for a school year – Dr. Wright mentioned that the 180 days/990 hours is a statutory requirement that cannot be waived by the Board. She noted that the idea is not to reduce instructional time, but to allow the students to progress based on mastery of the competencies.
- Technology – All states are addressing testing issues.
- Staffing – Standard 2 of the Standards of Quality permits the exemption of virtual school programs from the SOQ staffing standards. States vary in their ratio requirements.
- Special services – This includes special education, 504, English Language Learners, gifted education, and remediation. Many of these issues are being addressed by other states.
- Instruction and related issues – In looking at access to physical education, career and technology education, counseling services, laboratory sciences, and library media, staff found that these students are subject to the same requirements as any other students. In addition, all of the states are making provisions for counseling services.
- Extracurricular activities – Some students are getting these services through the public virtual schools and some are getting them through the local school divisions.

Board members raised many issues and provided suggestions throughout the discussion. A Board member asked if the department had looked at any Virginia organizations and suggestions were made for consideration.

A Board member asked if staff had collected any information about cheating in an online environment. He mentioned groups that might be able to provide helpful information. Another Board member asked if there is a limitation on how many Standards of Learning (SOL) tests a student can take during the school year. It was also mentioned that not every course would have a required SOL test.

A Board member asked if a student could take a course in the first half of the school year and then take another course during the rest of the school year. Another Board member asked if there are any lessons we could take from the home school environment that would be useful here. A Board member asked if a student starts in the school year beginning after Labor Day, would the school have to be officially open if the student continues with courses during the summer? Would the academic year start, as traditionally, after Labor Day? It was agreed that the law regarding Pre-Labor Day openings would still apply, but summer work could be considered summer school.

A question was asked about special education in public virtual schools versus the "brick and mortar" schools. It was noted that both are public schools subject to the same laws regarding special education.

A Board member mentioned that the Board is not precluded from requesting legislative changes. Questions about funding were discussed and a Board member asked if the Board could provide some guidance to the General Assembly since there appears to be problems with funding and equity. However, it was not clear that the Board could provide guidance to the General Assembly on funding.

Issues including cyber-bullying in virtual schools; licensure issues for online teachers; professional development for those teachers; data maintenance; seat time; and monitoring and measures of interaction, such as cameras and student engagement were all raised as issues. It was agreed that further research would be done in these areas. In addition, a Board member mentioned the Carroll County virtual school and asked if staff had looked at that school to determine what additional regulations might be needed. It is believed that that school is an example we can learn from. Dr. Wright said staff had looked at the SOA and determined what waivers were needed for that school. Now we have the opportunity to determine what other requirements might be needed beyond the waivers. Dr. Wright also indicated that consultants would be identified to assist with this process.

In addition, a Board member asked if financial stability should be one of the issues considered as part of the approval process to protect the public virtual school. However, another Board member pointed out that these schools would be governed by a public school division so there should be some protection in that partnership.

Public Comment

There were no speakers during the public comment period.

Adjournment

The committee adjourned at 4:45 p.m.