Dear Dr. Dwamena,

I am writing to you for assistance and updated guidance for the re-opening of schools. It is my understanding that my children's school system (Poquoson City Schools) cannot completely re-open due to the six-foot rule/recommendation. The classrooms simply do not have the space for a full class to have the desks six feet apart. This summer, I was on the task force to discuss re-opening of schools, and there was option for three-feet apart with masks. Now, the students and staff have to wear masks no matter what the distance is and are only allowed ½ the class for in-person learning. I would like to know if the three-foot rule/recommendation could be utilized to allow a full class in the classroom.

Since March, my children (1st and 4th grade) have lost a significant amount of their education due to virtual learning. The Poquoson staff is amazing, but the students need more than what they can get from being in front of a computer. My 1st grader has been an exceptional student and loves school. However, over the past almost year, she has become disengaged and has lost her love of learning. My 4th grader has always struggled with reading and continues to lose the skills needed to succeed. My husband and I both work full-time and have had to adapt and change our schedules to be able to help our children. It is very disheartening to see what the lack of in-person instruction has done to not only my children, but all the children. They have become disconnected, disengaged, resentful and almost depressed during this pandemic. All the children deserve better, and we (as the adults) need to give that to them.

With more and more staff becoming vaccinated, I would like to see the children in school for 4-5 days a week to allow for improve d instruction and the socialization these children need to develop. Also, more community members are being vaccinated, myself included (I am a healthcare worker), will allow for a safer environment for not only the students, but also the faculty and staff.

Thank you for your consideration!

Sincerely,

Allyson D. S. Dye

My kids are being denied face-to-face learning because we moved 7 min away and school says our option 1 can't follow us. My kids are sad and depressed, they want to go back to school so bad. Kids in our neighborhood are asking them why they aren't at school because everyone else is. We moved from Indian Lakes Elementary to new castle, never changed options, always been option 1. When I contacted the superintendent, his response was that 99% of kids who want face to face are accommodated and he is sorry we fall into the 1% but there's nothing he can do. I asked about a fair rotation so all kids would have fair and equal treatment, but he said then we would be taking 50% of the kids out of full time, so sorry. So the school is getting full funding for my kids but they can't make a spot for them. I have the shocking emails from the superintendent to show how little they care about my kids. I'm a working mom of 5, I don't have the luxury of working from home, I wish I did. I saved for years to finally get a nice home for my kids and now because I wanted better, better has no room for my kids. I never thought I would see the day my kids are actually begging to go back to school but they are and it makes me so sad to see them hurting so bad. So now we're in a new neighborhood and my kids don't have any social life at all. Their grades are suffering and their drive is diminished. We were all so excited school was going back to face-to-face, and to our surprise, we've been rejected. Please help us.

Thank You

Stefanie Hicks

757-597-5337

Members of the Board of Education,

My name is Kathleen Friesen. I'm a resident in Annandale, Virginia with two children (soon to be 3) in Fairfax County Public Schools. I am writing you to ask you to revise the guidance for schools re-opening for in-person learning in light of the widespread vaccination of teachers across the Commonwealth.

This article in Wired Magazine does an excellent job of summarizing the complex ethical and scientific issues that are at stake, many of which most of you probably understand even better than I do:
https://www.wired.com/story/the-ethics-of-vaccinating-teachers-and-keeping-schools-closed/

To me, the most important quote is, "While we cannot precisely quantify the risks to oneself or others after one is vaccinated, the likelihood that the risks are sufficiently minimized, Sulmasy said, obligates serving professionals to work. “This is what it means to have a role in society.” And governors have an equal obligation, especially once educators have had the opportunity to be vaccinated, to revise unscientific and outdated distancing guidelines that are preventing superintendents from opening schools for full-time in-person learning."

Fairfax County Public Schools, like many schools in the Commonwealth, are not planning on returning ANY students to the classroom 5 days per week in school year 2020-2021. They will not even commit to a 5 day per week plan for school year 2021-2022. Members of the Board, trust is gone. We need someone or some group to step in, "follow the science," and care for our kids.

I'm not just talking from a place of safety at home - I have applied to be a classroom monitor at my children's school to supervise children who are in-person while their teacher is at home. Fairfax plans to hire hundreds or perhaps even thousands like me. I believe in the mitigation measures. Do you? Do you believe in them enough to tell superintendents to open back up? Thank you for considering my views.

Sincerely,
Kathleen Friesen
(703) 434-2851

Hello,

I am a parent of two FCPS Elementary school children.

I have requested both in writing and at school board meetings (over several months) the FCPS school board answer the question as to how NYC, San Diego, Houston, Miami and others, all large school districts have been able to offer 5 days of in person education safely, while my children are blocked from their rights to in person education . They refuse to answer this question, or their answer is 'it is not safe' and it is not supported by any scientific evidence.

Anytime a parent asks this question at a town hall they ignore us.

The FCPS school board has never said "let's make getting kids back a priority". They have never held a single meeting to strategically solve the problem.

Are you not the governing body that oversees FCPS school board?

Isn't their behavior of breach in duty and fiduciary responsibility?

Why are you not holding them accountable?

Have you listened to any of their school board meetings (they are on YouTube)?

How can you leave us at the mercy of an ineffective, non-strategic school board that is incapable of executing the duties to which they were elected?

I would appreciate a response.

Kindly and with Regards
Lisa Turkeltaub

Every word of this is true and I'm glad they pointed it out to the entire readership of the Washington Post:
https://www.washingtonpost.com/opinions/2021/01/25/fairfax-county-should-open-schools-or-stop-vaccinating-teachers/

Sincerely,

Mother of first and third grader in FCPS

January 23, 2021

Virginia Board of Education
James Monroe Building
101 N 14th St
Richmond, VA 23219

Re: SOL Cancellation

Dear Virginia Board of Education,

I am a junior at Courtland High School writing to suggest that the Standards of Learning (SOLs) be cancelled this year. Learning last year and this year has proven to be difficult for some and impossible for others. I happen to be a part of the many students that find it frustrating.

Teachers and students have had to learn to quickly adapt to distance learning and have done well. Although I do not believe that a standardized test to see what we've learned will be effective. Most students like myself have had to juggle home life and school life at the same time. Due to staying at home, there is no childcare available and sometimes I have to see to it that my sibling with a learning deficiency gets into his classes on time. I have witnessed other students go through the same thing. As a result, there are many students who have not had the time and attention to properly learn like they would in regular classrooms.

Making students take these tests at a time like this would not be an accurate representation of their knowledge. According to the New York Times, colleges have not required SAT or ACT scores due to COVID-19. Well known colleges like Harvard and Cornell have waived the need for these scores. They were proven unnecessary at the time. The SOLs this year are no different. Some might argue that it is necessary to know of the students progress so administrators can reflect but currently there is not much to reflect on. From personal experience, this school year has been more about grades than learning.

According to the Virginia Department of Education, there is talk of reopening schools this year. Reopening can once again cause a spike in COVID-19 cases because it is extremely difficult to keep students my age at home and distanced properly. In addition to this, I ask how the SOLs would be taken. To properly monitor the students it would be in person with school provided necessities. This leaves great room for error when it comes to sanitization. Any gathering of students would be a risk to the health and safety of themselves, families, and the community. Thank you for your time and consideration. Your help can make a difference in the educational community for students, teachers, and families.

Sincerely,

Destini Reed
5305 Greentree Dr.
Fredericksburg, VA 22407
destinireed22@gmail.com

February 27, 2021

Dear Members of Virginia Board of Education:

Good Morning and thank you for your time. There are a few areas about testing, technology, and questions about voting rules which wanted to share with you as there are some very concerning inconsistencies.

- VA testing does work with Vantage Learning. Vantage Learning shares in their 2004 report that there is a DOT tool which allows students to check their work while maintaining the computer adaptive experience. While the G3-8 CAT math does not have the back button, Vantage has shared that the VA Community College Diagnostic DOES have the back button, but the VPT (Community College) does NOT.
- Key Nationwide groups, NWEA-MAP (west coast) and I-Ready (east coast) share that their Diagnostics do NOT have the back button.
- IT is my understanding that, at present, technology changes DO NOT require Board of Education Approval. Clearly, certain people in testing are changing rules for diagnostics and at the same time, TAKING away back button on KEY SOL statewide (SUMMATIVE) G3-8 math tests, certain placement tests (VPT). There has also been a policy of (in certain areas) not having the back button on certain STREAM (STEM) admissions and specialized programs (incl EMT); in addition, it is noted that the College Board Accuplacer does NOT have the back button.
- Please note that it is already on public record that one school in Loudoun County GAVE the back button to select students doing better in math in few grades (for SOL G3-8 CAT math) AND for the NWEA-MAP for same students. NWEA-MAP confirms that their organization DOES not use the back button on the ACTUAL diagnostics.
- VA partners with the College Board on substitute tests (PSAT-10, PSAT/NMQST, SAT). VA practices are OLD. The College Board 2020 book has the practice tests out of order, Practice test 9 and 10 are the MOST current and at the end.
- 2017 Reading Standards. It is my understanding that the 2017 Reading standards are part of the 2020-2021 school year. Please note that on the VAtestnav8 practice site the G3 practice has a Speedy and Spotty reading from 2010. In addition, the G8 reading on the Hummingbirds and a poem are from 2012, please see attached. These are older reading tests and need more questions on the new format of select 2, 3, 4, or all that apply; in addition, clearly there is the importance of more TEI and applied questions.
- 1035 Providing Guidance on Paired Reading Passages.pdf (staunton.k12.va.us)
-
- Please also note that someone took out the 2012 released tests on VA page.
- It is very clear that the process of technology changes, key testing formats, and practice tests NEEDS involvement and voting of many groups including education, testing, technology; these groups would include both departmental groups AND the Committees who are part of the VA General Assembly. I think that there needs to be additional Committee Involvement (for example) Technology Committee, in addition to SOL Innovation. The SOL Innovation has not posted any meeting notes from 2019-onwards.

- FORMULAS are the FOUNDATION for math: Math formulas are KEY to success in math. From 2009 to 2016 someone decided to delete the statistical formulas. This is during the SAME time that data analysis, reading/writing analysis of CHARTS is continuing to increase on all kinds of tests and CORE subjects. In addition, key geometry formulas are NOT on the Algebra 1 formula sheet; however, these formulas are necessary, especially for word problems involving exponential analysis and applied math. There needs to be NEW voting procedures on math formulas for VA's students. Please see the links below which show the VA 2016 Algebra 1 formula sheet, the VA 2009 Algebra 1 formula sheet, and the Maryland formula sheet for High School students,
- Clearly, both in the past and especially during this time with COVID, all students need key tools (formula sheets) to support their learning processes INSTEAD of deleting stuff.
- I have included some DoDEA information. IN 2016, I had a DodEA contact who shared that DoDEA supported all online tools for students both in VA and worldwide.
- Math Formula Sheets:

Algebra 1: (2016)
https://www.doe.virginia.gov/testing/test_administration/ancilliary_materials/mathematics/2016/1a-formsht-2016.pdf

Algebra 1 (2009): VA532405_ER_SPC (virginia.gov)

Maryland High School Reference Sheet: HighSchoolMathReferenceSheet.pdf (mdassessments.com)

DoDEA information on Algebra: ccrsm_algebra_i_standard_9_12_201808.pdf (dodea.edu)

DoDEA practice tests: DoDEA | English Language Arts/Literacy Summative Practice Tests (mypearsonsupport.com)

DoDEA: College and Career Ready Standards (CCRS) Summative Assessments in DODEA

Thank you for your time.

Sincerely,
Carolyn Murphy
Bibliography

1035 Providing Guidance on Paired Reading Passages.pdf (staunton.k12.va.us)

To whom it may concern:

I had the recent opportunity to be enlightened about culture in schools by a woman who has a professional license with the Virginia Board of Education. She was quick to tell me about recent changes to school systems by Governor Northam and President Biden to include transgender students having the rights to use the bathroom of their choice and being able to try out for sports as the gender in which they identify. She proceeded to tell me about her extensive research on Marxism and how it is set up to destroy America, as we know it. 'We are aligning our government and decision makers with groups that support "ABC, XYZ, and LGBT"' as she eloquently phrased it; and continued her homophobic comments including the LGBTQIA+ (she's too self-absorbed and ignorant to know the letters) being why the culture as we know it is being destroyed. A COMMUNITY IN WHICH I BELONG TO. She had comments about people with tattoos, A COMMUNITY IN WHICH I BELONG TO. She says Democrats are coming into the public school systems and ripping out the family and Christian elements. She says Marxism has 10 principles and it's destroying family and education as two pillars, as we speak. She also stated that she has seen so much Marxism destruction while teaching in Henrico that she doesn't even want Henrico listed in her obituary as a former place of employment.

She says she's infuriated that children are being allowed to learn about sexual orientation and 'that no one under 21 should be allowed to consider themselves gay because who knows where you'll be when you're 23 for instance', she says. She was appalled that children are being supported and celebrated and being called brave when they 'come out'. Then came her bigoted opinion of BLM and how it had once been on Black Lives' Matter's website about how that movement and organization do not support the family unit. I have a daughter I am raising in a household with two mothers; a daughter who has scored 99% percentile on her MAPS and PALS testing for reading and math; a daughter that is greatly loved and cared for and is not being raised with the hatred and bigotry in this woman's heart. I would be DEVASTATED to know this woman was teaching my child or someone I care about and was allowed the opportunity to spread such hatred via the education system. My daughter's way of life and the things we support as a family would be under attack by this woman.

I reviewed the statements on your website that include: 'deriving strength from our diversity', acknowledging Black Americans' contributions, beating systemic racism, delivering high quality education for every child, etc. and those mean the world to me as a mother of a school-aged child in Virginia. For this woman, she may be a wonderful teacher/tutor as her business card describes, but that is only for the children and the families with the same beliefs that she shares; beliefs that are detrimental for families and children outside of her reality of heterosexual, conservative, Christian, and I dare say Caucasian statistics. It feels like an abuse of power to be able to push her agenda and indoctrinations onto populations who don't agree with her perspective. Please let me know that the Board of Education in Virginia does not stand for this behavior. Please be the people who are enforcing the mission statements that I'm clinging onto as a mother and a voter in the state of Virginia to make ALL children feel safe to discover themselves.

Kristen Glackin

The Virginia Board of Education
101 North 14th Street
James Monroe Building, Jefferson Conference Room
Richmond, Virginia 23219

Cancellation of SOL's During the 2020-2021 Academic Year

Dear Board of Education Members,

I am a resident of Spotsylvania County and a long-time student of its school system, and I have a great concern with the decision to continue SOL testing. With the onset of a global pandemic and at-home learning, many elements of this school year have been different compared to previous years, so we should not keep standardized testing the same. I am writing in support of the decision to cancel SOLs this academic year.

Instead of being with peers in the classroom, participating in hands-on activities and discussions, students are now isolated at home. They are surrounded by distractions such as taking care of siblings and pets. Students have not been able to learn the same way as they did in past years, which is causing lower overall grades. According to an article by USA Today, there has been a drastic increase in failing and below average grades across the country. The grades are even worse, the article states, for minority students, disabled students, and non-english speaking students.

Now looking at a section in a Virginia Department of Education Frequently Asked Questions page, SOLs are used to determine if students are meeting academic standards and if a school needs aid to help their students perform better. If students' grades have sharply decreased, then the results of this year's SOLs will not accurately reflect the students' academic performance. The scores from this year will not be consistent with previous scores, therefore nullifying the reason to test in the first place.

I am aware of the waived SOL scores last year and the "accreditation waived" note that all schools received at the end of last scholastic year. When I heard that I would not need to complete SOL testing, I let out a sigh of relief. The complications of this school year have already placed so much stress and anxiety on students. Teachers have also been working to no end to make sure students are comprehending the material as best as they can in preparation for end-of-the-year testing. Waiving the SOL tests would reduce much of the unnecessary stress in these already stressful times.

There is a decision in progress regarding waiving accreditations and SOLs for schools this year. These test scores will not be the same as past years. To assume that the scores will accurately reflect students' knowledge this year would be ill minded. Please, for the peace of mind of everyone involved, cancel SOLs this academic year.

Thank you for your time,

Kiersten N. Dwyer
Phone: 540-272-2833
Email: knd2396@email.vccs.edu

Dear Member(s) of the Virginia Board of Education,

My name is Sarah Wang, a student from Thomas Jefferson High School for Science and Technology in Fairfax County Public Schools, which will be reopening for in-person instruction soon. I am writing to urge you to implement a series of additional measures designed to prevent the spread of COVID-19 within school communities as they begin to welcome students back into the buildings.

With over 436,000 cases of and 6,024 deaths from COVID-19, Virginia has been heavily impacted by the COVID-19 pandemic. Since March 2020, students have lost nearly a year of learning due to school closures, losses which are disproportionately affecting lower-income students and students of color. As Virginia public schools begin to resume in-person for K-12 students, it is pertinent they put into place as many effective public health measures necessary in order to protect communities, especially in densely populated areas like the D.C. metropolitan area, from a resurgence of the pandemic. Since COVID-19 can be transmitted via both respiration and contact, reopening schools must establish rigorous sanitation protocols.

Several mitigation strategies have already been established for Virginia public schools, but I urge you to consider a few additional measures to further ensure the safest possible return to school process. Such sanitation and protective measures include temporarily adapting masks into the mandatory school dress code, distributing masks free of charge to students who qualify for free or reduced lunches, and initiating an educational program (similar to Family Life Education) to teach students and faculty effective ways to practice safe hygiene to limit the spread if COVID-19 both in and out of school.

Thank you for your consideration, and I look forward to hearing back from you!

Sincerely,

Sarah J. Wang

Student, Thomas Jefferson HS for Science & Technology

February 18, 2021

Dear Members of Virginia Board of Education and other groups,

* There is NEW information of another contractor who does work with
> Virginia, Vantage Learning. IN 2004, this business CLEARLY states that
> there can be a DOT to allow students to check work AND maintain the
> computer adaptive experience.
>
>*) Discussion on the PSAT/NMQST. Several years ago, AOS-Loudoun
> administered this as part of 8th grade admissions. Key people HAD to
> approve this. While it is NO longer in use, certainly, there is a
> group supportive of doing this. (In addition , at that time, at least
> ONE room of students, and potentially more, had DIFFERENT directions
> for this test.)
>
> Please also note that key people in testing, incl. a key person in VA
> testing, have rules for role of PSAT-NMQST AND SOL.
>
> the 2020 College Board has the MOST current tests at the end,
> practice tests 9 and 10.
>
>*) Key press releases in VA stated that the CAT testing supported by
> military and professional associations. Please have more discussion on
> the role of College Board, Accuplacer AND online tools (back button).
>
> *) Please NOTE that while certain VA press releases have stated that
> needed to "remove the back button", (and in part based on the model of
> ARDT), Vantage does work with community colleges (more research on
> colleges). At the community college this includes the VPT (which does
> NOT have a back button) AND the community college diagnostic (which
> does).
>
> Key nationwide policies from NWEA-MAP (west coast) and I-ready (east
> coast) do NOT use the back button for DIAGNOSTICS.
>
>*) There needs to be key review of role of online tools in relation to
> formatives, summatives, admission tests. There is key role of the
> diagnositics.
>
> *)It is MY understanding that the ONLY reason the Board of Education
> did NOT have to VOTE on removal of back button is that it is NOT
> considered a standard (SOQ). More discussion needed on having TECH part
> of SOQ and a Tech Committee.
>
>*) Since 2019, the SOL Innovation Committee has NOT posted ANY meeting
> notes.
>
>*) THE SOL Innovation Committee passed a RULE about future comments on
> testing, Question 15 on 2017 SOL Innovation Committee Report.
>

> *) I will be sending FULL citations. Most of this information is on
> VA Public Record.
>
Sincerely, Carolyn Murphy

sol-innovation-committee-fall-2017-report.pdf (virginia.gov)

Secretary of Education - SOL Innovation Committee (virginia.gov)

THE SIKHCOALITION

Virginia Department of Education
James Monroe Building, 101 N 14th St, Richmond, VA 23219

February 28th, 2021

Dear Superintendent Lane, Virginia Department of Education staff leads, and advisory committee members,

In collaboration with the Sikh community of Virginia, we are writing to request for the inclusion of Sikhism, in the History and Social Science Standards of Learning, 2022.

The Sikh religion, founded in fifteenth century South Asia, is the fifth-largest organized religion in the world, with over 500,000 followers in the United States. Sikhs have been an integral part of the American fabric for over 125 years and have a community presence throughout Virginia. Despite this long history, very little is generally known about the Sikh community, due in part to the lack of inclusion in most state standards.

We hope that Virginia will become the 16th consecutive state that we have worked with over the past decade to make similar changes. These states include New Jersey, Texas, New York, California, Idaho, Tennessee, Colorado, Arizona, Oklahoma, Michigan, North Dakota, Nebraska, Indiana, Kansas and most recently, North Carolina.

A 2014 Sikh Coalition national school bullying report revealed that Sikh students are bullied at twice the national rate. As you know, accurate and representative standards are the first step in ensuring safe and inclusive classrooms. Correcting exclusions in the classroom also helps better equip students of all backgrounds to be well-informed citizens of an increasingly globalized world. It is important that all Virginia students be exposed to the diverse beliefs of people of all backgrounds.

We urge the writing team to include Sikhism alongside other world religions throughout the revised standards, and also include additional examples about Sikhism and the Sikh-American community in any new standards where clearly appropriate. In our analysis of the current 2015 standards, we found opportunities for correction in the following areas, and have appended our recommended edits, as well as submitting them through the public comment forms:

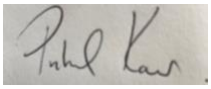
- World History and Geography 1500 to Present
- US History: 1865 to Present
- World Geography
- World History and Geography to 1500

We have worked together with writing teams and educational departments in several states and would be happy to work with your team to develop any new wording for the revised standards, as well as supporting you with curricula and instructional materials for our suggested additions. Examples of our teacher resources can be found in the Chapter entitled 'Teaching About Sikhism' from the National Council for the Social Studies publication on *Teaching About Religion in the Social Studies Classroom*; on the Educators Page of our website; and on the C3Teachers Sikh Coalition hub.

National Office: 50 Broad Street, Suite 504 | New York, NY 10004
t: 212.655.3095 | f: 212.208.4611
www.sikhcoalition.org

Inclusive and accurate standards are a welcome and positive step for all of Virginia's communities. We look forward to your positive response.

Sincerely,



Pritpal Kaur,
Education Director, The Sikh Coalition

Appendix of recommended edits to 2015 standards:

World History and Geography 1500 to Present

- In standard WHII.2c under Essential Knowledge - Location of world religions in 1500 A.D.(C.E.), Sikhism, the world's fifth largest religion should be added.

  Suggested text for addition: 'Sikhism: India (pre-partition), South Asia'.

- In standard WHII.15a, Sikhism, the world's fifth largest religion should be added.

  Suggested edits and additions: 'The student will apply social science skills to understand the influence of Judaism, Christianity, Islam, Buddhism, Hinduism, and Sikhism in the contemporary world by a) describing their beliefs, sacred writings, traditions, and customs;

  Essential Understandings - Six world religions have had a profound impact on culture and civilization.

  Essential Knowledge - Sikhism: Monotheism - belief in One God, the Creator, inherent in all living beings; Living a truthful life through the threefold motto of remembering God, earning an honest living, and sharing with others; Belief in ten Gurus and the sacred scripture, Guru Granth Sahib, as the permanent and eternal Guru. Core Values: equality, compassion, selfless service, upholding social justice.'

- In standard WHII.15b, Sikhism, the world's fifth largest religion, should be added.

  Suggested edits and additions: The student will apply social science skills to understand the influence of Judaism, Christianity, Islam, Buddhism, Hinduism, and Sikhism in the contemporary world by b) locating the geographic distribution of religions in the contemporary world.

  Essential Understandings - Six world religions have had a profound impact on culture and civilization. These religions are found worldwide, but their followers tend to be concentrated in certain geographic areas

  Essential Knowledge, Geographic distribution of world's major religions - Sikhism: Concentrated in Punjab, South Asia but has spread to North America and Europe as well as many other parts of the world.

General Comments about the World History and Geography 1500 to Present Course not shared in previous comments.

Sikhism is an independent religion and the world's fifth largest religion with over 25 million followers worldwide. It should be added into standards where world religions are taught, and also added into any additional standards which are created during the review process, that list the world religions. Samples of curricular and instructional resources can be found at https://www.sikhcoalition.org/get-involved/resources-for-educators/middle-high-school-resources/

National Office: 50 Broad Street, Suite 504 | New York, NY 10004
t: 212.655.3095 | f: 212.208.4611
www.sikhcoalition.org

US History: 1865 to Present

- In standard USII.4a, examining the reasons for westward expansion, including its impact on American Indians under Essential Knowledge, subheading Reasons for increase in westward expansion, the immigration of workers from South Asia should be added.

  Suggested edit: 'Immigration of workers from China and South Asia who built much of the Transcontinental Railroad.'

- In standard USII.4b, explaining the reasons for the increase in immigration, growth of cities, and challenges arising from this expansion, South Asian immigration should be included.

  Suggested addition under subheading Discrimination against immigrants: 'South Asian (e.g.the Bellingham Riots).'

General Comments about the US History: 1865 to Present Course not shared in previous comments.

Sikh Americans first immigrated to the West Coast over 125 years ago, and they are now a sizable population with over 500,000 followers across the U.S. Their rich immigration stories should be included in US history. For example, students can explore the challenges and opportunities faced by South Asian immigrants, which will allow them to learn about socio-economic issues, identity, religion, culture, racism, immigration reform and legislation. For example, the 1800's, progressing to the early 20th century saw waves of workers on the Western Pacific Railroad in 1910. In 1907, the Bellingham Riots in Washington State, serve as a case study of racism against South Asian immigrants. The founding of Stockton Gurudwara, the first ever Sikh place of worship in the United States in 1912, served as a focal point for immigrants across communities. Legislation such as *United States vs. Bhagat Singh Thind (1923)* and the US *Immigration and Nationality Act (1965)* affected South Asian immigration significantly. The contributions of Dalip Singh Saund to politics, opened doors for minority communities to rise above prejudice and racism when he became the first ever Asian, the first Indian and the first Sikh to be elected to the United States Congress (1957-63). Samples of curricular and instructional resources can be found at https://www.sikhcoalition.org/get-involved/resources-for-educators/middle-high-school-resources/

World Geography

- In standard WG.3b, under Cultural characteristics, Architectural structures, sub-heading Religious buildings, the example of a Gurudwara (Sikh house of worship) should be added.

  Suggested edit: 'Religious buildings (e.g., mosques, churches, synagogues, gurudwaras, temples, pagodas).

- In standard WG.3c, under subheading Religion as a unifying force, the example of 'Sikhism' should be added in the list of examples.

  In standard WG.3c, under subheading Religion as a divisive force, 'Sikhism' can be added to the first example.

  Suggested edit: 'Conflicts between Hindus, Muslims and Sikhs in Pakistan and India.' Case studies which can be used to teach this example include 1) the partition of India in 1947 which led to the Punjab region where Sikhism was founded, being split between India and Pakistan - the partition remains the largest and deadliest migration in human history with millions of Sikh, Hindu and Muslim lives being lost; and 2) the events of Operation Bluestar in 1984. Support for identifying appropriate primary sources alongside curricular and instructional materials can be provided by the Sikh Coalition education team: education@sikhcoalition.org

- In standard WG.11d, under Essential Knowledge, subheading Cultural influences, Sikhism, the world's fifth largest religion should be added. Suggested edit: 'Religious diversity: Hinduism, Islam, Sikhism, Buddhism, Christianity.'

- In standard WG.11d, under Essential Knowledge, subheading Cultural landscape, the example of 'Gurudwaras' (Sikh houses of worship) should be added.

General Comments about the World Geography Course not shared in previous comments.

Sikhism is an independent religion and the world's fifth largest religion with over 25 million followers worldwide. It should be added into standards where world religions are taught, and also added into any additional standards which are created during the review process, that list the world religions.

In the context of World Geography, Sikhism was founded in Punjab, South Asia, a region which was split between India and Pakistan during the partition of India in 1947. The main language spoken in Punjab is Punjabi, and there are many significant historical Gurudwaras (Sikh houses of worship) across the Punjab landscape, such as Darbar Sahib (commonly known as the Golden Temple), in Amritsar. The Punjab is also significant geographically as it comprises five main rivers, and is often described as the 'bread basket' of India.

World History and Geography to 1500

- In standard WHI.1c, under heading Experiences may include but are not limited to the following; sub-heading Investigate one of the five major religions, it should be corrected to: 'Investigate one of the six major religions' so that it is inclusive of Sikhism, the world's fifth largest religion.

- Similarly, in standard WHI.1j, under heading Experiences may include but are not limited to the following; sub-heading Investigate one of the five major religions, it should be corrected to: 'Investigate one of the six major religions' so that it is inclusive of Sikhism, the world's fifth largest religion.

- In standard WHI.4 an additional substandard should be added to explore Sikhism which was founded in 15th Century India (pre-partition). Our recommendation is to add this in as an additional substandard after substandard d on Buddhism, and before substandards e-f on China.

  Suggested additions:
  'The student will apply social science skills to understand the civilizations of Persia, India and China in terms of chronology, geography, social structures, government, economy, religion and contributions to later civilizations by describing the origins, beliefs, traditions, customs and spread of Sikhism.

  Essential Understandings - Sikhism was founded by Guru Nanak in South Asia, in a part of Northern India called the Punjab, which is now split between present day India and Pakistan. Sikhism grew as a major religion across India and other parts of South Asia under the leadership of ten Gurus from 1469-1708 during the time of the Mughal Empire. Guru Nanak, (1469-1539), made four long journeys over a period of twenty-four years. He went Eastwards, then Southwards to Sri Lanka, returning via Gujarat and Rajasthan, and later journeyed Northwards into the Himalayas as far as Tibet. He then went Westwards towards the Middle East, to Mecca and Medina, returning through Iran, Iraq, Uzbekistan, and Afghanistan. Through each encounter there was a call for practicing integrity and truthful living, and followers of Guru Nanak's teachings became known as Sikhs. The growth of Sikhism greatly influenced the society, culture and language particularly in Punjab where the majority of followers still live and practice the religion, as well as in other parts of India and South Asia where there are smaller Sikh communities. Guru Nanak and subsequent Gurus reformed many cultural practices which were embedded in society through their revolutionary teachings of equality and social justice. For example, they spoke out against the caste system which was prevalent at the time, promoted equality for all genders, and fought for the religious freedom of all.

  Essential Knowledge. Sikhism: Monotheism - belief in One God, the Creator, inherent in all living beings; Living a truthful life through the threefold motto of remembering God, earning an honest living, and sharing with others; Belief in ten Gurus and the sacred scripture, Guru Granth Sahib, as the permanent and eternal Guru. Core Values: equality, compassion, selfless service, and upholding social justice. Spread throughout Punjab and other parts of India and South Asia during the time of the ten Gurus.'

General Comments about the World History and Geography to 1500 Course not shared in previous comments.

Sikhism is an independent religion and the world's fifth largest religion with over 25 million followers worldwide. It should be added into standards where world religions are taught, and also added into any additional standards which are created during the review process, that list the world religions. Samples of curricular and instructional resources can be found at https://www.sikhcoalition.org/get-involved/resources-for-educators/middle-high-school-resources/

March 3, 2021

Good Afternoon. There is an update and ADDENDUM to the February 27,

2021 Public Comment.

1) Someone has deleted the G8 writing practice prompt on the

VAtestnav8 site. This is at the SAME time that Performance Based Assessments WITH writing are also increasing.

2) This is new information for me. Vantage Learning works BOTH with Virginia and The College Board, which includes the Accuplacer. Vantage Learning has shared that their organization does offer Dynamically Optimized Testing (DOT), which allows students to check their work and go back while still maintaining the computer adaptive experience (2004 report).

The College Board shares that the Accuplacer is UNTIMED yet can NOT check work.

There is inconsistent information ON what this test is. I have seen reports calling it a placement as well as a diagnostic. It is my understanding that it is a placement exam.

IN a VA Communications Memo in 2016, it shares that the The SOL G3-8 CAT math is used by Professional Boards, the military and other organizations (2016 memo).

It is VERY clear that highly level formats have been part of decision making processes for the G3-8 CAT math learning.

3) I would like to know if the College Board- Accuplacer conducted a field test via Vantage Learning, which considered having the back button or NOT having the back button.

I already know that the G3 SOL math was not field tested before removing the back button.

It is VERY clear that there is a link between decisions with the

College Board and VA's G3-8 CAT math. I have all citations and will follow up.

Sincerely,

Ms. Carolyn Murphy

Also. Did VA run field tests for computer adaptive testing with the back button as well as without the back button?

February 27, 2021

Dear Members of Virginia Board of Education:

Good Morning and thank you for your time. There are a few areas about testing, technology, and questions about voting rules which wanted to share with you as there are some very concerning inconsistencies.

- VA testing does work with Vantage Learning. Vantage Learning shares in their 2004 report that there is a DOT tool which allows students to check their work while maintaining the computer adaptive experience. While the G3-8 CAT math does not have the back button, Vantage has shared that the VA Community College Diagnostic DOES have the back button, but the VPT (Community College) does NOT.
- Key Nationwide groups, NWEA-MAP (west coast) and I-Ready (east coast) share that their Diagnostics do NOT have the back button.
- IT is my understanding that, at present, technology changes DO NOT require Board of Education Approval. Clearly, certain people in testing are changing rules for diagnostics and at the same time, TAKING away back button on KEY SOL statewide (SUMMATIVE) G3-8 math tests, certain placement tests (VPT). There has also been a policy of (in certain areas) not having the back button on certain STREAM (STEM) admissions and specialized programs (incl EMT); in addition, it is noted that the College Board Accuplacer does NOT have the back button.
- Please note that it is already on public record that one school in Loudoun County GAVE the back button to select students doing better in math in few grades (for SOL G3-8 CAT math) AND for the NWEA-MAP for same students. NWEA-MAP confirms that their organization DOES not use the back button on the ACTUAL diagnostics.
- VA partners with the College Board on substitute tests (PSAT-10, PSAT/NMQST, SAT). VA practices are OLD. The College Board 2020 book has the practice tests out of order, Practice test 9 and 10 are the MOST current and at the end.
- 2017 Reading Standards. It is my understanding that the 2017 Reading standards are part of the 2020-2021 school year. Please note that on the VAtestnav8 practice site the G3 practice has a Speedy and Spotty reading from 2010. In addition, the G8 reading on the Hummingbirds and a poem are from 2012, please see attached. These are older reading tests and need more questions on the new format of select 2, 3, 4, or all that apply; in addition, clearly there is the importance of more TEI and applied questions.
- 1035 Providing Guidance on Paired Reading Passages.pdf (staunton.k12.va.us)
-
- Please also note that someone took out the 2012 released tests on VA page.
- It is very clear that the process of technology changes, key testing formats, and practice tests NEEDS involvement and voting of many groups including education, testing, technology; these groups would include both departmental groups AND the Committees who are part of the VA General Assembly. I think that there needs to be additional Committee Involvement (for example) Technology Committee, in addition to SOL Innovation. The SOL Innovation has not posted any meeting notes from 2019-onwards.

-
- FORMULAS are the FOUNDATION for math: Math formulas are KEY to success in math. From 2009 to 2016 someone decided to delete the statistical formulas. This is during the SAME time that data analysis, reading/writing analysis of CHARTS is continuing to increase on all kinds of tests and CORE subjects. In addition, key geometry formulas are NOT on the Algebra 1 formula sheet; however, these formulas are necessary, especially for word problems involving exponential analysis and applied math. There needs to be NEW voting procedures on math formulas for VA's students. Please see the links below which show the VA 2016 Algebra 1 formula sheet, the VA 2009 Algebra 1 formula sheet, and the Maryland formula sheet for High School students,
- Clearly, both in the past and especially during this time with COVID, all students need key tools (formula sheets) to support their learning processes INSTEAD of deleting stuff.
- I have included some DoDEA information. IN 2016, I had a DodEA contact who shared that DoDEA supported all online tools for students both in VA and worldwide.
- Math Formula Sheets:

Algebra 1: (2016)
https://www.doe.virginia.gov/testing/test_administration/ancilliary_materials/mathematics/2016/1a-formsht-2016.pdf

Algebra 1 (2009): VA532405_ER_SPC (virginia.gov)

Maryland High School Reference Sheet: HighSchoolMathReferenceSheet.pdf (mdassessments.com)

DoDEA information on Algebra: ccrsm_algebra_i_standard_9_12_201808.pdf (dodea.edu)

DoDEA practice tests: DoDEA | English Language Arts/Literacy Summative Practice Tests (mypearsonsupport.com)

DoDEA: College and Career Ready Standards (CCRS) Summative Assessments in DODEA

Thank you for your time.

Sincerely,
Carolyn Murphy
Bibliography

1035 Providing Guidance on Paired Reading Passages.pdf (staunton.k12.va.us)

March 5, 2021

Dear Members of Virginia's Board of Education and other groups: (Public Comment)

Good Afternoon. Please see the attached. It is very clear that Virginia has looked at HIGHER level formats for the G3-8 CAT math, which are not age appropriate formats for the G3-8 populations.

- Vantage Learning works with both Virginia and the College Board Accuplacer. Vantage Learning previously worked with the Algebra Readiness Diagnostic Test (ARDT).
- Vantage Learning clearly states that there is Dynamically Optimized Testing (DOT) which allows students to check their work and maintain the computer adaptive experience.
- The College Board Accuplacer does NOT allow the back button. It is my understanding that this is a placement test for STREAM/STEM and community college programs. There maybe additional information. (Some reports have labelled it as a diagnostic/placement and NOT giving the back button.)
- Please note that there has been different information about kinds of tests on a key FCPS website (formative/summative) terminology.
- Key Virginia community colleges are NOT allowing the back button for the VPT yet ARE allowing it for the diagnostic. Key nationwide groups, serving the K-12 population, do NOT give the back button for DIAGNOSTICS.
- There has been some inconsistencies with the PSAT/NMQST in Loudoun; in addition, the 2020 College Board practice tests have the MOST current tests at the end and not in correct order. Virginia practice tests are also old.
- Please note that the Smarter Balanced program, serving the G3-8 population and other groups HAS The back button for students for MATH. Please also note that DoDEA wants ALL online tools for the K-12 population and has a contract with Pearson.
- Based on the 2016 Virginia's computer adaptive memo, Virginia has, in part, based its FORMAT from professional boards (College Board), the military (ASVAB-CAT), and other organizations (CITE- Last sentence, 2016 memo). Please note that in 2016 key testing person in DoDEA shared with me that no one in VA contacted DoDEA, while DoDEA serves the KEY population – G3-8 CAT math.
- It is VERY clear that there is some key groups NOT wanting to provide students key tools, including back button, and current practice tests.

Sincerely,

Ms. Carolyn Murphy

NEWS RELEASE

For Immediate Release: April 27, 2016
Contact: Charles Pyle, Director of Communications, 804-371-2420
Michelle Stoll, Communications Coordinator 804-225-2543

Computer Adaptive Technology Means Shorter Math Tests for Students

RICHMOND, Va. - The expansion of computer adaptive testing will result in approximately 380,000 Virginia elementary and middle school students taking shorter Standards of Learning (SOL) mathematics tests this spring. For example, the computer-adaptive version of the online test third graders are taking has 32 items, 18 fewer than the 50-item tests grade-3 students took last year.

The computer-adaptive versions of the grade-7 and grade-8 math tests - also new this year - each have 53 items, seven fewer than the 60 questions on the traditional versions of the tests. Computer adaptive SOL testing was first introduced during 2014-2015, with the debut of a 53-item computer-adaptive version of the sixth-grade math test.

"Computer adaptive testing can help reduce stress and frustration for students, teachers and parents," Governor Terry McAuliffe said. "No student should spend hours struggling through a standardized test."

McAuliffe and the state Board of Education have advocated the expansion of computer adaptive testing as a means of better measuring academic growth and improving the assessment experience of students. The General Assembly has approved requests from the governor totaling $7.2 million to convert all math and reading SOL tests in grades 3-8 to the computer adaptive format by fall 2017.

"When this change is fully implemented, elementary and middle school students will experience significant reductions in test-taking times and most will complete their math and reading SOLs in less than two hours," Secretary of Education Anne Holton said.

"Computer adaptive testing is a win-win: Students benefit from a customized assessment with fewer test items, while schools and the commonwealth get a more precise measurement of content mastery and growth, especially for high performing students," Superintendent of Public Instruction Steven R. Staples said. "Also, the new federal Every Student Succeeds Act expressly permits the use of computer adaptive testing as part of state accountability systems."

Computer adaptive SOL tests begin with a question or problem of moderate difficulty. If a student answers the item correctly, the computer selects a slightly more challenging problem as the next item. Conversely, an incorrect response results in the selection of a slightly less difficult item.

Students' scores are determined by the number of questions answered correctly and the relative difficulty of the correctly answered items. Because student responses on a computer adaptive test are scored in the sequence in which they are presented, students are not able to skip items or return to previous answers. All students must answer the same number of items to complete a test.

Computer adaptive testing is a scientifically validated and widely used assessment format. The Algebra Readiness Diagnostic Test, which Virginia students have been taking since 2002, is administered in a computer adaptive format. In addition, computer adaptive testing is used by professional boards, the military and other organizations.

VANTAGE LEARNING
Measuring Success One Student at a Time

"During the process of customizing the Vantage Learning Platform ...we have found Vantage Learning to be extremely well-versed in the area of educational technology."
Joe Farmer, Executive Director, Region 10, Texas

The Vantage Learning Platform (VLP)™

Advanced Assessment Technologies to Meet our Clients' Needs

The Challenge – How can you meet the demands of timely testing and immediate scoring, analysis and reporting?

The cost of traditional paper and pencil testing is high and waiting weeks and sometimes months for test results is unacceptable if we are to meet strict federal and state guidelines. Identification of student academic strengths and weaknesses requires immediate scoring, instant analysis and powerful reports in order to impact Adequate Yearly Progress.

The Solution – The Vantage Learning Platform (VLP)

VLP is a fully customizable suite of tools for the complete assessment process, from initial scheduling and registration through detailed score reporting. It is the only application of its kind, able to deliver and score both selected response (random, pre-selected sequence, computer adaptive, etc.) and constructed response (open-ended, essay, etc.) questions online in real time.

VLP provides a proven and reliable way to deliver a high quality, feature-rich assessment system quickly and at the lowest cost. Our suite of tools combines the benefits of both commercial off-the-shelf and customized solutions to meet your specific needs.

The Vantage Learning Platform supports all phases of the assessment process from registration through score reporting with the following tools:

CONTENT MANAGER

Analyst™ maintains and reports item and test data for analysis.

Architect™ enables users to design both web-based and paper and pencil tests and create test specifications and blueprints. All items are stored with relevant content parameters, statistics and other important criteria.

Author™ is a complete item authoring and editing tool to create a range of item types including traditional multiple choice, drag and drop, point and click, click and highlight, short answer and extended response.

Banker™ allows item management, banking and collaborative test construction from one or many item banks.

Critic™ supports the review of test questions through a web-based interface. Locally or remotely, multiple reviewers can view items and provide ratings and comments for use in revising test questions.

Item Treasury™ is comprised of a series of tools to create a repository for assessment items, psychometric data and scoring information, including traditional and non-traditional forms, true/false, multiple choice, matching, short and long constructed response essays, drag and drop and hot spot assessments.

Vantage Learning Platform Clients:

ACCUPLACER™ & WritePlacer™-
The College Board's web-delivered, computer-adaptive, online placement assessments. More than five million ACCUPLACER and 200,000 WritePlacer assessments are delivered annually.

International Computer Driver's License (ICDL™)-
Suite of online certification tests that measure computer literacy and competency in fundamental computer skills.

MY Access!™-
Vantage Learning's online student writing practice with instant scoring, diagnostic assessment, constructive feedback and instructional intervention.

Learning Access!™-
Vantage Learning's integrated suite of web-based diagnostic and instructional assessment tools providing immediate scoring, analysis and reporting online or near immediate in scannable paper format. Modules include Reading Access™, Math Access!™, Writing Access!™ and Science Access!™ (social studies coming soon!).

Oregon Technology Enhanced Student Assessment System (TESA)™-
Computer-adaptive assessments in reading, writing and mathematics for placement in K-12 schools.

Texas Region 10 Web-based Comprehensive Curriculum Assessment Tool (WebCCAT)™-
Online item banking and test creation system.

Texas Mathematics Diagnostic System (TMDS)™-
Online math and algebra assessment aligned to TEKS for use by grade-level institutions.

Virginia Algebra Readiness Diagnostic Test (ARDT)™-
Computer-adaptive tests cover all grade-level proficiencies in minutes, delivering immediate information on strand-level mathematic strengths and weakness to drive differentiated, one-to-one instructional intervention.

DELIVERY & SCORING MANAGER

Audible™ allows the delivery of clear and consistent audio files without the use of streaming media for listening items and audio stimuli.

Consultant™ investigates, evaluates and reports on the settings within the testing environment and the capabilities of the instructional computer network in use, and automatically recommends optimum hardware and software configurations.

Courier™ provides test delivery for selection-type, constructed response and essay questions in a grouped or blended format.

DOT™ (Dynamically Optimized Testing) is the first computer-adaptive tool that allows examinees to change a response to a previously seen item but still maintain the reliability of the assessment experience.

VANCAT™ is the first truly flexible Computer Adaptive Test engine that supports both computer adaptive and linear test forms over the Internet. VANCAT can deliver tests in one, two and three parameter Item Response Theory modes.

VANGuard™ creates a secure environment to assure test validity by eliminating access to online and desktop information on both Mac and PC platforms.

VANKey™ is a suite of software and hardware designed to accommodate students with disabilities and those who rely on assistive technologies.

VANScan™ allows paper and pencil delivery of web-based assessments using scannable answer sheets and scanning software to provide near immediate scoring, analysis and reporting.

TRANSACTION MANAGER

Accountant™ keeps track of customer orders, billing and related accounting functions.

Executive™ provides testing program administrators and clients with multiple levels of control over most major functions of the assessment and instructional environments.

Scheduler™ provides online test registration, scheduling and site mapping to accommodate an unlimited number of locations and workstations.

PERSONAL PROFILE MANAGER

Envoy™ communicates relevant information immediately via email to administrators, examinees, teachers, parents and other invested parties.

INTELLIGENT AGENTS MANAGER

Alert™ & Sleuth™, respectively, aide to increase the validity of examinee responses by identifying responses indicating examinees may do harm to themselves or others and by detecting signs of collaboration and plagiarism.

Individualized Educational Pathway (IEP)™ generates a customized learning pathway to enable the student and teacher to focus on the areas of greatest need. The pathway is based on the heuristics generated by the teacher, using data gleaned from student assessments, instructional exercises and demographic data.

DATA MINING MANAGER

Reporter™ produces a variety of stock and customized report formats for individuals and groups and provides easy aggregation and disaggregation of data at virtually any level.

The Vantage Learning Reporting Platform (VLRP)™ is a family of reporting tools that allows a user to ask natural language based questions in over 20 different languages against either unstructured (text-based) or structured (database-driven) data.

About Vantage
Vantage provides services in all 50 states, and contracts directly with the state educational agencies in Pennsylvania, Mississippi, Virginia, Oregon and Texas. Vantage also creates products for The College Board, ACT, Harcourt Educational Measurement, CTB/McGraw Hill and Thomson Learning, and industry giants such as Microsoft, Apple Computer, AOL and Sun Microsystems.

Vantage Learning
110 Terry Drive Suite 100
Newtown PA 18940
Tel: 800-230-2213
Fax: 215-579-8391
www.vantagelearning.com

COPYRIGHT © 2004 by Vantage Learning. All Rights Reserved.

March 6, 2021

Dear Members of VA's Board of Education and other groups:

This is an addendum to the March 5, 2021 memo. I wanted to include some new information and citations.
There is an Accuplacer Report that shares what I briefly mentioned in the March 5, 2021 memo; there are different sections on the Math Accuplacer. It is important to look at these sections as some used as a diagnostic/placement/or both.

- There are key purposes and differences between diagnostics and placements. For the K-12 population, key nationwide groups share that diagnostics do NOT have the back button; these diagnostics are to measure students' strengths and weaknesses. There are some CUSTOMIZED changes to this for community colleges, STREAM (STEM) programs, and potentially other groups. Please also note that one of the contacts on the initial Pearson contract (k-12) was both key person in testing AND a key person in CENTER FOR ADULT EDUCATION.
- There are key parts in the Accuplacer math: Arithmetic, Elementary Algebra, Quantitative Reasoning, Algebra, and Statistics. It is my understanding that Arithmetic and Elementary Algebra can be both a diagnostic/placement. Quantitative Reasoning, Algebra, and Statistics are PLACEMENT tests; certainly, these tests can have ALL online tools, including the back button. In addition, Advanced Algebra and Functions is a placement test. Please see the Accuplacer Program Manual in the Works Cited list below

Who gets the BACK Button to check their work?
Note: Key K-12 policies for diagnostics nationwide do NOT have back button.

	Test	**Diagnostic**	**Placement**	**Comments**
Accuplacer		Arithmetic Elementary Algebra Vantage GIVES back button for Diagnostics	Arithmetic Elementary Algebra Quantitative Reasoning Algebra Statistics Advanced Algebra and Functions Vantage does NOT give for placements	Works with Vantage Learning. Vantage Learning shares CAN have a DOT so students can check work and maintain computer adaptive experience. _____ This information is from Vantage

				tech about community colleges.
VPT			Virginia Math Placement (VPT)	It is my understanding no back button.
ASVAB-CAT	G10 and above test for US Army Looked at for SOL G3-8 math Initially, key grades had all grouped together, reform done.			US Army test Sent to Board a few years ago that key grades did not follow US Army format to have: 1) math 2) math word problems. Reform done on MOST grades, YET need to check G8.
ARDT (model for SOL G3-8 CAT math)		2016 press release states that can NOT have back button		Vantage giving BACK Button to DIAGNOSTICS IN community college (tech report)
	Test	Diagnostic	Placement	Comments
SOL G3-8 CAT math	Summative (modelled in part on ARDT, shared could NOT have back button			
	Summative			Students have back button

Smarter Balanced computer adaptive	Students have back button, within sections			within sections for BOTH math and reading
DoDEA	Supports ALL online tools for K-12 population DoDEA students have all online tools			
STREAM-STEM-key certification tests	EMT (presently, does NOT have back button)			More updates will happen with this test

There is a growing partnership with Vantage Learning and McCann. This includes for the P-EMT. As this Emergency Management Training exam is computer adaptive and is part of certification; certainly, these students deserve all online tools.

There are a few areas which while have noted before, I wanted to share again:

- A few years ago, AOS approved to use the PSAT/NMQST test for admissions. There was a problem with the test administration in one room and possibly more. While AOS is NOT using this anymore, it is important to note as key people had to approve. AT the time the College Board policy was for students to take ONLY two times in high school.
- The next year, there was a problem with the PSAT/NMQST at a high school in Loudoun. There was a "computer issue/bug" affecting the grammar scoring. The Vice Principal was extremely pleased that I called and immediately notified the Counselor. When I called the College Board, (the general number), the person first said that "there would be no retake". When I contacted the Reston, VA College Board office, the person shared (still have voicemail), let's let high school handle it. There WERE people who believed that this could have affected more than one school.
  It is important to SHARE that at NO Point did anyone give me a testing inconsistency form.

- In 2020, I looked over the 2020 College Board book; the MOST current practices, #9 and #10, were at the END. When I asked a person in Herndon, who knows key tech people in College Board, she responded, “These are my friends. I will not.” A Fair Testing group in Boston, MA agrees that the tests are NOT in correct order.
- Key person in Loudoun County Assessment that their focus is to communicate mainly about College Board tests to students.
- Later on that year, I got a referral to work with a parent who is a tech person at the College Board. This person as well did NOT want to do anything, in terms of giving contact to get more follow up and/or provide a form.
- Last week, I contacted Vantage to ask a question. When I asked about Vantage work with Accuplacer, the tech person (this time) became very evasive and said “Which College Board?” Vantage Learning CLEARLY states that computer adaptive testing CAN have the back button. Key people in the College Board as well as VA testing have made a CUSTOMIZED DECISION to share that computer adaptive testing can NOT have the back button on key tests.

It is VERY clear that there is one agenda, supported by key groups, to NOT allow students to check their work. By not allowing students’ work, this clearly affects the outcomes, for placement purposes, STREAM-STEM programs, and for testing (VA). STUDENTS deserve ALL Online tools.

Sincerely,

Carolyn Murphy

Works Cited

https://secure-media.collegeboard.org/accuplacer/pdf/next-generation-sample-questions-quantitative-reasoning.pdf
https://accuplacer.collegeboard.org/accuplacer/pdf/accuplacer-program-manual.pdf

*There is one change to chart. Vantage learning shared that VA community colleges have back button w diagnostic s. (Need to move from accuplacer to vpt category ...vpt and VA category)

THE

AASAC

AFRICAN AMERICAN SUPERINTENDENT'S ADVISORY COUNCIL

March 12, 2021

Members, Virginia Board of Education
PO Box 2120
Richmond, VA 23218

Dear Board members,

As charter members of the African American Superintendent's Advisory Council, we have been charged with advising, informing, and providing professional insight on policy development and accountability for public education in Virginia. As African American educational leaders, we serve a unique role in bringing the needs of African American students to the forefront of state decision making to advance racial equity in Virginia's public schools. Although we typically use our collective voices in an advisory capacity for the Superintendent of Public Instruction, we feel compelled to communicate directly with the Board of Education in regards to our shared concerns related to equitable access to Virginia's Governor's School programs.

As we came to learn that the Virginia Senate passed by indefinitely HB2305—which would require the Board of Education to issue guidance on the governance of academic year Governor's Schools—we are writing to encourage the Board to immediately act on the provisions included in the proposed legislation. It is imperative that the Board issue new guidance and regulations to ensure that all Virginia students have equitable access to the robust academic programs offered in our Governor's School programs.

Consistent inequities in access make the development of guidance for the governance of Governor's Schools to increase access for historically underserved students imperative. Strengthening the student pipeline in feeder public middle schools must begin with ensuring that information is accessible. Prioritizing the most underserved and underrepresented students and public middle schools will go a long way towards ensuring that educational opportunities in the Commonwealth are equitable. The African American Superintendent's Council (AASAC) strongly recommends the establishment of best practices for outreach and communication, admissions policies, and training in diversity, equity, and inclusion.

This guidance should focus on increasing access to Governor's Schools for historically underserved students and include best practices on:

THE

AASAC

AFRICAN AMERICAN SUPERINTENDENT'S ADVISORY COUNCIL

- Conducting information sessions about the Governor's School opportunities and the availability of gifted, advanced, and specialty education program opportunities for feeder public middle schools;
- Strengthening the student pipeline in feeder public middle schools prioritizing the most underserved and underrepresented students and public middle schools; and
- Conducting programs related to and evaluations of diversity, equity, and inclusion.

Structural systems that have been in place since the days of Massive Resistance have led to modern-day school segregation—yielding a separate and inequitable educational experience for minoritized students—and necessitates that you act despite the legislative failure. The members of the African American Superintendent's Advisory Council are willing to serve as stakeholders in support of these structural reforms to gifted education and Governor's Schools and welcome the opportunity to further define specific research-based regulatory recommendations. It is our hope that you will consider this request and act with urgency to close this opportunity gap for African American and other marginalized students within the Commonwealth.

I have attached a copy of the Council membership for your reference and look forward to our continued engagement on this very important issue.

Sincerely,

Rashard Wright
Chairman, African American Superintendent's Advisory Council
Chief of Staff, Newport News Public Schools

Cc: Dr. James Lane, Superintendent of Public Instruction, Commonwealth of Virginia
The Honorable Atif Qarni, Secretary of Education, Commonwealth of Virginia
Ms. Kathy Burcher, Deputy Secretary of Education, Commonwealth of Virginia

Enclosure (1): AASAC Membership Roster

Equity VA
VIRGINIA DEPARTMENT OF EDUCATION
OFFICE OF EQUITY AND COMMUNITY ENGAGEMENT

African American Superintendent's Advisory Council

Purpose:

The purpose of the African American Superintendent's Advisory Council is to advise, inform, and provide professional insight on policy development and accountability for public education in Virginia. The council is formed to provide counsel and recommendations to the Superintendent of Public Instruction and his leadership team, and may be called upon to inform and provide council to the Virginia Board of Education. The Council will play a unique role in bringing African American educational leaders, and the needs of African American students to the forefront of state decisions to advance racial equity in Virginia's public schools.

Charge:

- Develop and react to policy recommendations to advance African American students' academic success and social emotional well being.
- Identify professional learning needs centered around antiracist educator development, equity and cultural responsiveness for educators.
- Inform VDOE priorities to eliminate opportunity and achievement gaps for African American students.
- Inform VDOE strategies to increase the diversity of Virginia's educator workforce, including leadership positions at the VDOE.
- Advise the Superintendent on current issues, policies, laws, and regulations

Membership:

The African American Superintendent's Advisory Council charter membership includes:

Dr.	Rosa	Atkins	Charlottesville City Schools	Charlottesville City Schools
Ms.	Francine	Boudlin	Henrico	Henrico County Public Schools
Ms.	Regina	Brown	Petersburg City Public Schools	Petersburg City Public Schools
Ms.	Holly	Coy	VDOE	

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Equity VA
VIRGINIA DEPARTMENT OF EDUCATION
OFFICE OF EQUITY AND COMMUNITY ENGAGEMENT

African American Superintendent's Advisory Council

Dr.	Andrew	Daire	Dean, School of Education	Virginia Commonwealth University
Dr.	Crystal	Edwards	Lynchburg City Schools	Lynchburg City Schools
Dr.	James J.	Fedderman	Accomack County	Virginia Education Association
Mr.	Tyrone	Foster	Bristol City	Bristol City Schools
Dr.	John B.	Gordon III	Suffolk	VASS Member
Dr.	Ingrid	Grant	Henrico County Public Schools	African American Advisory Board
Dr.	Tameshia	Grimes	Nottoway County Public Schools	Nottoway County Public Schools
Ms.	Penny	Hairston	Alexandria City Public Schools	Douglas MacArthur Elementary
Ms.	Genisus	Holland	Girls for Change	Girls for Change
Ms.	Naila	Holmes	N/A	Virginia Education Association
Mr.	Myles	Hunt	Portsmouth Public Schools	N/A
Mr.	Rodney	Jordan	Norfolk City	VSBA
Dr.	James	Lane	VDOE	Commonwealth of VIrginia
Ms.	Makya	Little	Prince William County	TJAAG
Dr.	Toney L	McNair Jr	Portsmouth, Suffolk, Isle of Wight	Virginia Education Association
Ms.	Paula	Robinson	Newport News Public Schools	State Council of Higher Education for Virginia
Mr.	Rodney	Robinson	Richmond City Public Schools	Richmond Public Schools

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

African American Superintendent's Advisory Council

Dr.	Clara	Scott	NA	NAACP
Dr.	Jeffery	Smith	Hampton City Schools	Hampton City Schools
Dr.	Dietra	Trent	George Mason University	George Mason University
Dr.	Janice	Underwood	Virginia	Office of the Governor
Ms.	Leah	Walker	DOE	Equity and Community Engagement
Dr.	Willis	Walter	Petersburg City Public Schools	Virginia State University
Dr.	Verletta	White	Roanoke City Public Schools	Roanoke City Public Schools
Dr.	David	White	King William County Public	King William County Public Schools
Dr.	Van	Wilson	Virginia	VCCS
Dr.	Jamelle	Wilson	Virginia	Virginia Board of Education
Dr.	Rashard	Wright	Newport News Public Schools	Superintendent's Office

THE AASAC

AFRICAN AMERICAN SUPERINTENDENT'S ADVISORY COUNCIL

MEMORANDUM

To: Members, Virginia Board of Education

From: Rashard Wright, Chair
The African American Superintendent's Advisory Council

CC: Dr. James Lane, Superintendent of Public Instruction

Virginia Department of Education

Date: March 15, 2021

Re: Advancing Racial Equity in Virginia's Public Schools

Background

Racial equity—as defined by Estela Mara Bensimon, Professor in Educational Equity and Director of USC Rossier's Center of Urban Education—is corrective justice for communities that have suffered oppression. It is the systematic fair treatment of people of all races, resulting in equitable opportunities and outcomes for all. It is not just the absence of discrimination and inequities, but also the presence of deliberate systems and supports to achieve and sustain racial equity.

The African American Superintendent's Advisory Council (AASAC) was formed in response (include language from the charge) to the acute equity issues that continue to stifle achievement and produce disparate academic outcomes for Black students across Virginia. The Council's purpose is to advise, inform, and provide professional insight on policy development and accountability for public education in Virginia that will address the inequities that Black students face. (Reference data in the Roadmap) Student outcome data presented in Virginia's roadmap to Equity, Navigating EdEquityVA, outline prevalent gaps in achievement for Black students. The unique historical events, which served to systematically oppress Black students such as Massive Resistance, continue to have an effect on student success and necessitated the creation of this advisory Council. While many minoritized student groups in Virginia face barriers to success, data analysis on most achievement indicators communicate a grave need to increase support for Black students in the Commonwealth.

THE

AASAC

AFRICAN AMERICAN SUPERINTENDENT'S ADVISORY COUNCIL

The charge of the African American Superintendent's Advisory Council is to advise the state Superintendent, VDOE Leadership, and the Virginia Board of Education on matters pertaining to racial equity in Virginia's schools. Additionally, we have been charged with providing VDOE leadership with recommendations intended to improve the holistic educational experiences for Black student populations, which were made vulnerable by the conditions of systemic racism in our education system. The African American Superintendent's Advisory Council's members represent superintendents, school board members, school administrators, teachers, parents, students, and other education stakeholders from across the Commonwealth.

Over the course of several meetings, the AASAC has engaged in intentional conversation around topics affecting the education and achievement of Black students. Council members have identified four main domains of our education system that must be addressed to advance racial equity: achievement gaps, teacher diversity, opportunity gaps, and professional development in the areas of equity and culturally responsive and inclusive practice. Enclosed below, please find the Council's priority recommendations for consideration of the Virginia Board of education to advance racial equity in Virginia's public schools.

Recommendations for Reporting & Accountability/Accreditation

Teacher Diversity/Pipeline

Virginia's educator workforce continues to be racially homogenous with a teacher population that is overwhelmingly white and female. As the diversity of Virginia's student population rapidly grows, there is a critical need to recruit and retain educators that reflect the growing diversity across the state, and that are prepared to meet the unique needs of our diverse student populations. Research and VDOE staff analysis indicate that a racially representative mix of teachers and administrators can have a strong positive effect on educational outcomes for historically marginalized students. The current disproportionate racial composition of Virginia's teacher workforce must be addressed as it poses a direct threat to the success of Virginia's increasingly diverse students.

To aide in addressing this critical issue, the AASAC suggests that the Board:

- Require reporting on student to teacher racial ratios in the form of a single indicator or composite score related to teacher/student demographics. This should be reported on School Quality Profiles as a Teacher Diversity Index.

A Teacher Diversity Index is the percentage-point difference between teachers of color and students of color and is intended to measure how well the "diversity" or "variety" of a school or division's student population matches its teacher population. The Center for American Progress uses a Teacher Diversity Index to rank states: *https://files.eric.ed.gov/fulltext/ED564608.pdf*.

Achievement Gaps:
The racial achievement gap manifests as disparities in test scores, graduation rates, and other success metrics, reflects the systemic impact of ongoing historical trauma and the systemic oppression of people of color. In order to address Virginia's racial achievement gaps, we must assess the conditions of our educational system, which continue to perpetuate disparate academic achievement among minoritized students.

Many conversations related to disproportionality in student outcomes have focused on the achievement gap, the difference between primarily low-income and minority children compared to their peers on standardized tests and other outputs. In doing so, the focus has neglected the basic truth that achievement follows from opportunities to learn.

As the Virginia Department of Education shifts away from a focus on "achievement gaps," which places the blame for lower achievement on students of color and their families, an increased focus is being placed on the conditions of the educational system that perpetuate inequities. Closing opportunity gaps in Virginia schools is the only way we will make progress toward eliminating the academic achievement gaps that separate many Black and Hispanic students from their white and Asian peers.

To aide in addressing this critical issue, the AASAC suggests that the Board:

- Revise the Standards of Accreditation to include new instructional and/or graduation requirements. As you consider changes to other graduation requirements, please examine other course progressions and the multitudes of course options as a determination for graduation eligibility (both advanced and standard diploma).
- *Provide flexibility and equal weight and/or emphasis on career workforce readiness as it related to college and career pathways. Identify and implement options for students to gain skills and experience for their chosen job path while still in high school.

Discipline Disproportionality:
Exclusionary discipline practices, or any type of disciplinary action that removes or excludes a student from their usual educational setting, continues to disproportionately affect Black students in Virginia schools. While Black students comprise only 22% of total student enrollment, they make up 52% of all students suspended, even though research does not support the idea that students of color are more likely to engage in problem behavior. In 60% of Virginia's school divisions, Black students are more than twice as likely as their non-Black peers to be suspended. Additionally, in 30% of Virginia's school divisions, Black female students are more than three times as likely as their non-Black peers to be suspended (compared to just 9% of school divisions for Black male students). Use of exclusionary discipline has a negative,

cumulative impact on student academic achievement and is disproportionately used among students of color.

To aide in addressing this critical issue, the AASAC recommends that the Board:

- Establish a behavior indicator system, similar to the model in West Virginia's accountability system (https://wveis.k12.wv.us/essa/dashboard.html), that includes discipline disproportionality as an indicator in the state's accountability system.

Gifted/Accelerated Academic Programs:
Under-representation of Black students in gifted education falls under the larger umbrella of opportunity gaps that result in achievement gaps. While white students make up 48% of total school enrollment, 58% were identified as gifted and 53% were referred for services, compared to Black students comprising 22% of total student enrollment only accounting for 12% of students identified as gifted and 13% being referred for services. Additionally, the failure to assign students of color to advanced coursework has created a 26% gap in enrollment for Advanced Placement (AP) or Dual Enrollment courses between Black and white students. Not only are Black students less likely to be identified as gifted, but they are also more likely to be identified as requiring special education services by teachers.

To aide in addressing this critical issue, the AASAC affirms the Boards revised guidelines for Gifted Education that includes:

- Require the state to report demographic data on enrollment in gifted programs/specialty academic centers on School Quality Profiles.

Opportunity Gaps/Access to Rigor:
Opportunity gap describes the complex issues that contribute to achievement gaps and recognizes the historical and societal implications of the way race and class influence the kind of education and access to support a student is likely to receive. Opportunity Gaps often manifest as:

1. lack of equitable and consistent access to rigorous courses and learning opportunities;
2. lack of access to high levels of support that measurably increase achievement levels for all students; and
3. lowered expectations for underrepresented/marginalized students.

The VDOE has prioritized closing opportunity gaps as a strategy for achieving education equity. To aide in closing opportunity gaps, the AASAC recommends that the Board:

- Create an opportunity and access indicator similar to that of Kentucky (KY ESSA Plan).

- Require schools and divisions to report on student enrollment in (advanced) courses as well as report on the details of course offerings by school.
- Include a measure of access to academic rigor in accreditation, which could be a composite indicator.

Culturally Responsive Schools:
The culturally responsive school seeks the highest levels of achievement for all students by acknowledging, responding to, and truly integrating student, family, and community identity into all aspects of learning to foster a safe and equitable environment that recognizes the histories, struggles, achievements, and contributions of the racially marginalized populations it serves as fundamental to engaged student learning. Culturally responsive schools address fundamental equity concerns by holding high expectations for all students and providing the highest levels of support to ensure that all students succeed. Success in a culturally responsive school is defined by preparation for college and career readiness in an environment that is supportive, is asset-conscious, and fosters positive cultural identity. The VDOE has prioritized increasing the cultural competency of Virginia's educator workforce as a strategy for achieving education equity.

To support the development of a culturally competent educator workforce in Virginia schools, the AASAC suggests that the Board:

- Review ECS Summary of State Examples to establish a single indicator or composite score related to school climate, which also includes indicators of antiracism and Culturally Responsive and Inclusive school climate.

Recommendations for Revisions to the Compliance Requirements in the SOA

- The state should require that divisions evaluate master schedules to ensure equitable student assignment in honors/advanced and AP courses and require reporting on demographic enrollment in these courses.
- Require an equity advisory committee at the division level.
- Require each school board adopt an equity plan that includes the establishment of equity goals.
- Incorporate racism, racial equity, social justice as part of standards of learning.
- Require local school boards to assess curriculum, instructional materials, and text books for Cultural Responsiveness and Inclusion prior to approval/adoption.

Recommendations for Additional VBOE Guidance Documents

- Establish Model Guidance on equitable enrollment procedures for Governor's schools and accelerated programs.

- Establish Model Guidance for mentoring and coaching program for the retention of Teachers of Color.
- Establish Model efficacy tools to evaluate Culturally Responsive and Inclusive instructional practice.
- Establish Model Culturally Responsive and Inclusive Audit for all approved instructional materials (curriculum and textbooks).

Recommendations for other Regulatory Changes

- Modify licensure regulations to permit alternative pathways, other than the Praxis (such as through micro-credentials) to meet licensure requirements.
- The Virginia Board of Education should reconfigure division boundaries and zoning to promote better integration and to advance equitable access for all students by amplifying best practices, issuing model guidance, and advocating for inclusive school division boundaries.
- Require Educator Preparation Programs to include programs of study and experiences that prepare teachers to be culturally responsive by revising regulations Governing the Review and Approval of Education Programs in Virginia 8VAC20-543-10 et seq to include guidance on:
    - Diversity, equity, cultural responsiveness and competence
    - Anti-racism
    - Diverse field placements.

- Require schools offer open enrollment in advanced level academic coursework

Recommendations for SOQ Changes

- Requirement for Culturally Responsive and Inclusive Practices coordinator at every division.
- Require equitable distribution of teachers to disrupt the disparity of the most experienced teachers being assigned to the lowest poverty schools.

Conclusion

The Council appreciates your consideration of these recommendations and we look forward to continued engagement with the Board. Members of the Council will make themselves available to present these recommendations formally to the Board at your request.

Esteemed Members of the Board of Education:

My name is Rachel Lei, I graduated from Thomas Jefferson High School for Science and Technology in 1996. I am part of the alumni organization called TJ Alumni Action Group (TJAAG) advocating for admissions reform at our alma mater and educational equity in Virginia. We are alums of TJ and of gifted education programs in NoVA spanning 35 years, diverse in cultural background, experience with gifted education, English language learner status, socioeconomic background, and current careers; we firmly believe that **educational excellence and equity go hand in hand** for all students in Virginia that one simply does not exist without the other.

After TJAAG worked for many months to support admissions reform at the Fairfax County School Board level, we were disappointed that HB 2305 was passed over indefinitely in the Virginia Senate's Education committee. We applaud your determination to take up the charge of HB 2305 and issue best practices for greater equity in Virginia's academic year governor's schools. Specifically, we urge you to

1. **Repeal 8VAC20-40-40(D) #4 & 5** to remove the standardized testing requirement for entry into gifted ed programs.
2. Encourage the exploration and trial of **inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment** with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.
3. **Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings** for high schoolers, including Advanced Placement and International Baccalaureate.
4. Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - **AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward**.

TJAAG is working on a set of comprehensive recommendations that flesh out and go beyond these recommendations I have briefly outlined here. We would welcome any opportunities to discuss them with you and support your work to make Virginia a more inclusive and equitable learning environment for all our young people.

Gratefully,

Rachel Lei
TJHSST Class of 1996
TJ Alumni Action Group
https://www.tjaag.org/

Dear Board of Education,

I'm a lifelong Virginian and public servant, as well as a proud 2nd-generation immigrant married to another 2nd-generation immigrant and lifelong Virginian I met while attending Thomas Jefferson High School in Fairfax. As a member of the TJ Alumni Action Group, a nonpartisan organization of volunteers committed to advancing education equity, I urge you to include the below in your gifted education best practices:

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.

2) Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.

3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.

4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

We are counting on you. Thank you for your service.

Regards,

Nicole

To whom it may concern on the Virginia Board Education:

I'm a graduate of TJHSS&T '96 and a parent to a 1st and 4th grader in Fairfax County. I'm proud of my schooling and hope that you will consider looking at ways that we can offer equitable education across the state but specifically looking at how the makeup of TJ can better reflect the diversity in Fairfax County. Some points I'd like to see are:

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.

2) Encourage the exploration and trial of inclusive paradigms such as the School wide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.

3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.

4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

Thank you for your hard work and consideration,

Jen Connor Naylor

FCPS graduate and parent

Dear Board of Education,

I'm a lifelong Virginian and public servant, as well as a proud 2nd-generation immigrant married to another 2nd-generation immigrant and lifelong Virginian I met while attending Thomas Jefferson High School in Fairfax. As a member of the TJ Alumni Action Group, a nonpartisan organization of volunteers committed to advancing education equity, I urge you to include the below in your gifted education best practices:

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.

2) Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.

3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.

4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

We are counting on you. Thank you for your service.

Regards,

Nicole

Dear BOE,

Please help our citizenry trim and straighten the crooked tree planted and watered by the Massive Resistance as a response to desegregation.

The policies enacted by those white male leaders, mostly elected by other white males, are not the values of our diverse community.

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.
2) Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.
3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.
4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.
5.) Help identify our population properly; I am a Hispanic Bolivian Native American with some white.

Sincerely,
Jorge A Torrico
Burke, VA 22015

Ps

Federal Education standards for collecting this data, and how the spirit of collecting more accurate information is there, but it just hasn't made it thru the bureaucratic hurdles:

- https://www2.ed.gov/policy/rschstat/guid/raceethnicity/index.html
- https://www2.ed.gov/policy/rschstat/guid/raceethnicity/questions.html
- 2 part: Ethnicity (Hispanic Yes/No) 2nd part Race (American Indian or Alaska Native, Asian, Black, Native Hawaiian or other Pacific Islander, White) (as is currently collected by FCPS)
- "*Additional racial or ethnic categories that are sub-categories of the categories used in the two-part question may be used if the educational institution collecting the data deems such distinctions valuable. For example, if there is a large population of Asians and differentiation of the multiple subcategories is worthwhile to the State or other educational institution, data within those sub-categories may be collected. In this case, the individual could choose among Asian subcategories (for example, Chinese, Japanese, Korean, Pakistani, and Indian). Similarly, if there is a diverse population of Hispanics and differentiation of the multiple subcategories is worthwhile to the State or*

educational institution, data within the Hispanic/Latino category may be collected. For example, individuals could choose among Hispanic subcategories such as Mexican, Cuban, or Puerto Rican. These subcategories would be for the use of the State or educational institution and would not be reported to the Department.

- *There is no "multiracial" or "other race" category used when collecting data from individuals using this two-part question for ethnicity and race. However, a respondent may report having more than one race."*

When the overall Federal standards are reviewed:

- "Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity" https://www.federalregister.gov/documents/2016/09/30/2016-23672/standards-for-maintaining-collecting-and-presenting-federal-data-on-race-and-ethnicity
- "During the periodic review preceding the 1997 revision, OMB's Interagency Committee for the Review of the Racial and Ethnic Standards considered suggestions to require an additional, distinct minimum reporting category for respondents identifying as "Arabs or Middle Easterners." At the conclusion of the review, agreement could not be reached ..."
- "*Intent of Minimum Categories:* The standard provides a minimum set of racial and ethnic categories for use when Federal agencies are collecting and presenting such information for statistical, administrative, or compliance purposes. However, it does not preclude the collection and presentation of additional detailed categories for statistical, administrative, or compliance purposes, provided that the additional detailed categories can be aggregated into the minimum set to permit comparisons. Specifically, the current standard advises, "In no case shall the provisions of the standards be construed to limit the collection of data to the categories described above. The collection of greater detail is encouraged . . ."""
- Separately I sought confirm our American Indian designation with current OMB guidelines (https://www.census.gov/content/dam/Census/newsroom/press-kits/2017/aapor/2017-aapor-sandoval.pdf)
    -
        - "According to the Office of Management and Budget (OMB), "American Indian or Alaska Native" refers to a person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment. Thus, individuals who identify as belonging to any of the Central and South American Indigenous groups should fit into the "American Indian or Alaska Native" category. However, these individuals may fit into this category without maintaining political ties such as tribal affiliation."

Dear Members of the Board of Education,

My name is Kaitlin Swanner and I graduated from Thomas Jefferson High School for Science and Technology in 2007. In elementary school, I participated in the pull-out Gifted & Talented program (as it was called then) while my brother attended the local GT center for elementary school. Both of us attended Rocky Run Middle School for GT education before heading on to TJ. While we are grateful for and benefitted from these unique educational offerings, I am concerned about the ways in which students are identified for these programs and that these processes may be overlooking students who would also benefit from these opportunities. Particularly as we've seen in the TJ admissions data, Black and Latinx tend to have a harder time getting access to these programs.

I am also a member of the TJ Alumni Action Group (tjaag.org), and as a group we are advocating for equity in education across the Commonwealth.

I currently live in Roanoke, VA, down the street from the Roanoke Valley Governor's School. My hope is that by the time my children are attending school, we will have realized a more equitable public education system for all children in the Commonwealth.

Along with other members of TJAAG, I urge you to:

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.
2) Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.
3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.
4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

Thank you for your consideration! As a TJAAG member, I know I speak for all of us when I say that we hope to be a partner to this Board in supporting your important work.

Sincerely,
Kaitlin Swanner
Roanoke City Resident
TJHSST Class of 2007

Good morning,

I am writing to you as a graduate of the Thomas Jefferson High School for Science and Technology and the parent of three children who have received/are receiving gifted services in the Henrico County Public School system. While I am grateful for the learning opportunities that my children and I have had in Virginia public schools, I am keenly aware that Black, Hispanic, and low-income students are - and for many, many years have been - grossly underrepresented in these same programs.

The Board of Education has the opportunity to address this inequity in part through changes to Virginia's gifted education regulations. I join in the efforts of educational equity advocates to request that Virginia:

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.

2) Encourage the exploration and trial of inclusive paradigms such as the School wide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.

3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.

4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

Thank you for your service and your consideration,
Brittany Rose

Dear Esteemed Members of the Virginia Board of Education:

My name is Lauren Wagner, and I graduated from Thomas Jefferson High School for Science and Technology (TJ) in 2000. I am also an educator and current Ph.D. student specializing in Curriculum & Instruction. I formerly taught elementary school in Virginia for 13 years throughout Fairfax County Public Schools and currently serve on the executive board of the alumni organization, TJ Alumni Action Group (TJAAG). Our group is dedicated to advocacy surrounding admissions reform at our alma mater and more broadly, educational equity in Virginia. We are alums of TJ and of gifted education programs in NoVA spanning 35 years, diverse in cultural background, experience with gifted education, English language learner status, socioeconomic background, and current careers. Collectively, we firmly believe that educational excellence and equity go hand in hand for all students in Virginia that one simply does not exist without the other.

After TJAAG worked for many months to support TJ admissions reform at the Fairfax County School Board level, we were disappointed that HB 2305 was passed over indefinitely in the Virginia Senate's Education committee. We applaud your determination to take up the charge of HB 2305 and issue best practices for greater equity in Virginia's Governor's schools. Specifically, we urge you to:

Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.

Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.

Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.

Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

TJAAG is working on a set of updated, comprehensive recommendations that flesh out and go beyond those I have briefly outlined here. We would welcome any opportunities to discuss them with you and support your work to make Virginia a more inclusive and equitable learning environment for all our young students.

Sincerely,
Lauren E. Wagner, TJ Class of 2000,
Doctoral Student, Florida State School of Education
TJ Alumni Action Group, Secretary https://www.tjaag.org/

OFFICE OF HUMAN & CIVIL RIGHTS

Greetings! Please accept this correspondence as submission of written comment as presented on the VBOE's Business Agenda for March 18, 2021. The following public testimony is provided on behalf of the VEA's Fitz Turner Commission for Human Relations and Civil Rights. We develop programs, build awareness, and take action to address concerns in each VEA District when/if a racial and social justice issue arises. We are charged with promoting the inclusion of culturally competent and responsive Curriculum and Instruction and recognitions that highlight the wealth of diversity within the Commonwealth of Virginia.

VEA's Fitz Turner Commission for Human Relations and Civil Rights supports the updates to the Final Review of the Proposed Revisions to the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers in Virginia. The Fitz Turner Commissioners appreciate the addition of the "Culturally Responsive Teaching and Equitable Practices" standard.

It is noted that the language has been aligned with other efforts to promote equity and diversity, specifically to include gender, gender identity, race, ethnicity, English-Language Learners and students with disabilities. As you consider the proposed revisions, our hope is that the board will remain consistent in its promotion of equity and diversity through the revisions to the teacher evaluation guidelines.

VEA members stand ready to partner with the Department of Education to ensure that the handbook, training materials, and regional training opportunities are properly implemented to ensure appropriate outcomes and validity in the evaluation process.

We ask that, as the policy is implemented, the board consider alignment with the timeframe as outlined in House Bill 1904 of the Special Session of the 2021 General Assembly, so that teachers will be well-prepared and adequately trained to be evaluated under the new standard and ensure that the evaluation process is implemented with fidelity, reliability and efficacy. We ask that the implementation timeline of the new evaluation process is succinct and that all teachers have time to complete the proper professional development training before they are evaluated on their performance in this area.

Sincerely,

VEA's Fitz Turner Commission for Human Relations and Civil Rights

VIRGINIA EDUCATION ASSOCIATION
116 South Third Street, Richmond, Virginia 23219-3704 1-800-552-9554 ■ 804-648-5801 ■ FAX 804-775-8379
www.veanea.org

Dear Virginia Board of Education,

My name is Akshay Deverakonda, I'm a current (and longtime, born-and-raised) Fairfax County, Virginia, resident, and a graduate of Thomas Jefferson High School for Science and Technology. I'm also an Eagle Scout and a Returned Peace Corps Volunteer (The Gambia, 2015-2019). As a Virginia Governor's School Graduate and as a 2nd generation, Asian-American, I call upon the Board of Education to work towards making Virginia's governor's schools more equitable.

There are serious discrepancies in who gets to go to these schools; Black, Hispanic/Latine students are underrepresented, as are special education/twice-exceptional students, English Language Learners, low-income students (including low-income Asian Americans), and girls of all backgrounds. The Virginia Governor's Schools can reach their full potential and give the best education they can only when their student bodies are representative of their draw districts.

To that end, I respectfully ask that the Board of Education, in its regulations for gifted education:

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.

2) Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.

3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.

4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

Thank you,

Akshay Deverakonda
RPCV, The Gambia, 2015-2019
Cell: 571-226-7324

Hi! I am a TJHSST alumni (class of '97) and I'm particularly passionate about educational equity. I would like the Virginia Board of Education to consider the following changes regarding gifted education regulations:

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.

2) Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.

3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.

4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

I should note, as an Asian American, I firmly support efforts to prove equity in admissions to schools such as TJHSST and Maggie Walker. Unfortunately, there are some in the Asian community that blast these efforts as "Anti-Asian". They are wrong. Asians are not a monolith. Please do not assume that a small group of Asian parents, against educational equity, speak for all Asians. They do not. My community deserves better.

Thank you!

Jiunwei Chen

Class of '97 alumni of TJHSST

VIRGINIA EDUCATION ASSOCIATION

Teaching. Learning. Leading.

Dear VDOE Board Members,

During the 2021 General Assembly, VEA supported HB 2305, proposed legislation that would create a new admissions policy designed to create a more diverse and inclusive student population at both Thomas Jefferson High School for Science and Technology and Maggie Walker Governor's School for Government and International Studies. The goal is to establish a model for Governor's Schools to further diversity where lacking in the student population of a particular school.

As the legislation failed, we ask the board to provide guidance to the Governor's Schools and revise the current admission policies that block opportunities for Virginia's underserved and underrepresented students to attend the Governor's Schools. We ask that this guidance address the inequities of access to information, with priority to underserved and underrepresented students, to ensure equitable educational opportunities in the Commonwealth.

We strongly recommend the establishment of best practices for outreach and communication, admissions policies, and training in diversity, equity, and inclusion.

Sincerely,

VEA's Fitz Turner Commission for Human Relations and Civil Rights

116 South Third Street, Richmond, Virginia 23219-3704 1-800-552-9554 ■ 804-648-5801 ■ FAX 804-775-8379
www.veanea.org

Board of Education,

My name is Paul Thomas. I am a product of Fairfax County Public Schools, a former FCPS teacher (I taught math and computer science at Thomas Jefferson HS for Science & Tech), and an FCPS parent. For the past 25 years, I have been doing curriculum development, teacher professional development, and other work in the education sector, with an emphasis on research-driven strategies.

As an educator, a parent, and a citizen, I urge you to consider gifted education through an equity lens. Specifically...

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs. These tests have been solved, and they no longer measure giftedness, but rather stand as rewards for years of test prep.

2) Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.

3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.

4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

Thanks,

-Paul Thomas

11223 Hunting Horn Ln.

Reston, VA

Dear Board of Education Members:

I am a 1997 alumna of Thomas Jefferson High School for Science and Technology, a product of a 3rd-8th grade Gifted and Talented Center education in Fairfax County, graduate of the University of Virginia, and a Ph.D. in Biology. I am also African American.

In recognition of the exclusivity of the education I received, I'm also an active member of the TJ Alumni Action Group (TJAAG), which advocates for accessibility, inclusion, and innovation in STEM education to develop well-rounded and ethical 21st century leaders. We are a committed group of volunteers from diverse backgrounds and perspectives (racial, gender identities, socioeconomics, abilities, cultures, careers, national origins, and native languages). From our lived experiences, we purport that an inherently inequitable educational system cannot be excellent.

I ask the Board to directly address systemic inequities in gifted education and the system of Academic Year Governor's Schools (AYGSs). After working tirelessly for months to reform TJ admissions at the Fairfax County School Board level, it was extremely disturbing to see HB 2305 be passed over. You have the chance to stand for equity with the following steps:
Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs. Standardized testing time and again is shown to be biased and not informative for student ability or potential.
Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.
Review and clarify the purpose of academic year governor’s schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.
Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.
TJAAG welcomes a more detailed discussion of these and other recommendations we have to increase access, equity, and inclusion in Virginia's advanced education. I support and encourage your hard work to toward these shared goals.

Respectfully,
Maria C. Murray, Ph.D.

TJHSST Class of 1997
TJ Alumni Action Group
https://www.tjaag.org/

Dear Board of Education:

I am a Virginia homeowner, graduate of the Fairfax County Gifted & Talented program (now Advanced Academic Programs or AAP) and TJHSST Governor's school. I have three school-aged children, all of whom have been identified as gifted. Obviously, my family has benefited from the standards currently in place. However, I have also seen how current standards fail miserably at identifying and lifting up children who need advanced or accelerated programming. I worked with poor immigrant families to submit AAP applications for their obviously brilliant children, only to be denied AAP tracking because the parents, not the children, didn't have the right resources to get them in. Meanwhile, middle class parents talk openly on local online community boards about prepping their children for the NNAT and CoGAT tests, and spend incredible time and effort to ensure gifted tracking for their children. Unfairness and lost opportunities result.

I ask you to please make the process better, to find the kids who are currently missed in the selection process for Gifted, Advanced Placement, IB, and Governor's Schools. Virginia can not afford to overlook great talent in our borders.

Please:

1. Repeal the standardized testing requirement for entry into GT programs. These tests ensure the disparity between haves and have-nots grows. (Repeal 8VAC20-40-40(D) #4 & 5)

2. Encourage exploration and trial of inclusive paradigms like the Schoolwide Enrichment Model, which differentiates and encourages bright kids at all ages rather than drawing a bright line in 2nd grade between "gifted" and "non."

3. Add equity standards for advanced offerings (like AP and IB) for ALL high schoolers to 8VAC20-40-60 #2, not just for Academic Year Governor's Schools.

4. Clarify the purpose of Governor's Schools. Challenge their current narrative of apex of gifted education. Governor's Schools should be true leaders for Virginia, testing non-traditional instruction methods with kids with great passion for specific subject matter. AYGSs should not be a reward for perfect grades and test scores - those kids can thrive anywhere. Governor's schools should lift up and accelerate kids who can most benefit from them!

Thank you for your work and dedication to ensuring great progress for all Virginia children!

Best,

Susan Danewitz

Pubic Comment submitted to Virginia Board of Education BOE@doe.virginia.gov
For Business Session Agenda – Thursday, March 18, 2021
V. Busby

Written Reports, Item N. Written Report on a New Waiver Opportunity from the United States Department of Education to Certain Requirements under the Every Student Succeeds Act of 2015 (ESSA):

Please accept the written report. Further, at the future vote (22 April 2021) please **vote favorably to submit a waiver covering all the items** provided in the template for requests for waivers of accountability, school identification, and related reporting requirements under the Elementary and Secondary Education Act of 1965, as amended.

Final Agenda Item: Discussion of Current Issues – by Board of Education Members and Superintendent of Public Instruction

Current Issue: **American Rescue Plan (ARP) Education Funding**

Please use funds from the American Rescue Plan Education Funding to ensure sufficient ventilation and air filtration in school buildings **now** (at least 5 clean air exchanges per hour) through a combination of feasible infrastructure improvements (HVAC, open windows, unseal windows, educate administrators, teachers, staff on ventilation, etc.) and temporary means (portable HEPA air cleaners) (see CDC building recommendations on Ventilation in Schools and Childcare Programs https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/ventilation.html).

Please ensure by start of class in fall 2021 that improvements and modifications meet the 5 clean air changes per hour threshold in all school buildings. Please ensure any new construction meets this clean air exchange threshold so that the need for portable HEPA air cleaners is reduced through healthy building design and healthy practices.

Please use ARP funds and seek other funding to create a healthy school buildings commission that uses healthy building science experts, public health experts, OUTDOOR Ed and classroom experts, and others to retrodesign current school buildings and landscape and curriculum and to design future buildings and landscapes and curriculum that will efficiently effect healthy buildings, healthy learners, and healthy employees. Virginia universities currently employ experts and have students who can make this a reality (for instance, https://cee.vt.edu/people/faculty/lmarr.html). Create a positive feedback loop.

Please include this healthy building and landscape necessity into curriculum so that Virginia is empowering students to care for their own future.

Please promote use of OUTDOOR Ed and classrooms now and meaningfully support shift toward maximum use of OUTDOOR classrooms across K – 12 during and after COVID-19. This includes assisting teachers in shifting pedagogy and physical student / classroom management conceptions.

Hello,

As a graduate of FCPS's Gifted and Talented program and TJHSST, and now the parent of a 3rd grader in the AAP program in FCPS I am writing to express my opinions to the BOE about their upcoming considerations around regulating gifted education. I would encourage the board to:

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.

2) Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.

3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.

4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

Thank you,

Liz Kelley

Esteemed members of the Virginia Board of Education -

Please note that I am grateful for all of the work you have done to promote education equity in Virginia. In your upcoming sessions, I hope you will take the following into consideration to amplify the impacts of your work, especially with regard to gifted education:

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.

2) Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.

3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.

4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

In addition, in the absence of effective rulemaking from the VA legislature, I hope you consider taking several concrete steps to improve education for ALL as it relates to increasing teacher diversity, enacting guidelines for how to improve school culture, and taking steps to improve the VA curriculum to be more inclusive in social studies and other topics.

Thank you,

Malaika

Dear Board of Education Members:

I am a 1997 alumna of Thomas Jefferson High School for Science and Technology, a product of a 3rd-8th grade Gifted and Talented Center education in Fairfax County, graduate of the University of Virginia, and a Ph.D. in Biology. I am also African American.

In recognition of the exclusivity of the education I received, I'm also an active member of the TJ Alumni Action Group (TJAAG), which advocates for accessibility, inclusion, and innovation in STEM education to develop well-rounded and ethical 21st century leaders. We are a committed group of volunteers from diverse backgrounds and perspectives (racial, gender identities, socioeconomics, abilities, cultures, careers, national origins, and native languages). From our lived experiences, we purport that an inherently inequitable educational system cannot be excellent.

I ask the Board to directly address systemic inequities in gifted education and the system of Academic Year Governor's Schools (AYGSs). After working tirelessly for months to reform TJ admissions at the Fairfax County School Board level, it was extremely disturbing to see HB 2305 be passed over. You have the chance to stand for equity with the following steps:
Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs. Standardized testing time and again is shown to be biased and not informative for student ability or potential.
Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.
Review and clarify the purpose of academic year governor’s schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.
Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.
TJAAG welcomes a more detailed discussion of these and other recommendations we have to increase access, equity, and inclusion in Virginia's advanced education. I support and encourage your hard work to toward these shared goals.

Respectfully,
Maria C. Murray, Ph.D.

TJHSST Class of 1997
TJ Alumni Action Group
https://www.tjaag.org/

Dear Virginia Board of Education,

My name is Jennifer Peng, I am a previous resident of Fairfax County, VA, and an alumnus of TJHSST in Alexandria, VA. I am a member of the TJ Alumni Action Group, and I believe wholeheartedly in my group's mission to make sure as many students in this state as possible can get access to the quality education they deserve and can benefit from.

I wanted to put in my written support for the following points, which I do believe would be a step in the right direction for making gifted education available to more students who can benefit greatly.

1) Repeal 8VAC20-40-40(D) #4 & 5 to remove the standardized testing requirement for entry into gifted ed programs.

2) Encourage the exploration and trial of inclusive paradigms such as the Schoolwide Enrichment Model, and where tracking continues, open enrollment with domain-specific on-ramps at the beginning of each semester rather than a once-and-for-all gifted designation.

3) Broaden the sentence recently added to 8VAC20-40-60 #2 concerning equity in AYGSs to all advanced academic offerings for high schoolers, including Advanced Placement and International Baccalaureate.

4) Review and clarify the purpose of academic year governor's schools (AYGS) vis-a-vis other advanced studies offerings; name and challenge the narrative that AYGS is the apex of gifted education - AYGSs should be distinguished by passion for the subject matter and non-traditional instruction and function as an opportunity rather than a reward.

Thank you very much,

Jennifer Peng

Dear Board of Education:

I am a Virginia homeowner, graduate of the Fairfax County Gifted & Talented program (now Advanced Academic Programs or AAP) and TJHSST Governor's school. I have borrowed some of this from a fellow alumnus, but the sentiment is entirely mine. I have been disturbed to see the viciousness with which some parents have been fighting any change to make admissions processes more equitable. (Asra Nomani in particular has shown some unhinged behavior.) Unfortunately it’s clear she’s gotten the ear of a few state legislators. We still have a chance to make changes to ensure a better future for all Virginia schoolchildren, not just those of the privileged.

I ask you to please make the process better, to find the kids who are currently missed in the selection process for Gifted, Advanced Placement, IB, and Governor's Schools. Virginia can not afford to overlook great talent in our borders.

Please:

1. Repeal the standardized testing requirement for entry into GT programs. These tests ensure the disparity between haves and have-nots grows. (Repeal 8VAC20-40-40(D) #4 & 5)

2. Encourage exploration and trial of inclusive paradigms like the Schoolwide Enrichment Model, which differentiates and encourages bright kids at all ages rather than drawing a bright line in 2nd grade between "gifted" and "non."

3. Add equity standards for advanced offerings (like AP and IB) for ALL high schoolers to 8VAC20-40-60 #2, not just for Academic Year Governor's Schools.

4. Clarify the purpose of Governor's Schools. Challenge their current narrative of apex of gifted education. Governor's Schools should be true leaders for Virginia, testing non-traditional instruction methods with kids with great passion for specific subject matter. AYGSs should not be a reward for perfect grades and test scores - those kids can thrive anywhere. Governor's schools should lift up and accelerate kids who can most benefit from them!

Thank you.

Marilyn Duncan

Stride

March 16, 2021

RE: Agenda Item I – Final Review of Proposed Revisions to the Approval Process for Multidivision Online Providers in Virginia

Dear Virginia Board of Education members:

I write to you on behalf of Stride, Inc., an education services provider headquartered in Herndon, Virginia, as it relates to Agenda Item I. For the reasons set forth below and the attached legal opinion from E.M. Miller, Esq., former Director of Virginia's Division of Legislative Services and former long serving member of the Virginia Code Commission, we are urging the State Board to vote "no" on the agenda item, or in the alternative, to table the matter for further review.

Executive Summary

Agenda Item I should be voted down for the following reasons, which will be explained
further in the below comments and the attached legal opinion from E.M. Miller, Esq.

- The process violates the Administrative Process Act (APA) as the MOP approval process qualifies as a "regulation" by definition, necessitating formal rulemaking, and this matter does not fall within any exception. The DOE has offered two separate rationales to Stride for why this process does not need to follow the APA, both of which are in error:
    - Guidance Document. Since the process has the force of law which affects substantive rights, including revocation or suspension and an appeals process, these do not fall under the guidance document exception, which is reserved for agency interpretation of law and must be mere "guidance"
    - Federal law. The process is being amended to cover matters that have nothing to do with a change in federal law (such as a change in requirements related to student-teacher ratios). The APA states that any change under this exemption may not differ materially from those required by federal law. There are no federal requirements imposed on states related to student-teacher ratio for students instructed online. Moreover, no other state has acted on this alleged federal mandate to impose such student-teacher ratios.

Stride

- The existing process that is potentially being amended was removed from the Department's website with a message that they were currently under review and removed from the website. Thus, the public did not have a reasonable opportunity to compare the proposed revisions to current policy and then provide meaningful comments prior to the State Board of Education's meeting Many of the proposed changes to the process fail to recognize the letter of the law and legislative intent to treat virtual instruction models differently than in-person instructional models
- Many of the proposed changes to the process are vague, ambiguous, and conflict with federal laws, such as FERPA, and other state laws
- The process lacks a cure period for those regulated, and the appeals process is flawed in many respects and is unworkable

Background

Stride, Inc. is a national leader in providing education services based in northern Virginia, currently employing more than 1,000 Virginians in the delivery of innovative education solutions in elementary, secondary, and adult education around the nation. In the Commonwealth, Stride partners with several school districts as a Multi-district Online Provider (MOP) to offer a high-quality education to students statewide through Virginia Virtual Academy (VAVA). For more than ten years (since state law allowed MOPs), Stride has had the privilege of serving students in Virginia through this innovative model and delivering strong student progress and achievement for those enrolled.

Students in VAVA perform very well academically in mastery of grade-level objectives, using national and internal growth measured assessments and on Standards of Learning (SOL) state assessments. Each year more than 95% of VAVA students participate in state SOL administration including expedited retakes. As evidenced by survey, VAVA has strong parent and student satisfaction, including among special education students. As Virginia is home to many Forts, Camps, and Air and Naval Bases, many military families that go through frequent reassignments enroll their children in the VAVA program. Moreover, after last year's pandemic hit, VAVA did not close nor did its students miss a single minute of class day nor experience the interruptions that were so common with other learning models.

Stride

We are providing these written comments as it relates to Agenda Item I. We will first address some general concerns with the agenda item and then will address specific components of the proposed revisions. Based on the information below, we are asking the Board to either vote "no" on the revisions or table the agenda item so that this matter can be further evaluated and provide for formal stakeholder feedback consistent with the APA, which has not yet occurred.

General Concerns

As a preliminary matter, it is important to note that the proposed revisions to the MOP approval process would be the first revision to the process since regulations were first implemented shortly after the original passage of the enacting legislation in 2010. To be clear, we do not oppose revisions to the MOP regulations. Instead, we believe a more robust discussion with stakeholders and the general public must occur, consistent with the APA, and that revising 10-year-old regulations six weeks after they were made public without any formal public feedback and mere days after a further updated version was posted online with the agenda, does not create the transparency and opportunity to participate in the process that is contemplated in our state laws.

Moreover, the Department of Education removed the existing MOP process from its website and replaced it with the following message: "The Multidivision Online Provider (MOP) program's processes are currently under review…Once the new processes are Board approved and in place, this website will be updated and all current MOPs will be notified via email." This message from the Department undermines the role the general public and the State Board of Education have into these matters. The public needs to be able to access the current process documents to compare them to what is being proposed and provide meaningful comments. This should not be viewed by the Department as a fait accompli. The State Board ultimately decides these matters, but even more importantly, the process must follow the rule of law. The Department cannot rush through changes in process that have real consequences for the regulated community without following the law and allowing for meaningful opportunities to comment or participate in the process.

Stride

In addition, Virginia's Administrative Process Act (APA) requires that any agency processes adhere to the requirements of that state law, which includes a formal rulemaking process. The agenda item before the State Board has not followed the APA nor has there been any formal stakeholder feedback on the proposed revision to the process. Assistant Superintendent Bolling has provided Stride with two reasons why the Department believes the matter before the State Board is exempt from the APA: (1) this is mere guidance, not a rule and (2) these changes are required due to a federal mandate. Both of these reasons are without merit.

Under the APA, a rule or regulation is defined as "any statement of general application, having the force of law, affecting the rights or conduct of any person, adopted by an agency in accordance with the authority conferred on it by applicable basic laws." VA Code Ann. § 2.2-4001. That is precisely what the MOP approval process is – a rule of general application, having the force of law, affecting the rights or conduct of any person through mandates and consequences pursuant to the enacting statute that places the responsibility for establishing such rules with the Superintendent and to be approved by the State Board.

To the contrary, this process is not a mere "guidance document." State law defines a "guidance document" as "any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations…" VA Code Ann. § 2.2-4101. The proposed MOP approval process does not contain mere guidance that is non-binding for the MOP community, but includes a change in process that will have the force of law with consequences, including revocation and suspension.

To be clear, Stride is invoking VA Code Ann. § 2.2-4002.1(C), which states that "if a written comment is received during a public comment period asserting that the guidance document is contrary to state law or regulation, or that the document should not be exempted from the provisions of this chapter, the effective date of the guidance document by the agency shall be delayed for an additional 30-day period. During this additional period, the agency shall respond to any such comments in writing by certified mail to the commenter or by posting the response electronically in a manner

consistent with the provisions for publication of comments on regulations provided in this chapter."

Similarly, the federal mandate exemption does not apply. To qualify for that exemption, the state must be changing rules to the extent they "do not differ materially from those required by federal law or regulation." VA Code Ann. § 2.2-4006(A)(4)(c). Even then the Registrar of Regulations must review the matter and determine if the rules indeed fall under the exemption. Id. In this instance, the Department has proposed changes to MOP process that are not required by federal law. As an example, the proposed changes would alter the student-teacher ratio requirements. However, there are no federal requirements imposed on states related to student-teacher ratio for students instructed online. Even more recently, the Centers for Disease Control and Prevention (CDC) has made clear that it has not mandated any student-teacher ratio in light of the pandemic. On its website, it states that "CDC does not include specific teacher/student ratios in its COVID-19 considerations for schools due to varying size and occupancy in classrooms and other physical spaces within a school." Moreover, no other state has acted on this so-called federal mandate to impose such student-teacher ratios. We proffer that the Department is claiming a federal mandate where there is none.

We understand that an agency would rather take a shortcut around the APA then have to follow the requirements of formal rulemaking, but those requirements are in place so that the public can participate in their government and to instill confidence among the governed that the government is transparent and responsive to the needs of the people. To act without following the APA runs afoul of state law and violates legislative intent to provide greater transparency and public feedback in the formulation of public policy and agency processes. For this reason, we respectfully request that the State Board vote down the agenda item and instruct the Department to follow the requirements of the APA.

Stride

Specific Concerns

In addition to the procedural concerns, we are concerned about the substantive changes to the MOP approval process being proposed as it relates to the areas outlined below. They are listed in order of appearance in the Department's document attached to Item I. We should also note that we were limited to only reviewing what the Department presented in support of the proposed changes. Since the Department took down the current MOP process from its website, we, along with the public, were not able to compare current process to the proposed new process. We reserve the right to raise other concerns when the Department restores public access to the current MOP process for review. In all instances below, we have copied the language from the Department's packet supporting the changes and attribute the characterizations and summaries of information to the Department. We have not been able to independently verify the information that has been presented in the Agenda Item I packet.

Processes

Processes	Requirement of Multidivision Online Providers (MOP) to have a Full Review every 3 years for approval.	MOP will be reviewed annually using the Monitoring Report and other documentation for approval.	Processes for Submission and Review of the MOP Application

VAVA has always prepared and annually submitted the Monitoring Report, and Stride does not have concerns with the current format of the report. The new language asks for "other documentation for approval" which is vague and too broad to ensure consistent and fair implementation. If additional documentation will be needed moving forward, specific details need to be outlined to ensure MOP providers gather the correct information throughout the year to accurately report.

Stride

Staffing

Topic	Original	Recommended Change	Document Referenced
Staffing	Provide at least one FTE teacher at a reasonable ratio to students based on grade and subject being taught, but not exceeding 150 students per FTE teacher (secondary focus).	Staffing has been expanded to include elementary, middle and high school and must conform to the staffing requirements set forth in Virginia's Standards of Quality § 22.1-253.13:2c and Standards of Accreditation (SOA) 8VAC20-131-210-240.	• Application for MOP Approval • • Monitoring Report for MOP

This proposed change would violate the letter of the law and legislative intent and is unsound public policy. First, the recommended change to the MOP approval process would require teachers instructing students online to comply with the same requirements that apply to teachers instructing students in person. State law states that "[t]eachers who deliver instruction to students through online courses or virtual school programs shall be licensed by the Board of Education and shall be subject to the requirements of §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4 applicable to teachers employed by a local school board." VA Code Ann. § 22.1-212.26. So, the legislature stated that teachers instructing students online need to be licensed and the school board needs to abide by the laws as it relates to fingerprinting, background checks, and applicants with criminal backgrounds, among other responsibilities. If the legislature intended for all laws related to teachers to apply, the legislature could have simply stated that all laws applicable to teachers employed by a local school board apply to teachers instructing students online. But the legislature did not do that. The legislature recognized that these teachers – teachers instructing students online – were different. The legislature applied certain laws to these teachers to the exclusion of others.

Similarly, the legislature was very clear that staff requirements must be different for virtual school programs. Section 22.1-212.24(B) of the Virginia Code states that the

Superintendent of Public Instruction shall "require such courses or programs to maintain minimum staffing requirements appropriate for virtual school programs." Not what is appropriate for in-classroom instruction, but what is "appropriate for virtual school programs." That distinction is important. The legislature knew that, and the MOP process must also recognize that there are differences in the instruction models that require a different approach, a different flexibility, for virtual school programs.

We proffer that the current MOP regulations as it relates to staffing requirements is consistent with state law, treating instruction models differently. To that end, current MOP regulations state that a MOP must provide at least one FTE at "a reasonable ratio" to students based on grade and subject being taught, but not exceeding 150 students per FTE teacher (secondary focus). That is sound policy to provide flexibility in the model and allow for a "reasonable ratio," understanding that there are many nuances to the delivery of instruction online.

Consistent with this flexible approach, VAVA does not operate within ratios to the ceiling of 150 students to one teacher of record. VAVA's K-8 ratio is higher than the traditional school ratios of 24:1 because students and teachers are not physically in the same space. Students work 1:1 with an adult learning coach in the home. This is a requirement of student enrollment at VAVA. The aspect of online schooling that most closely resembles a brick-and-mortar classroom is the synchronous sessions. Many of VAVA's synchronous sessions operate at a much lower teacher: student ratio than the brick-and mortar class size requirements. Many are delivered 1:1 or in small groups based on the content being shared, the nature of the lesson and, most importantly, the individual student's needs. For clarification, special education teachers have always adhered to a caseload of 24:1 or lower at the Virginia Virtual Academy. This model is well within industry standards for virtual learning nationwide.

In a recent conversation with Assistant Superintendent Bolling, we asked if there was any data or evidence that the Department used to formulate the recommended change in staffing requirements in the MOP regulations. He responded that there was no such research or data relied upon, but that this was based more on having all instruction models follow the same requirements. To the contrary, there is evidence to demonstrate that what has been proposed is indeed unsound public policy. The

Stride

Handbook of Research on K-12 Online and Blended Learning (Second Edition) summarizes the latest research on class sizes in K-12 online education. Zhang, Liu, & Lin note: "Our review of previous work on online class size implies that there is no 'one size fits all' method for deciding upon the optimal class size for online K-12 learning, let alone any one particular class size figure that should be universally accepted and adopted." (p. 280)

Requiring VAVA to implement brick-and-mortar staffing structures would significantly upend the current roles and responsibilities of the teacher and may cause for reduction or elimination of effective support programs, such as the Family Support Team. This team consists of advisors, social workers, and counselors that provide engagement and wraparound support to students. This program is largely responsible for the difference in engagement results experienced by VAVA compared to emergency remote learning. Without such a team, additional duties will fall to the teacher which impedes their ability to focus on their area of expertise – instruction. VAVA's current staffing structure is designed around the roles and responsibilities of the teacher, which is what researchers recommend.

Accountability	MOP must ensure that students meet division participation requirements and make progress toward successful completion of the course. Did not include language addressing the capacity to ensure appropriate administration of Virginia SOL tests as directed by the local school division and	Requiring MOP to provide evidence of student performance. • Written policies and procedures for recording, monitoring, and reporting student participation and progress • Written grading and reporting policies • Ability to deliver data to meet state and federal requirements • Ability to transmit data electronically to each division	• Application for MOP Approval • Monitoring Report for MOP

	written documentation of participation rates in the Virginia SOL tests.	• Ability to show evidence of the capacity to ensure appropriate administration of Virginia SOL tests as directed by the local school division and written documentation of participation rates in the Virginia SOL tests	

Occasionally there are pauses or flexibilities provided under the state's testing and accountability frameworks, such as during COVID-19 during SY 2019/20 and SY 2020/21. We propose that it be clear that MOPs will receive equitable flexibility in any situations that arise. For instance, and without limitation, during the pandemic, Spring 2020 testing was incomplete and in Spring 2021, parent opt-outs are permitted for all assessments, and it is possible that Virginia may issue additional flexibilities allowed and encouraged by the U.S. Department of Education, such as at-home online assessments in lieu of SOL, allowing school divisions to submit local verified assessments in lieu of administration of SOL, and allowing school divisions to be permitted to submit current growth assessment data in lieu of SOL. All pauses or flexibilities afforded to school divisions and to students should be extended to MOPs and their students.

Student Services

Equity and Student Services	Original documents did not nclude language addressing equity.	New language related to equity: MOP are required to ensure representation of diverse experiences and perspectives including, but not	• Application for MOP Approval • Monitoring Report for MOP

	Students with special needs, including students with disabilities, students with limited English proficiency, students with financial limitations, students from traditionally underrepresented groups, and others, are not excluded from participating in courses provided by the multidivision online provider.	limited to, racial, ethnic, language, religions, and gender groups and inclusion of content that represents, validates, and affirms diverse groups from different rings of culture. Expanded language related to student services: While the responsible school division is required to provide services and counseling for special populations, including students with disabilities, English Learners, gifted, minorities, and/or economically disadvantaged, the provider must work collaboratively with the school division in order to provide these services. Provision of services for these and all students must be clearly stated in the contract between the MOP and the contracting school division. Students shall not be excluded from participating in courses provided by the MOP. The provider must ensure equity-related policies and practices in the Commonwealth of Virginia for providing access to all students.	

VAVA is committed to access and equity for all students, particularly for students in traditionally underserved populations. However, clarity is needed in that the MOP

approval process cannot supersede state law which empowers the local school board to establish and implement its open enrollment policy, consistent with VA Code Ann. § 22.1-7.1. We recommend that this clarification is needed and that the language in the proposed MOP approval process needs to be tightened up with respect to that concern.

Course Submission and Alignment

Course Submission and Alignment	Course alignment with Virginia Standards of Learning (SOL) and competencies	Courses should meet or exceed current Virginia SOL, competencies, and the SOA. SOL courses: Courses are subject to a correlation review by a qualified agency ensuring that courses meet the SOL at 90% or above on all strands, objectives, concepts, and skills. • The VDOE may review and verify course correlations provided by MOP. Based on the results of reviews, MOP may be required to provide updates to ensure alignment with the SOL or competencies to maintain approval. • Approved MOP agree to provide VDOE course access upon request to review curricular materials and observe instruction.	• Application for MOP Approval • Monitoring Report for MOP

The additions in red were announced just last Thursday, attached to Item I on the State Board's agenda.

These changes are highly inappropriate. As the State Board of Education members likely know, the Virginia Department of Education competes directly with MOPs through Virtual Virginia. There is already a conflict of interest in that the Department regulates MOPs, and at the same time, runs a competing program and exempts Virtual Virginia from the same rules that it is imposing on the MOPs. However, in these new changes, the Department would be requiring full access to proprietary systems, curriculum, course content, and internal assessments of a competitor to the Department's program. Stride owns the intellectual property rights in its systems, content, and platforms. The Department should not have access to such proprietary material and systems, which would put Virtual Virginia at an unfair advantage against all other MOPs with whom the Department competes.

We are also concerned about the new language that would require that the Department be given access to "observe instruction." This again is highly inappropriate for the Department who runs a competing program to demand of a MOP. Moreover, we have grave concerns about unauthorized individuals accessing live instruction with students who are protected by FERPA and other online privacy laws. We believe the way this is currently presented to the public will likely violate both federal and state data privacy laws for students and minors.

Approval Process (see Page 2 of Attachment A of the posted agenda item)

There is no cure period for MOP applicants to address any perceived deficiencies in the application. Under the MOP application approval process, third party reviewers are tasked with reviewing MOP applications. These review teams prepare a report for the Superintendent with the team's recommendation. The Superintendent then makes a decision based on that report regarding approval or disapproval of the MOP applicant. There is no reasonable opportunity to cure or to explain any perceived discrepancies. At the very least, applicants should be able to work with the reviewers if they perceive something is missing or not well explained. There could be an easy answer to a problem that should not result in a denial. Including a reasonable opportunity to cure or supplement the application would prevent unnecessary additional work for all involved parties.

Stride

Appeals Process (see Pages 2-4 of Attachment A of the posted agenda item)

While we appreciate that there is an appeals process following a decision to revoke a MOP's approval, the appeals process is faulty and unworkable in several regards. Under the proposed MOP process, the Department reviews annual monitoring reports submitted by providers to determine the effectiveness and outcomes of the program. However, there is no indication when the reports will be due. Will they be due in September, in December, or in April? The proposed MOP process states that the Department may request that an additional monitoring report may be required "at any time." There is no timeframe for when reports need to be submitted. This is concerning because if the report can be required any time of the year, the appeal rights are worthless if the school closes at the end of the school year.

The timeline works like this: the Department reviews monitoring reports along with other information collected such as stakeholder surveys and statistical data related to course completion and student growth and achievement. The Department then makes a recommendation within 30 business days on whether the MOP should continue being approved. The Superintendent then must make a decision within 15 more business days of receipt of whether the MOP should continue being approved. If the Superintendent determines that the MOP no longer meets the criteria for approval as a MOP, the provider will be placed on provisional status for 40 business days to rectify the concerns "to the satisfaction of the Superintendent." This "satisfaction" standard is subjective and does not instill public confidence that standards are being applied equally and without partiality. The process then indicates that if the issues were not rectified to the satisfaction of the Superintendent, then the provider's approval may either be revoked at the end of the academic year or the provisional status extended. However, it also says that the provisional status may not be extended beyond the current school year. That is confusing language.

A provider then has a right to appeal to the State Board of Education, but the timeline does not prevent a provider from shutting down prior to an appeal being ruled on. A MOP provider is entitled to appeal to the State Board within 30 business days of the revocation notice being mailed to the provider. The State Board then has 60 business days of the date that the appeal was received to review the appeal at a public meeting

or longer (without any time limits) if no such public meeting is scheduled to take place during the 60 business days. The State Board of Education must then provide a final decision by way of certified mail, but there is no timeframe on when the appeal must be ruled upon. It is open-ended.

These timelines for process and appeals are layered upon each other and significantly affect whether a true appeal can be heard prior to the end of the school year when the MOP will need to shut down. The timelines built into the revocation decision itself provide for 80 business days plus the time the Superintendent takes to render a decision on whether the MOP can continue as approved. So it will take at least a semester to render this decision. Then the appeal process takes at least 90 business days plus the amount of time it takes the State Board to render a decision. That accounts for at least another semester for a final decision. If the Department begins its review in October or December, and all of the timelines play out as set forth, then the MOP will end up at the end of the school year in the middle of an appeal process, but forced to close because time ran out.

The process does not allow for status quo to remain in place while the provider is on appeal, but it should. The MOP should be able to continue operating even into the following school year until their appeals process has concluded with a final decision. Otherwise, if the provider starts the appeal process in the Spring semester, will the provider be able to re-register students for the following year? Will the provider be able to extend teacher contracts for another year? If there is not a mechanism to stay the Superintendent's decision while the appeal is pending, the right to appeal is not a substantive right because the provider will shut down before a final decision is rendered. Without a stay, the school would close and lose teachers, students, leases, and contracts to operate. The appeal will have accomplished nothing if the system is built on an unrealistic and unworkable timeline.

There should also be a set timeframe for the Superintendent to rule on whether the MOP will retain its approval status and failure to act should render the MOP approved for another term. Similarly, the State Board should be required to act within a fixed timeframe and failure to act would be deemed a ruling in favor of the MOP who brought the appeal. Moreover, the loose timelines that allow the State Board to

not "review" this matter for more than 60 days if there is no scheduled meeting should be amended to require final decision (not just review) within a set timeframe, regardless of whether there is a scheduled meeting. Special meetings can be called to handle appeals to give the provider clarity on its status under the program.

Conclusion

As we have set forth above, there are serious legal, process, and policy concerns with the proposed changes to the MOP approval process. The failure to abide by the APA and provide for meaningful feedback from the public and the regulated community is a flawed process, not permitted by state law. What has been proposed also goes against the letter of the law and legislative intent to treat virtual programs differently because they are different instructional models. As research and experience demonstrate, a one-size-fits-all approach to staffing for all instructional models is misguided. Other proposed changes relating to processes, staffing, accountability, equity and student services, and course submission and alignment require correction or clarification. Input from stakeholders should be solicited and considered before changes to the MOP approval process are recommended to the State Board.

We respectfully request that the Board vote "no" on the proposed revisions to the MOP approval process and instruct the Department to follow both the APA and also the letter and spirit of the law that contemplate a different approach for different models of instruction. If the Board prefers to take time to review this matter more fully, we support a motion to table this agenda item. Thank you for your time and consideration.

Sincerely,

Kevin P. Chavous
President, Academic Policy and External Affairs
Stride, Inc.

To: John Flynn, Vice President, Legal & Regulatory Affairs
Stride, Inc.
2300 Corporate Park Drive
Herndon, Virginia 20171
From: Esson M. Miller, Jr.
Attorney at Law
1503 Laburnum Park Blvd
Richmond, Virginia 23227
Re: Item I, Final Review of Proposed Revisions to the Approval Process for Multidivision Online Providers (MOP) in Virginia

Question Presented:

1. Does the process used by the Department of Education of the Commonwealth of Virginia (DOE) for amending current procedures for Multidivision Online Provider (MOP) accreditation necessitate following the provisions of the Administrative Process Act (APA) [Chapter 40, Title 2.2 of the Code of Virginia, Sections 2.2-4000 et. seq.]?
2. Is an exemption to the Administrative Process Act applicable to DOE relative to these same amendments?

Short Answer:

1. Yes. During the 2010 Virginia General Assembly session, Chapters 537 and 817 were passed as identical House and Senate companion bills. Both bills were signed by the Governor. These chapters were codified as Article 1.4 of Chapter 13 of Title 22.1 Code of Virginia and was labeled as "Establishment of Virtual School Programs". The Article has remained virtually unchanged except for a minor amendment in 2014 that has no relevance to the issue at hand. There is no Virginia case law on point, so it will be necessary to examine the dicta in available Virginia cases, Virginia statutory language and legislative intent to clearly illustrate that the APA should have been followed when implementing the provisions of Article 1.4 (Establishment of Virtual School Programs) in 2011 and similarly should be used as it relates to the proposed revisions being considered now.
2. No. There are no applicable exemptions to the APA on which DOE can rely to clothe the subject amendments to their MOP approval process from the APA. DOE must follow the provisions of the APA.

Facts:

DOE, within the past sixty (60) days, has proposed numerous amendments to previously published criteria and "rules" (I use the term loosely at this time), that establish the detailed process for regulating multidivision online providers in the Commonwealth. These published rules were adopted in 2011 in response to the General Assembly of Virginia enacting legislation that established the virtual school programs. As is often the case in Virginia, statutory enactments that direct a state agency to establish a new program or to regulate existing activities within the Commonwealth are adopted with little specificity. It is then up to the state

agency having oversight over the program to adopt regulations pursuant to the APA to put skin on the statutory skeleton. This allows all interested citizens and businesses in the Commonwealth, through the APA requirements, to have public input and participation…..a voice in the development of the agencies' regulations. This public participation period is open to all players and observers having any interest in the program. The rationale being the more participation, the better the final product and the more successful the program will be.

However, for reasons unknown to this author, DOE elected to adopt the "rules", not through the APA (as required by law), but through a hurry-up process and called it a Guidance Document. A Guidance Document is a legitimate agency approach to interpreting complicated or nebulous provisions, but not for establishing laws that govern a new or existing program. However, adopting a guidance document is just what DOE did in 2011. DOE is currently attempting to use this erroneous process to amend the 2011 "rules". The changes to the original 2011 rules will have a disastrous and possible fatal impact on those in the regulated community. These proposed revisions to the MOP process would have the force of law and would substantially impact the rights of those within the regulated community. As a long serving former member of the Virginia Code Commission that oversees and reviews the administrative law process on an annual basis, I am greatly concerned by the process used to establish the original MOP "rules" and its current proposed amendments.

Discussion:

First. Chapters 537 and 817 of the 2010 Acts of Assembly established a broad frame-work for virtual school programs. For example, Section 22.1-212.24 (as the Acts were subsequently codified by the Virginia Code Commission) directs the Superintendent of Public Instruction to "develop" and the Board of Education to "approve" the criteria and application process for approving a multidivision online provider (MOP), a process for monitoring a MOP, a process for revoking a MOP, and a process for appeals for a MOP which was either denied an application or whose subsequent approval was revoked. Such a frame-work for a new program established by the General Assembly is commonplace, not novel. It requires the pertinent State agency, in this case the Superintendent and the Board, to fill in the details of the parameters set by the enabling legislation. The last sentence of Section 22.1-212.24 A. states "These criteria and processes shall be adopted by January 31, 2011." Since neither the House Bill nor Senate Bill, that subsequently were designated as Chapters 537 and 817, contained an emergency clause, the bills became effective July 1, 2010. That would essentially give the Superintendent and Board only 7 months to develop the criteria and processes to get the program in place. This would be an impossible task as getting regulations through the APA can take a year or more. Fortunately, the General Assembly "in its wisdom" recognizes in many cases the time frame dilemma and oftentimes provides language in a Second Enactment to the original legislation to provide a safety valve. That safety valve was provided in both Chapters 537 and 817. The Second Enactment clause states as follows:

"2. That any multidivision online provider operating prior to the enactment of this act and prior to the **development and enactment** of the approval criteria pursuant to subsection A of Section 22.1-212.24 of the Code of Virginia and meeting the requirements of subsection B of Section 22.1-212.24 shall be permitted to continue operating until **enactment** of the approval

criteria pursuant to Section 22.1-212.24. Following such **enactment**, any operating multidivision online provider shall be required to submit an application for approval and shall be permitted to continue operating until a decision is rendered under the criteria **enacted** pursuant to Section 22.1-212.24." (emphasis added)

Even though DOE possessed this important safety valve, the APA process was ignored, and DOE implemented and established the virtual school program through a process that could not be enforced as a law. DOE refers to these "rules" as guidance and exempt from the APA. The APA defines rule or regulation and a guidance document via a cross-reference to the Virginia Register Act. "Rule or Regulation means any statement of general application, **having the force of law**, affecting the rights or conduct of any person, promulgated by an agency in accordance with the authority conferred on it by applicable basic laws". (Section 2.2-4101 Code of Virginia, Bader v. Norfolk Redevelopment & Housing Authority, 396 S.E. 2d 141, Va. Ct. App. 1990) "The Administrative Process Act and the Virginia Register Act provide the procedure for the promulgation and adoption of a rule or regulation. An agency's rule or regulation is invalid if the agency failed to comply with these statutes in the promulgation process." (Woods v. Commonwealth Department of Motor Vehicles, 1998, 495 S. E. 2d 505, 26 Va. App. 450) The court noted in Woods that rules that are not promulgated according to the statutory procedure of the Administrative Process Act and the Virginia Register Act are invalid as "de facto" rules.

On the other hand, in part, a "Guidance Document" means any document by a state agency or staff that provides information or guidance of general applicability to the staff and public. (Section 2.2-4101 Code of Virginia, Virginia Board of Medicine v. Virginia Physical Therapy Association, 245 Va. 125, 427 S.E. 2d 183 , 1993) Guidance can be helpful, but it is not binding. The agency may issue to its employees guidance that are interpretions adopted in order to carry out the agency's purpose of implementing the Commonwealth's policy contained in the agency's basic law. (Woods, ibid). While a guidance document is exempt from the APA pursuant to Virginia Code Section 2.2-4002.1, a guidance document cannot be the "rule" that establishes the criteria for an application or renewal process, revocation of one's rights as a MOP, or provide for an appeals process should one's rights be forfeited. It can only be used for agency guidance by definition. The APA must be followed to provide enforceable criteria for the DOE to conduct the legislative mandates set forth in Section 22.1-212.24 of the Code of Virginia.

Second. Section 2.2-4002 of the Code of Virginia sets forth a list of several state agencies and a separate list of specific actions that are exempt from the provisions of the APA. Subsection A 16 of that section provides as follows: "16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to Section 22.1-203.2" are exempt from the APA". Section 22.1-203.2 relates solely to guidelines for constitutional compliance for student prayer. This exemption is extremely specific, as are all other exemptions set forth in Section 2.2-4002. If the General Assembly had desired that the guidelines for the establishment of virtual school programs also should be exempt from the APA, it is reasonable to conclude that they would have expressed their opinion in this very location. Instead, however, by the adoption of the second enactment clause to the enabling legislation in 2010 for this program, they provided a time safety valve for DOE to adopt rules and regulations under the time frames of the APA.

Conclusion:

In 2010, when the enabling legislation for the virtual school program became reality, virtual education was new to the Commonwealth, and the number of MOP's was small. However, MOP's have grown over the years. I understand that Stride has invested large sums of resources building a successful business model. This model and the rights of MOP's will be severely impacted due to DOE's amended guidelines, if adopted with little opportunity to have a voice in the process. The amendments propose numerous changes that will create onerous process and economic burdens to MOP's. In summary to the above arguments, it is my conclusion that other than the statutory provisions set forth in the Code of Virginia relating to the virtual school programs, and more specifically a MOP, there are no valid criteria and application process for approving MOP's, no valid process for monitoring MOP's, no valid process for revoking MOP's, and no valid process for appeals for MOP's…. nothing that DOE can enforce. My question is why does DOE not wish to "do the right thing", and reenact all so-called agency guidelines relative to multidivision online providers in accordance with the APA. Then the program rules would be valid and enforceable. Not only would it be doing the right thing, but it would be doing it the right way.

Should DOE continue to proceed down the present path for the amendment process, any action taken by DOE pursuant to the so-called guidance document that is detrimental to a MOP should be challenged and litigated, if necessary.