

**COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA  
April 22, 2021**

Pursuant to Chapter 1283 of the 2020 Acts of Assembly, the Virginia Board of Education convened in a virtual meeting on Thursday, April 22, 2021 at 10 a.m.

The meeting was open to the public via livestreamed on the VDOE YouTube channel at <https://www.youtube.com/channel/UCrbx19wHScrWKWIEoUWNIfQ/videos>. Oral public comment was not accepted; however, written public comment was accepted on the Board's email account at [BOE@doe.virginia.gov](mailto:BOE@doe.virginia.gov) and posted on the Board's website at <https://www.doe.virginia.gov/boe/meetings/2021/04-apr/agenda-042221.shtml>. Mr. Gecker called the meeting to order at 10:00 a.m.

**Board Roll Call:**

Mr. Daniel Gecker, President  
Dr. Jamelle Wilson, Vice President  
Ms. Pamela Davis-Vaught  
Dr. Francisco Durán  
Ms. Anne Holton  
Dr. Tammy Mann  
Dr. Keisha Pexton  
Mr. Anthony Swann

President Gecker announced that Items G and H under the Action/Discussion section of the agenda would be deferred to the June agenda. No Board members objected to this deferral.

***APPROVAL OF MINUTES***

Dr. Wilson made a motion to approve the meeting minutes of March 17 - 18, 2021. The motion was seconded by Dr. Durán and carried unanimously by Board roll call vote.

**Board Roll Call:**

Mr. Daniel Gecker – aye  
Dr. Jamelle Wilson - aye  
Ms. Pamela Davis-Vaught - aye  
Dr. Francisco Durán - aye  
Ms. Anne Holton - aye  
Dr. Tammy Mann - aye  
Dr. Keisha Pexton - aye  
Mr. Anthony Swann – aye

Mr. Gecker welcomed the Board members, staff and the public to the Board of Education virtual

meeting. He stated that the meeting is open to the public via livestream on the department's webpage and YouTube channel. Oral public comment would not be accepted due to the limitations of the Zoom platform, however written comments as of 5 p.m. on Tuesday were accepted and posted on the meeting webpage for public viewing.

Mr. Gecker was pleased to announce that the Board plans to resume in-person meetings in June, while still adhering to the social distance and masking requirements. More details about the location will be released closer to the June 16-17, 2021 Board meeting date.

Mr. Gecker also noted that items G and H would be deferred to June Board meetings.

### ***CONSENT AGENDA***

#### **A. Final Review to Certify a List of Qualified Persons for the Office of Division Superintendent of Schools**

#### **B. Final Review of Quarterly Report of the Literary Fund**

#### **C. Final Review of Child Care Regulations Transferring from the Board of Social Services to the Board of Education**

Dr. Mann made a motion to adopt the consent agenda as presented. The motion was seconded by Ms. Davis-Vaught and carried unanimously by Board roll call vote.

#### **Board Roll Call:**

Mr. Gecker – aye  
Dr. Wilson - aye  
Ms. Davis-Vaught - aye  
Dr. Durán - aye  
Ms. Holton - aye  
Dr. Mann - aye  
Dr. Pexton - aye  
Mr. Swann – aye

### **ACTION/DISCUSSION ITEMS**

#### **D. Final Review of Withdrawal of the Proposed Stage of the Periodic Review of the Regulations Governing Educational Services for Gifted Students**

Michael Bolling, assistant superintendent of learning and innovation, presented this item to the Board on final review.

On March 12, 2021, the Board received two letters from the African American Superintendents Advisory Council (AASAC); one letter addressing Advancing Racial Equity in Virginia's Public Schools, and another letter encouraging the Board to issue guidance on the governance of academic-year Governor's Schools. The impetus behind the letter requesting the Board to issue

guidance on the governance of academic-year Governor's Schools came from House Bill 2305 (Tyler) from the 2021 General Assembly, requiring the Board to "issue guidance on the governance of academic year Governor's Schools, including communication and outreach practices, admissions policies, and guidelines on diversity, equity, and inclusion training." The bill was passed by indefinitely in the Senate's Education and Health Committee. Subsequently, the Board engaged in discussion at the March 18, 2021 business meeting and suggested the desire to withdraw the previously approved *Regulations Governing Educational Services for Gifted Students* to allow time for additional review. Regulatory withdrawal will provide staff and the Board additional time to respond to potential action items and solicit public feedback and engagement.

The Superintendent of Public Instruction recommended that the Board approve the withdrawal the Proposed Stage of the Periodic Review of the *Regulations Governing Educational Services for Gifted Students*.

Ms. Holton asked for clarification that the current proposed stage of the regulations do not adequately address the requests outlined in the letters from AASEC. Mr. Bolling responded that that was correct. Mr. Gecker also stated that the regulations will be reviewed for revisions in light of other public comments received by the Board.

Dr. Wilson made a motion to withdraw the Proposed Stage of the Periodic Review of the *Regulations Governing Educational Services for Gifted Students* for additional review. The motion was seconded by Dr. Pexton and carried unanimously by Board roll call vote.

Board Roll Call:

Mr. Gecker – aye  
Dr. Wilson - aye  
Ms. Davis-Vaught - aye  
Dr. Durán - aye  
Ms. Holton - aye  
Dr. Mann - aye  
Dr. Pexton - aye  
Mr. Swann – aye

### **E. Final Review of Withdrawal of the Proposed Stage of the Regulations Establishing Standards for Accrediting Public Schools in Virginia to Comport with Legislative Changes from House Bill 1215 (2012 General Assembly)**

Dr. Leslie Sale, director of policy, presented this item to the Board on final review.

In 2012, the Virginia General Assembly passed House Bill 1215, requiring the Board to promulgate regulations establishing standards for the accreditation of public virtual schools that enroll students full-time. The original intent of the legislation was to address situations where a student would be enrolled in a public school and take all coursework virtually, rather than in a traditional "brick and mortar" environment. The Board approved the NOIRA stage of this regulatory action on May 24, 2012. The NOIRA was approved and submitted for publication and a 30-day public comment period on June 14, 2012. The original proposed stage of this regulatory action was approved by the Board on April 25, 2013. The proposed stage was approved by the

Governor on June 30, 2015 and submitted to the Registrar for publication and a public comment period on July 2, 2015. For reasons unknown to the VDOE, this regulatory action did not proceed following the proposed stage.

The climate and necessity of virtual learning expanded drastically in 2020 due to the COVID-19 pandemic. The pandemic has highlighted areas of need for Virginia's public education system to ensure equity of opportunity for all students. As school divisions pivoted to support students through multiple instructional methods including hybrid and virtual formats, several factors have had a large impact on consistent, effective implementation of quality instruction including:

- lack of broadband infrastructure and access for all students;
- lack of devices for each student to access virtual instruction;
- lack of capacity of school divisions and professional development for educators to support the shift to virtual teaching and learning; and
- the inadequacy of a virtual format to meet many students' needs, particularly students with special needs and younger students.

The Superintendent of Public Instruction recommended the Board approve the withdrawal of the proposed stage of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* to comport with legislative changes from House Bill 1215 (2012 General Assembly).

Mr. Gecker shared that since the Board last took action on this item, the Standards of Accreditation have been comprehensively reviewed and revamped. He stated that it's not clear if the current NOIRA would still be appropriate for this action, and that a more robust and comprehensive NOIRA is likely needed to cover all aspects of the Board's intent for this regulatory action.

Ms. Holton asked if the current NOIRA was broad, could it save the Board some time to only pull back the proposed stage. Mr. Gecker responded that pulling back both the proposed stage and the NOIRA stage would not cost the Board a lot of time. Mrs. Susan Williams, assistant attorney general, stated that the NOIRA was not broad and was specific in responding to the 2012 legislation.

Dr. Wilson made a motion to withdraw the proposed stage and the NOIRA stage of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* to comport with legislative from House Bill 1215. The motion was seconded by Ms. Davis-Vaught and carried unanimously by Board roll call vote.

Board Roll Call:

- Mr. Gecker – aye
- Dr. Wilson - aye
- Ms. Davis-Vaught - aye
- Dr. Durán - aye
- Ms. Holton - aye
- Dr. Mann - aye
- Dr. Pexton - aye
- Mr. Swann – aye

## **F. First Review for the Proposed Approval of the Region VII Joint-Operated Virtual School**

### **– Region VII Virtual Academy**

Michael Bolling, assistant superintendent for learning and innovation, presented this item to the Board on first review.

Mr. Bolling stated that this proposal serves as a formal request for consent to establish a joint-operated school in Virginia, as required by § 22.1-26 of the Code of Virginia. Section 22.1-26 requires the Board's consent when two or more school boards wish to establish a joint or regional school or program. Thirteen school divisions in Superintendent's Region VII have partnered together to create the Region VII Virtual Academy. The Region VII Virtual Academy is being established to alleviate the participating school division demands of providing both remote and in-person learning opportunities.

The Region VII Virtual Academy aims to improve student access, outcomes and achievement by providing students an opportunity to learn in a remote space. This high quality virtual environment assists in providing equity of access to diverse content that may not be available through responsible school, offers instruction differentiated on a per student basis, and increases participation and interaction with Virginia-approved curriculum.

Mr. Bolling introduced Dr. Keith Perrigan, superintendent of Bristol County Public Schools. Dr. Perrigan stated that many of the schools in Region 7 has been providing in-person learning since August 2020, while also providing students with remote learning opportunities. Currently, 70% of students in the region are learning in-person while 30% are learning virtually but teachers are having to teach both in-person and virtual students in many localities. A group of superintendents in Region 7 discussed how to take the burden off teachers teaching both in-person and virtually and decided to open a virtual academy.

Dr. Robert Graham, superintendent of Radford County Public Schools, partnered with Stride-K-12 Virtual Schools, to provide the services for the Virtual Academy. Edgenuity and Virtual Virginia would also serve as partners to provide support to Region 7 students who wish to continue to learn virtually. Dr. Graham introduced Katlin Kazmi, who has been hired to serve as the principal of the Region 7 Virtual Academy. Ms. Kazmi shared that 17 of the 19 local school divisions in Region 7 are participating in the Virtual Academy.

Mr. Swann asked how this proposal would affect the federal funding for each school division. Dr. Perrigan stated that student would remain enrolled in their local school division and the academy will only provide instruction to student. Mr. Swann asked how the academy would help if a student lack access to broadband. Dr. Perrigan responded that the local divisions would continue to be responsible for the students attendance as in their regular policy. Some divisions have very good broadband access but if issues were to occur, the local division will take responsibility of ensuring the student had the appropriate materials and access.

Dr. Wilson pointed out that admissions criteria would be created by the regional board once it was established but expressed concern that the criteria should be ensure accessibility across all of the divisions. Dr. Perrigan responded that the regional board would set the admissions criteria but would use recommendations from the VDOE and Senate Bill 1303. Ms. Kazmi shared that a draft admissions criteria is listed on the website at: [R7VA.org](http://R7VA.org).

Ms. Holton applauded the divisions for their hard work and creativity in developing this virtual

academy. She requested that Dr. Perrigan and others who have worked on this proposal assist the Board in developing virtual education regulations.

Ms. Holton asked for clarity on the set-up between the Virtual Academy and the enrolling school division – the division would provide any services beyond the academic instruction. She also asked how the Virtual Academy selected its partners – Strike, Edgenuity and Virtual Virginia. Dr. Graham provided a summary of each provider. Ms. Kazmi will serve as the contact person for each of the providers. Ms. Holton followed up by stating that monitoring and accountability outcomes should be built into the partnerships with these providers. Dr. Perrigan shared that monitoring outcomes and progress will be a big part of this program as part of Ms. Kazmi’s job will be to monitor this progress.

Dr. Mann shared her excitement for the Virtual Academy. She asked a question of Dr. Lane to share more information about virtual education and its impact on very young children such as the use of technology, screen time and social emotional wellbeing. Dr. Lane stated that the Board’s earlier action to withdraw the virtual school regulations will allow the Board and VDOE to explore a lot of the research in this area.

Dr. Swann asked how will the teachers be selected and if veteran teachers are selected, what would be put in place to help them? Dr. Perrigan stated that the providers will hire the teachers, which will have the same credentials and criteria as a Virginia public school teacher.

Mr. Gecker asked for clarity on the advantage of a joint-operated school when the instruction is being outsourced to the providers. Dr. Perrigan responded that there is marketing power in this proposal but also the pooling of resources from several divisions to hire staff (Ms. Kazmi) to oversee the Virtual Academy. Mr. Graham shared that in Radford City, they anticipate 10-11 percent of their students will remain virtual next year.

Mr. Gecker followed up by asking how does the financial incentive work, does the local division make money? Dr. Perrigan stated that each school division will be different. He shared that there is some potential in bringing home school students back to the public school with this virtual learning option.

The Superintendent of Public Instruction recommended that the Board accept the Region VII Virtual Academy proposal for first review.

The Board accepted this proposal for first review.

**G. First Review of Interim Guidelines for Licensure Requirements in Cultural Competency (HB1196/SB1904)**

This item was deferred.

**H. First Review of Interim Guidelines for the African American History Requirement for Individuals Seeking an Initial License or License Renewal with an Endorsement in History and Social Sciences (HB1196/SB1904)**

This item was deferred.

**I. First Review of a Waiver Request to the United States Department of Education from Certain Accountability and Reporting Requirements under the Every Student Succeeds Act of 2015 (ESSA)**

Ms. Julie Molique, director of accountability, presented this item to the Board on first review.

Ms. Molique stated that on March 8, 2021, the United States Department of Education (USED) released a waiver template that states can use to request accountability and reporting waivers for certain requirements under the Every Student Succeeds Act (ESSA) for the 2020-2021 school year.

The allowable waivers described in this letter were slightly different from those included in the previously proposed Addendum and Waiver brought to the Board for first review during the January 27, 2021, Business Meeting.

In January 2021, the Board was presented with an Addendum and Waiver option to modify federal accountability requirements using data from the 2020-2021 school year. The options included shifting both the federal identification schedule and the federal Measures of Interim Progress by one year.

In March 2021, USED informed states of a new set of waivers available for the 2020-2021 school year through a federally developed template. A summary of the new waiver requests included in the template is provided below.

Accountability:

- Requests a waiver of the requirement that states identify additional schools for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), and Additional Targeted Support and Improvement (ATSI) based on 2020-2021 data.
- Requests a waiver to the requirement that states measure a school's progress toward the Measures of Interim Progress and Long Term Goals based on 2020-2021 data.
- Requests a waiver to how the participation rate for assessments administered in 2020-2021 will be used.

States who receive approval of the accountability waivers must assure that:

- Federal identifications of CSI, TSI, and ATSI schools will be maintained from the 2019-2020 school year and receive appropriate supports and interventions as a result.
- Identification of CSI, TSI, and ATSI schools will resume in fall 2022 using data from the 2021-2022 school year.
- Requests a waiver to the reporting requirements for growth, accreditation ratings, and progress toward Measures of Interim Progress and Long-Term Goals.
- The public reporting requirements that must be maintained if the waiver is approved are:
  - Achievement in reading, mathematics, and science
  - Participation rates
  - Federal graduation rates
  - English Learner progress toward English language attainment
  - Chronic absenteeism rates

States who receive this reporting waiver must also; to the extent, the state or school district

already collects such information, report on student and educator access to technology devices like laptops or tablets and high-speed internet at home.

On March 26, 2021, the proposed waiver items were posted for public comment. A community of practitioners meeting was held on April 16, 2021 to discuss the potential waiver submission.

The Superintendent of Public Instruction recommended the Board waive first review and approve the waiver request for submission to the United States Department of Education.

Dr. Durán made a motion to waive first review and approve the waiver request for submission to United States Department of Education. The motion was seconded by Ms. Davis-Vaught and carried unanimously by Board roll call vote.

Board Roll Call:

Mr. Gecker – aye  
Dr. Wilson - aye  
Ms. Davis-Vaught - aye  
Dr. Durán - aye  
Ms. Holton - aye  
Dr. Mann - aye  
Dr. Pexton - aye  
Mr. Swann – aye

### **J. First Review of Revised Guidelines for Practice Year 1 of the Early Childhood Unified Measurement and Improvement System**

Ms. Jenna Conway, chief school readiness officer, presented this item to the Board for first review.

Section §22.1-289.05 of the Code of Virginia directs the Board to establish a unified quality rating and improvement system for all publicly-funded early childhood providers in order to improve school readiness in the Commonwealth. To provide all Virginia children with equitable opportunity, Virginia must establish a measurement and improvement system that ensures all children have access to quality teaching and learning experiences that meet their unique needs.

Ms. Conway stated that currently Virginia's system does not offer every child equitable opportunity. Quality early childhood experiences prepare children for success but families and children lack equitable access to these experiences. Our system too often fails to prepare children, who are Black, Hispanic, speak a language other than English at home, or have a diagnosed disability or developmental delay.

Virginia's early childhood system must ensure that all children have access to quality teaching and learning experiences that meet their unique needs.

- UNIFY around shared and equitable expectations for quality
- MEASURE and strengthen teacher-child interactions and curriculum use in all publicly-funded birth-to-five programs.
- IMPROVE supports for educators, prioritizing those who need it most.



The Code requires the Board to establish the new system by July 2021 and specifies that the first two years are practice-only so programs can learn the new system.

Preschool Development Grant (PDG)-funded efforts help ensure broad participation in Practice Year 1. Also in Practice Year 1, data will be used to evaluate and refine the system. Within the two practice years, it will provide flexibility as programs recover from COVID-19. By fall 2023, all publicly-funded programs will be required to participate with ratings shared publicly in fall 2024. Programs who do not receive public funds will have the option to participate.

Ms. Conway provided highlights of the Virginia's new Unified Measurement and Improvement System Guidance Document.

The proposal focuses on two nationally indicators of quality teaching and learning that can be measured in all early childhood settings. These are the most important indicators to begin and it goes hand in hand in how to help children learn and grow in an age appropriate way.

- Interactions – Measure teacher-child interactions and instruction in a developmentally-appropriate way using the Classroom Assessment Scoring System (CLASS)
- Curriculum – Measure the use of approved curricula that are aligned with Virginia's Early Learning and Development Standards

Ms. Conway highlighted the key compelling rationale for a focused approach in interaction and curriculum:

- Responsive and effective teacher-child interactions form the foundation for all social and cognitive learning.
- 200+ studies show that children in classrooms with more effective teacher-child interactions, as measured by CLASS®, have better academic and social outcomes.
- Improvements in interactions are associated with improvements in children's outcomes.
- All children, including those from diverse backgrounds, dual language learners (DLLs) and those with special needs, benefit from high quality interactions as measured by CLASS®.
- Virginia has used the CLASS® in early care and education settings for 10+ years.
- Using effective curricula helps support learning and development in all settings.
- Curricula that are aligned with Virginia's Early Learning Standards help ensure educators address all areas of children's learning and development.
- Quality curricula support cultural and linguistic diversity, and help individualize instruction based on children's needs.
- Studies suggest, "intensive, developmentally-focused curricula with integrated professional development and monitoring of children's progress offer the strongest hope for improving classroom quality and child outcomes.

Ms. Conway explained that in order to improve child outcomes, Virginia's system must continually improve supports for educators, prioritizing those who need it most. It should ensure:

- Educators receive frequent feedback and support to strengthen their practice:
- Are recognized for their strengths and know areas for growth.
- Have access to training and coaching based on their unique needs.
- Program leaders have data that help deepen their understanding of the strengths and needs within their program:
- Have access to aligned professional development supports for their site goals.
- Community leads, professional development organizations and individuals (e.g., coaches) have insight into specific program needs as well as statewide focus areas:
- Can align their improvement efforts and collaborate more effectively.

The Practice Year 1 results will be private and will not have any consequences. The results will be shared with program leaders. At the State level, results will be used to analyze equity impact and improve the system. Virginia will also provide at least \$1,500 annually directly to child care and family day home educators in publicly-funded programs to encourage participation, reduce turnover and support improvement. Virginia will increase funding to build and ensure equity across the new system, integrate current improvement resources, increase their funding and make them more accessible to programs with fewer resources and incent more vulnerable educators directly.

Ms. Conway also reported that VDOE received from the Early Childhood Advisory Committee an endorsement with 3 recommendations from the ECAC. All recommendations have been incorporated into the Guidelines. VDOE has also received 70+ comments via online survey, both are reflected in the proposal.

Through this iterative development process, the VDOE has established the following guiding principles for the Unified Measurement System:

- Improve quality and result in improved school readiness for children.
- Increase equity in 1) the outcomes that are measured, and 2) the process for making and using the system.
- Use measures that can distinguish levels of quality and demonstrate growth over time.
- Provide clear and actionable information, resources and incentives for improvement.
- Be affordable for providers and the state.
- Scale for use in over 6,000 programs and 10,000 classrooms.
- Serve as a resource for families

Ms. Conway talked about the funding resources, which is outlined in the proposal.

Dr. Wilson asked about the cost for CLASS. Ms. Conway stated that the cost varies for trained observers but that it's fairly expensive.

Mr. Swann asked about the qualifications required for early childhood education teachers. Ms. Conway stated there are different qualification throughout the early childhood setting; a bachelor's degree and teaching license is not needed to teach early childhood.

Ms. Holton asked what can be done to help with teacher turnover given that often there is low pay in this sector. Ms. Conway stated that the incentive helps lessen the turnover rates, and the survey to qualify for these incentives will track this information to provide better data in the future.

The Superintendent of Public Instruction recommended the Board receive for first review the Guidelines for Practice Year 1 of the Early Childhood Unified Measurement and Improvement System.

The Board accepted this item on first review.

**K. First Review of Guidelines for a Water Management Program to Prevent Legionella Pneumophila Growth in Public School Buildings pursuant to Senate Bill 410 (2020 General Assembly)**

Kent C. Dickey, deputy superintendent of budget, finance, and operations, presented this item to the Board on first review.

Senate Bill 410 (2020 Session) required the VDOE to make recommendations for the establishment, maintenance, and validation of water management programs to prevent Legionella pneumophila growth in public school buildings by July 1, 2021.

To draft the proposed Guidelines for a Water Management Program to Prevent Legionella Pneumophila Growth in Public School Buildings, the VDOE collaborated with and obtained input from the Virginia Department of Health-Office of Drinking Water (VDH-ODW), which is involved in the oversight of water management systems. VDOE also held discussions with private sector representatives, referenced recommendations of the Center for Disease Control (CDC) and the American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 188-2018. The proposed guidelines includes existing industry and federal and state standards and guidance for the establishment, maintenance and validation of water management programs in public schools.

Upon approval of the guidelines, it will be posted on the Virginia regulatory townhall requiring a 30-day public comment. Any comments received will be reviewed and incorporated as appropriate to the final document. The final document will become public to all school divisions by July 1, 2021. A technical assistance webinar will also be available to school divisions to review the final guidelines and requirements.

The Superintendent of Public Instruction recommended that the Board waive first review and approve the proposed Guidelines for a Water Management Program to Prevent Legionella Pneumophila Growth in Public School Buildings.

Dr. Mann made a motion to waive first review and approve the proposed guidelines for Water Management Programs to Prevent Legionella Pneumophila Growth in public school buildings. The motion was seconded by Dr. Wilson and carried unanimously by Board roll call vote.

Board Roll Call:

Mr. Gecker – aye  
Dr. Wilson - aye  
Ms. Davis-Vaught - aye  
Dr. Durán - aye  
Ms. Holton - aye

Dr. Mann - aye  
Dr. Pexton - aye  
Mr. Swann – aye

**L. First Review of Revisions to the List of 2021-2022 Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Professional Licenses**

Mr. George R. Willcox, director, operations and accountability, office of career, technical, and adult education, presented this item to the Board on first review.

The process for reviewing and validating industry credentials for the purpose of awarding verified credit is based on the following criteria: 1) the test must be standardized and graded independently of the school or school division in which the test is given; 2) the test must be knowledge based; 3) the test must be administered on a statewide, multistate or international basis, or administered as part of another state's accountability assessment program; and 4) to be counted in a specific academic area, the test must measure content that incorporates or exceeds the Standards of Learning content in the course for which verified credit is given. Important to this process is ensuring that the credential is relevant and recognized in the workplace.

The 12 recommended industry or trade association certification examinations, professional licenses, and occupational competency assessments, meet the Board's graduation requirements as identified for the Standard and Advanced Studies Diplomas in 8VAC20-131-50 (effective for students entering ninth grade prior to the 2018-2019 school year) and the Board's graduation requirements as identified for the Standard and Advanced Studies Diplomas in 8VAC20-131-51 (effective with the students who enter the ninth grade in the 2018-2019 school year). Students shall earn the required standard and verified units of credit described in subdivision two of the appropriate subsection.

The industry credentials listed on page I meet the criteria to satisfy requirements for the Career and Technical Education Seal, Seal of Advanced Mathematics and Technology, and Seal of Science, Technology, Engineering, Mathematics (STEM).

Industry or trade association certification examinations, professional licenses, and occupational competency assessments are continually being revised or discontinued to stay current with technology and new techniques. Industry Credentialing providers have discontinued 13 previously approved certification examinations. Certifications that are recommended for deletion from the Board-approved list can be found on page J.

These changes may be such that individual certifications are no longer available or no longer meet the Board of Education's criteria for the student-selected verified credit or the academic specific verified credit, the Standard Diploma's Career and Technical Education credential or the additional requirements for graduation in accordance with the Standards of Quality, and the diploma seals awards for exemplary student performance in Career and Technical Education, Advanced Mathematics and Technology, and STEM.

The Superintendent of Public Instruction recommended the Board waive first review and approve the 12 new industry certification examinations, occupational competency assessments, and professional licenses to meet the Board of Education's requirements for (1) graduation effective

for the students who entered ninth grade prior to the 2018-2019 school year, (2) requirements for graduation effective with the students who enter the ninth grade in the 2018-2019 school year, and (3) requirements for the Career and Technical Education, Advanced Mathematics and Technology, and STEM Seals. Further, it is recommended the Board approve the removal of 13 credentials that are no longer offered by the providers.

Dr. Pexton made a motion to waive first review and approve the 12 new industry certification, occupational competency assessments and professional licenses and the removal of 13 credentials that are no longer offered. The motion was seconded by Ms. Davis-Vaught and carried unanimously by Board roll call vote.

Board Roll Call:

Mr. Gecker – aye  
 Dr. Wilson - aye  
 Ms. Davis-Vaught - aye  
 Dr. Durán - aye  
 Ms. Holton - aye  
 Dr. Mann - aye  
 Dr. Pexton - aye  
 Mr. Swann – aye

## **PRESENTATIONS**

### **M. Progress Towards Implementation of the Recommendations from the JLARC Reports**

Dr. Samantha Hollins, assistant superintendent for special education and student services and Dr. Linda Revia, special project coordinator, presented this report to the Board.

Dr. Revia provided a status update on the review of the Operations and Performance of the Virginia Department of Education Report. In 2018, the Joint Legislative Audit and Review Commission (JLARC) approved a resolution directing staff to review the Virginia Department of Education (VDOE) because (i) it is a large state agency that plays a critical role in educating Virginia's children and (ii) it had not been reviewed by JLARC in many years. The report was released at the October 5, 2020, JLARC meeting. The study resolution required JLARC to examine whether the department:

- is organized and staffed to ensure efficient and effective operations;
- adequately monitors school division compliance with key requirements;
- adequately supports school divisions in addressing challenges and providing effective instruction and instructional support programs;
- effectively coordinates with other education and workforce agencies; and
- has an effective relationship with the Board of Education.

Some of the key findings of the study included:

- School divisions generally view VDOE positively and note recent improvements.
- VDOE could do more to effectively supervise local divisions.
- VDOE generally provides adequate support and assistance.
- School improvement program needs to be strengthened to better support low-performing schools and divisions.

- Office of Teacher Education should be strengthened to better support school divisions

Dr. Reveia shared that she is only highlighting the recommendations that falls under the preview of the Board or those that may require General Assembly action.

Dr. Reveia reported that the agency is reviewing a possible framework for a pilot program to more comprehensively assess school division compliance to SOQ, in the process of a website redesign to make navigation more intuitive and resources more accessible. Additionally, a calendar of professional development is being explored using a virtual platform and an in depth presentation regarding a School Improvement model will be presented by Dr. Ortiz and Dr. Dreier.

The department is reviewing the current annual Master Schedule Collection (MSC)/Instructional Personnel and Licensure (IPAL) instrument, which requires school divisions to report all instructional personnel (filled positions) who are required to hold a license issued by the Board. The t Code already provides the Board with the authority to request that the Advisory Board on Teacher Education and Licensure provide recommendations on related matters. Current Board members provide a broad representation of constituent interests and regional interests.

Dr. Hollins provided a status update on the Review of the Children's Services Act and Private Special Education Day Schools Costs Report. Dr. Hollins reported that the study resolution required JLARC to examine:

- drivers of spending growth in the CSA program;
- cost effectiveness of services, especially private special education day school; and
- State and local oversight and administration of CSA.

Some of the key findings included:

- Spending on private special education day school services has driven overall CSA spending growth.
- Students placed in private day schools typically have more significant disabilities along with exhibiting behaviors that public schools have difficulty managing.
- Half of the growth in private day school spending is explained by increasing enrollment in these schools.
- Increasing tuition rates charged by private day schools and greater use of additional services contributed to spending increases. However, schools appear to charge tuition rates that are consistent with the cost of providing low student-to-staff ratios in small environments.

The department's next steps in the recommendations are:

- Formation of cross-agency and stakeholder workgroup to examine transfer of funds currently reserved for students requiring an educational placement in a private special education day school or residential facility to the VDOE
- Updated guidance from VDOE and the Office of Children's Services on licensure requirement of Private Schools serving students with disabilities and receiving state funds
- Updated guidance for flexible use of funds to support transition services for eligible students with disabilities
- Consideration of new reporting features for tuition rates of private schools serving

students with disabilities to begin July 1, 2022

- Establishment of same requirements for Restraint and Seclusion in private SPED schools

Dr. Hollins provide a status report on the Review of the K-12 Special Education in Virginia. Dr. Hollins stated the study resolution required JLARC to examine:

- the processes used by school divisions to enroll students in special education;
- the determination of services needed by students with disabilities,
- the provision of needed services; and
- the effectiveness of VDOE in its supervisory role.

The department's study areas of focus:

- determining eligibility for Special Education Services;
- IEP development, implementation and post-secondary transition planning;
- Applied Studies Diploma and related curriculum and resources;
- inclusion of students with disabilities;
- recruiting and retaining qualified Special Education teachers; and
- State supervision and monitoring of Virginia's Special Education System.

Dr. Hollins shared some of the impacts on students with disabilities:

- More specific and research based guidance to assist school teams with identification, evaluation and eligibility
- Improving development of high quality individualized education plans (IEP) with a focus on inclusion and secondary transition planning and services
- More transparency and clarity to support parents and within the dispute resolution process
- A focus on cyclical and data verification in monitoring local school divisions on the provision of special education
- More resources to help students and their families understand the Applied Studies Diploma and development of additional curriculum and resources
- How to improve the recruitment and retention of qualified Special Education teachers and supporting them within local school divisions and schools

Dr. Wilson thanked Dr. Reveia and Dr. Hollins for their presentation. She made an observation around the reports as an opportunity to communicate proactively on what is happening around the department to the broader community. Concerning the report on Special Education, tying the response to the JLARC report and the work of the Board on equity, teacher quality, etc. that it is clearly aligning and being communicated well.

Ms. Holton was pleased to see the overwhelming response on the positive results from school divisions.

The Board accepted this report.

### **N. Office of School Quality's Response to Recommendations from the JLARC Report: Operations and Performance of the Virginia Department of Education**

Dr. Aurelia Ortiz, director of school quality and Dr. Matthew Dreier, doctoral resident, provided an update on the operations and performance of the Office of School Quality.

In October 2020, JLARC released its report, Operations and Performance of the Virginia Department of Education. The report found that the Office of School Quality has more schools in need of improvement than comparable offices in neighboring states and provided three recommendations outlined below:

- Recommendation 8 – The Virginia Department of Education should develop and implement a plan to guide its transition to a new school improvement model and estimate the additional staffing required to effectively implement the new model. The plan should be presented to the Board of Education and transmitted to the House Education and Appropriations committees and to the Senate Education, Health, Finance, and Appropriations committees, no later than June 30, 2021.
- Recommendation 9 – The General Assembly may wish to consider appropriating additional funding for new staff positions in the Virginia Department of Education’s Office of School Quality to strengthen its work with school divisions in the school improvement program. The GA is awaiting our feedback on Recommendation 8 before considering these funds.
- Recommendation 10 – The General Assembly may wish to consider amending § 22.1-23 of the Code of Virginia to direct the superintendent of public instruction to (i) develop and implement an effective school improvement program, (ii) identify measures to evaluate the effectiveness of the services the Office of School Quality provides to school divisions, (iii) evaluate and make changes as needed to ensure effectiveness, and (iv) annually report to the Board of Education. The GA has not yet completed this requirement.

Dr. Ortiz focused on Recommendation 8 for today’s presentation.

Based on continuous improvement research and state education agency scan, the VDOE is transitioning to a regional, case management approach to school improvement focused on coordinated and differentiated high quality support to the field:

- Intensive support to MOU, Level II & Level III
- Targeted support - Personalized technical assistance, Network Improvement Communities (NIC)
- Universal support - webinars, conferences, research-based best practices
- Phased transition to Regional Support Teams (RST) over the next 3-4 years

Dr. Ortiz stated the goal is to improve identified schools so that all children will receive a high quality education in high quality schools.

Dr. Dreier provided recommendations through policy, funding, data and personnel development. To continuously improve the statewide system of support, the system itself needs clear goals, objectives and benchmarks, and a process for monitoring its ongoing operations and for evaluating its effectiveness.



The detailed presentation can be viewed at: <https://www.doe.virginia.gov/boe/meetings/2021/04-apr/item-n-presentation.pptx>

Dr. Duran thanked Dr. Ortiz and Dr. Dreier for their presentation. He also offered his support for their goals and mission to truly support schools to deliver high quality education to every child.

Dr. Wilson asked for clarification on the model of coaching and support. Dr. Ortiz stated that the primary responsibility will be within the Office of School Quality but a regional support teams approach can help support school divisions in meeting their needs and moving the lever on student outcomes. Analyzing data will be key in this approach.

Ms. Holton is concerned about the timeframe that this will begin in school year 2023 and asked if there was a way to “ramp up” the timeframe. Dr. Lane stated that the General Assembly has already approved the Fiscal Year 2022 budget, which is why the program is targeted for the FY’23 budget for permanent, ongoing funding. Using federal funding is a possibility but the General Assembly has oversight of the State Set Aside.

The Board accepted this report.

### **O. Status Report on COVID Impacts on PreK-12 Education in Virginia**

Ms. Holly Coy and Mr. Michael Bolling provided a report on the status of COVID impacts on Pre-K education in Virginia.

Ms. Coy provided an overview on general COVID updates, Second Periodic Report on Instructional Delivery and Academic Outcomes, and updated CDC and VDH/VDOE Guidance for schools.

Mr. Bolling shared the data received from school divisions on the second periodic report on instructional delivery and student outcomes.

Mr. Bolling shared the key takeaways from the periodic report on instructional deliver as 72.7% of school divisions are offering instruction 4 or 5 days per week (Partial in Person or In Person). All school divisions will be offering some in-person learning to students by April 26. Percentages of students choosing to work fully-remotely increases, as they get older and 41.6% of school divisions report an increase in synchronous learning time. Mr. Bolling shared a breakdown in percentages of in person, partial in person, hybrid, partial hybrid, fully remote and predominately remote.

Mr. Bolling shared the key findings as compared to the first periodic report; divisions reported more elementary students at or above expected achievement levels. However, in both middle and high school, most divisions continue to report more students are failing 2 or more classes as

compared to this time last year. Externally provided data indicates that while we are seeing student growth in reading and mathematics over time, the growth is [significantly] lower than in previous years. A higher percentage of divisions reported that over 50% of their students were at or above expectations in academic achievement in elementary 3-5 reading and PK-5 mathematics than when compared to achievement in Fall 2020 sharing examples of the data.

Dr. Wilson asked if the data provided is across all instructional modalities (in-person, hybrid, and virtual). Mr. Bolling responded yes, the data is across all modalities.

Dr. Mann asked if the external vendor data around outcomes was representative of all of divisions or a subset. Mr. Bolling replied that this data is from external vendors that have a large footprint in Virginia and so this data represents a fairly large number of students and is comparable year over year. It is the same assessment plus self-reported data which differs by division. Dr. Mann asked what percentage of divisions use external vendors to gather this achievement data. Mr. Bolling stated 70% or less of divisions use external vendors. The detailed presentation can be viewed at: <https://www.doe.virginia.gov/boe/meetings/2021/04-apr/item-o-presentation.pptx>.

The Board accepted this report.

## **WRITTEN REPORTS**

### **P. Report on Defining Students with Limited or Interrupted Formal Education**

Dr. Jessica Costa, English Learner Instructional Specialist, provided the Board with a written report on Defining Students with Limited or Interrupted Formal Education. The report can be viewed at <https://www.doe.virginia.gov/boe/meetings/2021/04-apr/item-p-attachment-a.pdf>.

### ***DISCUSSION ON CURRENT ISSUES- by Board of Education Members and Superintendent of Public Instruction***

Dr. Lane announced that April is the Month of the Military Child. He encouraged all to show support for military children this month and during “Purple Up Day”

Dr. Lane shared that he continues to visit schools and as of the end of the month, he will have visited all schools in the Commonwealth. He is appreciative of the hard work school divisions are doing getting students back in school full-time.

Ms. Holton acknowledged that the Board has received numerous public comments concerning COVID restrictions for Marching Band and performing arts and asked an explanation on the different restrictions from sports. Dr. Lane stated that the Governor’s Executive Order on April 1 identified these activities under the social gathering restrictions and did not provide any exceptions. Dr. Lane anticipated that the Governor would be updating this Executive Order in a press conference to provide flexibility for Marching Band and performing arts. Ms. Coy also

stated that the Governor issued an updated Executive Order that is different from recreational sports carve out but does provide opportunity for indoor and outdoor performances and the parameters around them.

Mr. Gecker asked the Board members to think about initiatives/topics they were interested in taking a lead on as the Board continues through the work plan – teacher evaluation and professional development, virtual education regulations, gifted education regulations, etc.

### **Work Session**

The Board held a work session on Wednesday, April 21 related to quality in early childhood classrooms. The presentation can be found at

<https://www.doe.virginia.gov/boe/meetings/2021/04-apr/work-session/quality-in-early-childhood.pdf>. A video recording of the meeting is available online at <https://www.youtube.com/watch?v=rKIx9lmLEV0>.

### **Board Retreat**

The Board held a retreat on Wednesday, April 21 related to teacher evaluation and professional development. The retreat included a presentation on the history and Board's statutory authority on teacher evaluation and professional development. Secretary of Education Atif Qarni addressed the Board on some of the challenges within Virginia's system of professional development for educators. A panel discussion of experts from local school divisions, associations and higher education addressed the Board to provide a better understanding of the landscape of professional development in Virginia, ways to improve the system, and better support teacher growth and development. The retreat concluded with a Board discussion on the vision, goals and next steps for teacher evaluation and professional development in the Commonwealth. All meeting materials can be found online at <https://www.doe.virginia.gov/boe/meetings/index.shtml#business>. A video recording of the retreat is available online at <https://www.youtube.com/watch?v=sN4pbYcejAc>.

### **ADJOURNMENT**

There being no further business of the Board of Education, Mr. Gecker adjourned the business meeting call at 1:46 p.m.



Mr. Daniel Gecker, President