



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: C

Date: March 28, 2024

Title: First Review of Notice of Intended Regulatory Action for Virginia’s Early Childhood Unified Measurement and Improvement System (VQB5)

Presenter: Jenna Conway, Deputy Superintendent of Early Childhood Care and Education

Purpose of Presentation

Action required by state or federal law or regulation.

Executive Summary

Section [22.1-289.05](#) of the Code of Virginia directs the Board of Education 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. This request is for the Board of Education (“Board”) to approve the Notice of Intended Regulatory Action (“NOIRA”) to establish new regulations for the Virginia’s Early Childhood Unified Measurement and Improvement System (“VQB5”).

The Code of Virginia states that the quality rating and improvement system should be established by July 1, 2021, that there should be optional participation beginning in 2021–2022, and that participation becomes mandatory for publicly funded providers in the 2023–2024 school year with initial quality ratings published in the fall of 2024. The Board fulfilled these timebound requirements by establishing [Guidelines for VQB5 Practice Year 1](#) (approved in June 2021), [Guidelines for VQB5 Practice Year 2](#) (approved in June 2022), and [VQB5 Guidelines for 2023-2024](#) (approved in June 2023).

As of the 2023–2024 school year, VQB5 is now fully implemented and includes 3,288 birth-to-five programs, including public school-based preschools, Head Start/Early Head Start programs, and child care centers and family day homes that participate in the child care subsidy or other forms of public subsidy. Each of these programs is required to complete annual site, classroom and educator profiles, report on curriculum use and participate in local and external CLASS

observations during the year. Quality profiles that include rating information from the 2023–2024 participation year will be published via a family-friendly website in fall 2024.

This NOIRA action will formally establish the requirements for the VQB5 unified measurement and improvement system in regulation. The proposed VQB5 regulations will specify which sites are legislatively required to participate, explain the key activities that participating sites must complete, and outline the consequences for refusal to participate.

The Virginia Department of Education (“VDOE”) received a full endorsement from the Early Childhood Advisory Committee (“ECAC”) for the proposed VQB5 NOIRA. The 22-member committee convened for an in-depth discussion and review of the NOIRA on February 15, 2024.

Action Requested

Action will be requested at a future meeting: April 25, 2024

Superintendent’s Recommendation

The Superintendent of Public Instruction recommends that the Board of Education receive for first review the Notice of Intended Regulatory Action for Notice of Intended Regulatory Action for VQB5.

Previous Review or Action

No previous review or action.

Background Information and Statutory Authority

The Board’s general authority to establish regulation is found in § [22.1-16](#) of the Code of Virginia:

The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [Title 22.1 of the Code of Virginia].

Section [22.1-289.05](#) of the Code of Virginia directs the Board to “establish a uniform measurement and improvement system designed to provide parents and families with information about the quality and availability of publicly funded providers.”

The Board began meeting the requirement set by § [22.1-289.05](#) through establishing VQB5 Guidelines, which outline the participation requirement details for the VQB5 Unified Measurement and Improvement System. Now that VQB5 is required for publicly funded early childhood programs, the Board must establish consequences for providers who do not meet

the expectations for participation or meet minimal quality standards. Establishing regulations will meet this requirement for the Board.

The Code of Virginia also indicates that the Board must establish a set of regional entities that are responsible for coordinating early childhood care and education services; guiding quality improvement of such services and coordinated access to such services for families; and implementing the uniform measurement and improvement system. This requirement has been fulfilled through the establishment of Virginia's Ready Regions in 2021.

Stakeholder Engagement

ECAC is responsible for advising the Board on all programs, systems, and regulations related to Virginia's unified early childhood system. ECAC members include representatives spanning the diversity of child care and early education programs, advocacy groups, and child development experts in the Commonwealth as required by law. On February 15, 2024, the 22-member committee convened for a discussion and review of the NOIRA and received a full endorsement from ECAC. VDOE staff will continue to keep ECAC closely engaged in the development of the proposed regulations and will continue to seek an endorsement from this group prior to any Board requests for action.

VDOE staff continues to engage the program leaders, teachers, families and other interested stakeholders with the implementation of the VQB5. Since the initiation of VQB5 in 2021, the Department has conducted annual engagement on the development of VQB5 Guidelines through a variety of methods including facilitating in-person stakeholder meetings in all nine Ready Regions, posting weekly VQB5 updates in the Office of Early Childhood's Readiness Connections newsletter, hosting (at-least) quarterly webinars for early childhood program leaders, and meeting weekly with the leadership from Ready Regions through an office hours format. Through the development of the proposed regulations, VDOE staff will continue to exercise established engagement channels with the field to collect feedback through the drafting and finalizing stages.

Implementation and Communication

This is the first review for the proposed NOIRA. VDOE will bring the NOIRA back to the Board in April 2024 and will reflect any feedback received. VDOE staff is prepared to respond to any public comment received via the Town Hall regulatory process, as well as other communication channels. VDOE is able to provide status updates to the Board on regulation development as requested and will continue to engage the ECAC and other stakeholders routinely.

The VQB5 Guidelines (approved annually by the Board since 2021) will continue to set forth the programmatic expectations for VQB5. The proposed updates for the VQB5 Guidelines for 2024-2025 received an endorsement from the ECAC on March 7, and are anticipated to be reviewed by the Board in April 2024. This document will continue to serve as the primary means for communicating the expectations for VQB5 while regulations are under development.

Impact on Fiscal and Human Resources

VDOE's existing resources supported the development of the proposed guidelines. Any costs associated with the dissemination, training, or implementation related to the VQB5 system are supported through the federal Child Care Development Block Grant. Some State General Funds are projected to be used to support External Classroom Observations.