

Virginia Board of Education – April 2021 Meeting Update

On April 20-22, 2021, the [Virginia Board of Education](#) (Board) met for their annual retreat, scheduled work session, and regular business meeting. The meetings were live streamed for viewers, and recordings of those meetings can be found [here](#). While we do our best to give you a concise summary of the topics discussed during each meeting, we encourage you and your superintendent to delve deep into this information to better understand how it will impact your school division. Additionally, we welcome any feedback that you may wish to provide. If you have any questions, concerns, or compliments for the Board, please send them to me at jason@vsba.org.

Tuesday Special Committee Work Session

On [Tuesday, April 20, 2021](#), the [Special Committee to Review the Standards of Accreditation](#) (Special Committee) met to continue to review the Standards of Accreditation and provide recommendations to the Board on any potential changes. The Special Committee received the following reports from Virginia Department of Education (VDOE) staff: [Discipline](#), [Disproportionality: Measurement and Reporting](#) and [Exploring Virginia's Diplomas and Graduation Requirements](#).

With no further business to come before the Special Committee, the meeting was adjourned.

Wednesday Work Session and Board Retreat

On Wednesday morning, April 21, 2021, the Board convened for their [monthly work session](#). The topic for this month's work session was [Quality in Early Childhood Classrooms](#). The Board was provided with an overview of best practices for Early Childhood Education from Jenna Conway, Chief School Readiness Officer, Office of the Governor, Dr. Daphna Bassok, Associate Professor of Education and Public Policy & Associate Director of Ed Policy Works, University of Virginia, and Dr. Amanda Williford, Research Associate Professor and Association Director for Early Childhood Education, CASTL, University of Virginia.

At the conclusion of the presentation, the Board adjourned the work session to prepare for their afternoon retreat.

The annual Board retreat convened Wednesday afternoon and members were provided the following presentations from VDOE staff: [History and Overview of the Board's Authority and Statutory Requirements Related to Teacher Evaluation and Professional Development](#), [Overview of Professional Development in Virginia Public Schools](#), [Background Reading: History of the Performance Standards and Evaluation Criteria in Virginia](#), and [Background Reading: What Matters in Professional Learning](#).

Following the presentations, the Board held a panel discussion on the Landscape of Professional Development in Virginia. Panelists included Melinda Bright, Director of Teaching and Learning, Virginia Education Association, Dr. Andrew Daire, Dean, School of Education, Virginia Commonwealth University, Dr. Steve Geyer, Assistant Superintendent of Instruction, Goochland County Public Schools, Dr. Janene Gorham, Director of Professional Growth and Innovation, Virginia Beach City Public Schools, Dr. Laurie McCullough, Executive Director, Virginia ASCD, and Dr. Tammy Wallace, Dean, College of Education and Human Development, Radford University.

After the panel discussion, Board members reflected on the future of professional development and the role of the Board in providing enhanced training for teachers and school divisions administrators. After the discussion, the Board adjourned their retreat.

Thursday Business Meeting

On [Thursday, April 22, 2021](#), the Board reconvened for their [regularly scheduled business session](#). Board President Dan Gecker called the business session to order and asked for approval of the minutes from the March Board meeting. President Gecker explained the need to conduct roll call votes on each item due to the protocols for virtual public meetings during the COVID-19 pandemic. Mr. Gecker announced that the June meeting of the Board will be conducted in person with further information to be provided. The Board will continue to offer a livestream of its meetings.

Mr. Gecker informed the Board that agenda Items G and H will be deferred to the June meeting of the Board due to additional flexibility in addressing the legislation.

Following the announcements, Mr. Gecker asked for a motion to approve the minutes of the March meeting of the Board. A motion was made and properly seconded to approve the minutes of the March Board meeting. A roll call vote was made, and the March Board meeting minutes were approved unanimously.

Following approval of the March meeting minutes, the Board proceeded to accept the following Consent Agenda items:

[Item A](#)- Final Review to Certify a List of Qualified Persons for the Office of Division Superintendent of Schools ([Item A- Attachment A](#)), [Item B](#)- Final Review of Quarterly Report of the Literary Fund ([Item B- Attachment A](#)), [Item C](#)- Final Review of Child Care Regulations Transferring from the Board of Social Services to the Board of Education ([Item C- Attachment A](#)) ([Item C- Attachment B](#)) ([Item C- Attachment C](#)) ([Item C- Attachment D](#)) ([Item C- Attachment E](#)) ([Item C- Attachment F](#)) ([Item C- Attachment G](#)) ([Item C- Attachment H](#)) ([Item C- Attachment I](#)).

Having accepted the above referenced items on the Consent Agenda, the Board proceeded to its items for Action and Discussion.

[Item D](#)- Final Review of Withdrawal of the Proposed State of the Periodic Review of the Regulations Governing Education Services for Gifted Students. Mr. Michael Bolling, Assistant Superintendent of Learning and Innovation, VDOE presented Item D for Final Review. On March 12, 2021, the Virginia Board of Education (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 of Education 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.” This 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.

Pursuant to [§2.2-4016](#) of the *Code of Virginia*, this proposed Board action would formally withdraw the *Regulations Governing Educational Services for Gifted Students*, previously approved by the Board on October 15, 2020, and provide staff and Board additional time to respond to potential action items and solicit public feedback and engagement.

Mr. Bolling informed the Board that it is the recommendation of the Superintendent of Public Instruction for the Board to approve Final Review of Item D. With no Board member wishing to discuss the item, a motion was made and properly seconded to approve Final Review of Item D. The Board approved Item D for Final Review by a unanimous roll call vote.

Item E- Final Review of Withdrawal of the Proposed State of the Regulations Establishing Standards for Accrediting Public Schools in Virginia to Comport with Legislative Changes from HB 1215 (2012 General Assembly). Dr. Leslie Sale, Director of Policy, VDOE, presented Item E to the Board for Final Review. In 2012, the Virginia General Assembly passed [House Bill 1215](#), requiring the Virginia Board of Education 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 Virginia Department of Education staff, 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.

While promulgating regulations establishing standards for accreditation of public virtual schools may not address each aspect of those inadequacies, more consistent standards and expectations would likely have a positive impact on quality instruction and student achievement supporting Priority 1 of the Board’s Comprehensive Plan.

Section [2.2-4016](#) of the *Code of Virginia* provides the Board with the authority to withdraw at any point in the regulatory process before regulations become effective. The proposed stage of this regulatory action should be withdrawn and re-proposed to allow the Board to promulgate the regulations required by [§22.1-251.13:3](#) of the *Code of Virginia*.

Dr. Sale informed the Board that it is the recommendation of the Superintendent of Public Instruction that the Board approve Item E for Final Review. A motion was made and properly seconded to approve Item E for Final Review. The Board approved Item E for Final Review via a unanimous roll call vote.

[Item F- First Review of the Proposed Approval of the Region VII Joint-Operated Virtual School- Region VII Virtual Academy \(Item F- Attachment A\)](#). Michael Bolling, Assistant Superintendent for Learning and Innovation, VDOE, presented Item F for First Review by the Board. This item 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 Virginia Board of Education'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.

Additionally, the Board heard testimony from Dr. Keith Perrigan, Superintendent, Bristol City Public Schools, Dr. Robert Graham, Superintendent, Radford City Public Schools, and Ms. Kaitlin Kazmi, Executive Director, Region VII Virtual Academy, regarding the Region VII Virtual Academy and the work school divisions are doing for the 2021-2022 school year.

Mr. Bolling informed the Board that it is the recommendation of the Superintendent of Public Instruction that the Board accept First Review of Item F. Following discussion, the Board accepted First Review of Item F.

[Item G- First Review of Interim Guidance for Licensure Requirements in Cultural Competency HB 1904/SB 1196 \(2021 General Assembly\) \(Item G- Attachment A\)](#). This item was deferred and will be heard at the June 2021 meeting of the Board.

[Item H- First Review of Interim Guidance for the African American History Requirement for Individuals Seeking an Initial License or License Renewal with an Endorsement in History and Social Studies HB 1904/SB 1196 \(2021 General Assembly\) \(Item H- Attachment A\)](#). This item was deferred and will be heard at the June 2021 meeting of the Board.

[Item 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 \(ESSA\) \(Item I- Presentation\)](#). Ms. Julie Molique, Director, Office of Accountability, VDOE presented Item I to the Board. On March 8, 2021, the United States Department of Education (USED) released a waiver template 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 are slightly different from those included in the previously proposed Addendum and Waiver brought to the Virginia Board of Education for first review during the January 27, 2021, Business Meeting.

A summary of the new waiver requests included in the template is provided below.

Accountability:

- Offers waiver of 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.
- Offers 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.
- Offers waiver to the requirement that pass rates used for ESSA pass rates are based on a denominator that represents at least 95% of enrolled students.
- States approved for these waivers must assure USED 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.

Transparency and Public Reporting:

- Offers a waiver to the reporting requirements for growth, accreditation ratings, and progress toward Measures of Interim Progress and Long-Term Goals.
- States approved for these waivers must assure USED that:
 - Reports that disaggregate 2020-2021 school year data associated with assessment results, student participation on assessments, chronic absenteeism, federal graduation cohort rate, and Progress of ELs toward English language attainment measured by the ACCESS for ELs test will be made publicly available.
 - To the extent the state or school district already collects such information, reports on student and educator access to technology devices like laptops or tablets and high-speed internet at home will be made publicly available.

On March 26, 2021, the proposed waiver items were posted for public comment.

Ms. Molique informed the Board it is the recommendation of the Superintendent of Public Instruction to waive First Review of the item and approve Item I for Final Review. A motion was made and properly seconded to waive First Review of the item and approve Item I for Final Review. The motion passed unanimously via roll call vote.

Item J- First Review of Revised Guidelines for Practice Year 1 of the Early Childhood Unified Measurement and Improvement System (Item J- Attachment A) (Item J- Presentation). Ms. Jenna Conway, Chief School Readiness Officer, Office of the Governor, presented Item J to the Board. 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. To provide all Virginia children with equitable opportunity, Virginia should establish a measurement and improvement system that ensures all children have access to quality teaching and learning experiences that meet their unique needs.

The law requires the Board to establish the new system by July 1, 2021, with initial results to be published in fall 2024. The first two years of the new system will be practice-only so that educators - including those in all school-based preschool, Head Start/Early Head Start, and publicly funded childcare and family day homes - can learn the new system.

The *Guidelines for Practice Year 1 of the Early Childhood Unified Measurement and Improvement System* describes the guidelines and protocols for Practice Year 1 (2021-2022) of the Unified Measurement and Improvement System.

Virginia's Unified Measurement and Improvement System will support continuous quality improvement in all publicly funded early childhood programs, which generally prioritize underserved children, including children in low-income households, children with disabilities, children who are Dual Language Learners and children who face other challenges. Programs that do not receive public funding will have the option to participate.

In Practice Year 1, the Unified Measurement and Improvement System will utilize two nationally recognized quality standards to strengthen the quality of teaching and learning in publicly funded birth-to-five programs.

- Through measurement of the quality of teacher-child interactions, using a nationally recognized and verified tool, educators will receive frequent feedback on strategies to support learning and growth for all children.
- Using a quality curriculum, educators in early childhood programs will be supported to access quality instructional materials as a foundational step in developing a comprehensive, culturally responsive, learning environment.

Through measurement and frequent feedback, the unified system will identify and intervene where needed, dedicating targeted culturally responsive supports, intervention, and state resources to support improvement in programs and classrooms where it is most critical. Improvement resources will be targeted toward programs with fewer resources, including a focus on childcare and family day homes.

The proposal was developed in consultation with early childhood educators, researchers, educational leaders, and subject matter experts. The VDOE has conducted extensive stakeholder engagement, including two public webinars, with over 2000 views, as well as 30+ presentations and listening sessions with educators and leaders from around the state. VDOE also received over 300 responses via online feedback surveys. The feedback received through this engagement informed the development of the proposal for Practice Year 1.

The VDOE received an endorsement with recommendations from the Early Childhood Advisory Committee for the proposed guidelines. The 22-member committee convened for a three-hour discussion of the proposal on March 24, 2021 and provided the following recommendations:

- 1) Provide additional guidance around how programs will be supported to improve;
- 2) Include family engagement in guiding principles; and
- 3) Include improvement practices for children with disabilities or children in inclusive classrooms.

All of these recommendations have been fully incorporated into the guidelines presented to the Board for first review.

This item supports Priority 1 of the Board's Comprehensive Plan to provide high-quality learning environments for all students by providing a framework to measure and improve the quality of early learning experiences.

Ms. Conway informed the Board it is the recommendation of the Superintendent of Public Instruction to accept First Review of Item J. The Board accepted First Review of Item J.

[Item K](#)- **First Review of Guidelines for a Water Management Program to Prevent Legionella Pneumophila Growth in Public School Buildings pursuant to SB 410 (2020 General Assembly)** ([Item K- Attachment A](#)). Kent C. Dickey, Deputy Superintendent of Budget, Finance, and Operations, VDOE, presented Item K to the Board for First Review. [Senate Bill 410](#) (2020 General Assembly) required the Virginia Department of Education (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 include existing industry and federal and state standards and guidance for the establishment, maintenance, and validation of water management programs in public schools.

The proposed guidelines will help ensure the maintenance of water management in all schools in Virginia ensuring that schools statewide have a healthy and safe environment and support Priority 1 of the Board's Comprehensive Plan to provide high-quality, effective learning environments for all students.

Mr. Dickey informed the Board it is the recommendation of the Superintendent of Public Instruction to waive First Review of Item K and approve the item for Final Review. Mr. Dickey also mentioned that VDOE staff will be conducting a webinar for school divisions on the guidelines in preparation of the July 1, 2021 date to implement the legislation.

A motion was made and properly seconded to waive First Review and approve Final Review of Item K. The motion passed unanimously via roll call vote.

Item L- **First Review of Revisions to the 2021-2022 Board of Education Approved Industry Certification, Occupational Competency Assessments, and Professional Licenses.** Mr. George R. Willcox, Director, Operations and Accountability, Office of Career, Technical, and Adult Education, VDOE, presented Item L to the Board. 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.

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.

This Board item aligns with Board of Education Priority 1 – provide high-quality, effective learning environments for all students.

Mr. Wilcox informed the Board it is the recommendation of the Superintendent of Public Instruction to waive First Review of Item L and accept the item for Final Review. A motion was made and properly seconded to waive First Review and accept Item L for Final Review. The motion was approved unanimously via roll call vote.

With all Action/Discussion Items having been heard, the Board received the following presentations from VDOE staff:

[Item M](#)- Progress Towards Implementation of the Recommendations from the JLARC Reports ([Item M- Presentation](#)) and [Item N](#)- Office of School Quality's Response to Recommendations from the JLARC Report: Operations and Performance of the Virginia Department of Education ([Item N- Presentation](#)), and [Item O](#)- Status Report on COVID Impacts on PreK-12 Education in Virginia.

Following the presentations, the Board accepted the following written report for review:

[Item P](#)- Report Defining Students with Limited or Interrupted Formal Education ([Item P- Attachment A](#)).

With no additional items on the Board's agenda, President Gecker adjourned the April 22, 2021 meeting of the Virginia Board of Education.

The next meeting of the Virginia Board of Education will be **June 16-17, 2021**.