

Virginia Board of Education – June 2022 Meeting Update

On June 15, 2022, the [Virginia Board of Education](#) (Board) met for its scheduled business meeting. The meeting was live streamed for viewers, and a recording of the meeting 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.

Board President Dan Gecker called the meeting to order. The first order of business was Approval of the Minutes from the April meeting of the Board. A motion was made and seconded to approve the April Board Meeting Minutes. The motion carried unanimously.

After hearing public comment, the Board proceeded to adopt the following Consent Agenda Items: [Item A](#)- **Final Review of Guidelines for Practice Year 2 of the Early Childhood Unified Measurement and Improvement System (VQB5)**, [Item B](#)- **Final Review of Amendments to the Licensure Regulations for School Personnel (8VAC20-23) to Include New Statutory Requirements for Initial Licensure**, and [Item C](#)- **Final Review of Nominations to Fill Vacancies on Board of Education Advisory Committees**.

Having accepted the items on its Consent Agenda, the Board proceeded to hear the following items for Action and Discussion:

[Item D](#)- **Final Review to Certify a List of Qualified Persons for the Office of Division Superintendent of Schools**. Ms. Maggie Clemmons, Director of Licensure and School Leadership, Virginia Department of Education (VDoE), presented Item D to the Board for Final Review. Ms. Clemmons stated that the Constitution of Virginia requires the Board to certify to the school board of each division a list of qualified persons for the office of division superintendent of schools, one of whom shall be selected to fill the post by the division school board. On November 19, 2020, the Board approved a process to certify the list of qualified persons for the office of division superintendent of schools:

- Upon receipt, new applications for the Division Superintendent License will be reviewed by the Office of Licensure and School Leadership to verify that the Board requirements have been met.
- The names of those individuals who have met Board requirements for the Division Superintendent License will be presented to the Board to certify.
- Upon Board certification, the individuals will be issued a Division Superintendent License.

The recommendation of the Superintendent of Public Instruction was to approve Item D on Final Review. A motion was made and seconded to approve Item D on Final Review. The motion carried unanimously.

Item E- Final Review of Exempt Action to Update 8VAC20-490-30 Length of School Day

Requirement. Mr. Jim Chapman, Regulatory and Legal Coordinator, VDoE, presented Item E to the Board. Mr. Chapman informed the Board that Chapter 582 of the 2020 Acts of the Assembly (“Chapter 582”) amended Va. Code § 22.1-79.1 to standardize the minimum instructional time requirement across grades K–12. Whereas kindergarten previously required a minimum of 540 hours of instructional time, Chapter 582 requires a minimum of 990 hours of instructional time. Chapter 582 included a delayed enactment clause such that the amendments would become effective on July 1, 2022.

To comply with Chapter 582, the Board will need to make minor changes to 8VAC20- 490-30 to change the length of school day requirements for local school boards.

The Board has not exercised any discretion in making the required changes.

The recommendation of the Superintendent of Public Instruction was to approve Item E on Final Review. A motion was made and seconded to approve Item E on Final Review. The motion carried unanimously.

Item F- Final Review of Exempt Action to Update 8VAC20-23-100 with Chapter 546 of the

2022 Acts of the Assembly. Mr. Jim Chapman, Regulatory and Legal Coordinator, VDoE, presented Item F to the Board. Mr. Chapman stated that Chapter 546 of the 2022 Acts of the Assembly (“Chapter 546”) amended Va. Code § 22.1-298.1 of the Code of Virginia to expand licensure reciprocity to spouses of reserve members of the Armed Forces of the United States or members of the Virginia National Guard who have obtained a valid out-of-state license. Chapter 546 further requires that the applicant-spouse include the military permanent assignment orders along with the application and that the VDoE determine and communicate the applicant-spouse’s eligibility for licensure by reciprocity within 15 business days of receipt of the complete application process.

As a result of Chapter 546, the Board must amend 8VAC20-23-100 to align with Va. Code § 22.1-298.1.

The recommendation of the Superintendent of Public Instruction was to approve Item F on Final Review. A motion was made and seconded to approve Item F on Final Review. The motion carried unanimously.

Item G- Final Review of Recommended Cut Scores for the New Virginia Alternative Assessment (VAAP) Tests in Mathematics, Reading and Science. Mrs. Shelley Loving-Ryder, Assistant Superintendent for Student Assessment, Accountability, & ESEA Programs, VDoE, presented Item G to the Board. The Virginia Alternate Assessment Program (VAAP) tests are

administered to students with significant cognitive disabilities who are unable to access the Standards of Learning tests and who have been found by their Individualized Education Program (IEP) committees to meet the criteria to participate in an alternate assessment. In February 2019, the United States Department of Education (USED) notified the VDoE that the portfolio based VAAP that had been in use for a number of years did not meet the testing requirements of the federal Every Student Succeeds Act and would have to be replaced. Over the past few years, VDoE staff has worked with staff at the University of Oregon and the Oregon Department of Education to develop a new VAAP assessment.

The new VAAP is based on academic content standards derived from the Standards of Learning (SOL) in reading, mathematics, and science that have been reduced in depth, breadth, and complexity. The new VAAP tests are being administered for the first time in spring 2022. Since the tests are new, the Board must establish minimum scores (cut scores) for the performance levels of pass/proficient and pass/advanced. Committees of educators were convened in April and May 2022 to review the tests and to make recommendations to the Board regarding the cut scores. This action supports Priority 1 of the Board's Comprehensive Plan to provide high-quality, effective learning environments for all students.

The Superintendent of Public Instruction recommended that the Board waive first review and approve scaled scores of at least 740 for pass/proficient and at least 780 for pass/advanced for the grades 3-8 and high school VAAP tests in reading and mathematics and for the grades 5, 8, and high school science tests.

A motion was made and seconded to approve Item G on Final Review. The motion carried unanimously.

Item H- First Review of a Proposal to Adopt Special Provisions Regarding Accreditation

Indicators. ([Item H- Presentation A](#)). Ms. Amy Siepka, Director of Accountability, VDoE, presented Item H to the Board. The Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA) at 8VAC20-131-380 F 3 states the following: The Board may adopt special provisions related to the measurement and use of a school quality indicator as prescribed by the Board. The Board may also alter the inclusions and exclusions from the performance level calculations by providing adequate notice to local school boards.

The VDoE requests that the Board adopt special provisions to:

- temporarily alter the inclusion of Virginia Alternate Assessment Program (VAAP) failing test records from the determination of the performance level for the student group “students with disabilities” in the Achievement Gap-English and Achievement Gap Mathematics indicators for accreditation year 2022-2023, when the performance level for that student group is a level three and the rating is based solely on failing VAAP tests and

- alter the measurement of the College, Career, and Civic Readiness Index (CCCRI) by adding an additional qualifying criteria, beginning in accreditation year 2023-2024.

The Superintendent of Public Instruction recommended that the Board accept Item H for First Review. Item H was accepted by the Board for First Review.

Item I- First Review of Revisions to the Board’s *Guidelines for the Use of Computer Science Courses to Satisfy Graduation Requirements*. Mrs. Keisha Tennessee, Computer Science Coordinator, VDoE, presented Item I to the Board. The [2015 Virginia Board of Education Guidelines for the Use of Computer Science Courses to Satisfy Graduation Requirements](#) currently allows for Advanced Placement Computer Science A to meet graduation requirements for students pursuing both standard and advanced diploma types as a mathematics, science, or Career and Technical Education (CTE) credit. At the request of stakeholders, including division school counselors and parents, the International Baccalaureate (IB) Computer Science course was reviewed by VDoE staff in the Office of STEM and Innovation and the Office of CTE for inclusion in the Guidelines. After review, VDoE staff recommend the addition of the IB Computer Science course to the current guidelines. The rigor of the IB Computer Science course coupled with the inquiry nature of the content and practices reflect best practices in mathematics, science, and CTE. The recommended addition would allow IB Computer Science to be used to satisfy mathematics, science, or graduation requirements.

This request aligns with Priority 1 of the Board’s Comprehensive Plan to provide high-quality, effective learning environments for all students.

The Superintendent of Public Instruction recommended the Board accept Item I for First Review. Item I was accepted by the Board for First Review.

Item J- First Review of Updates to the *Board-Approved Courses to Satisfy Graduation Requirements for the Standard, Advanced Studies, and Modified Standard Diplomas in Virginia Public Schools*. Dr. Brendon Albon, Director of the Office of STEM & Innovation, VDoE, presented Item J to the Board. The VDoE is proposing updates to the Board of Education Approved Courses to Satisfy Graduation Requirements for the Standard, Advanced Studies, and Modified Standard Diplomas in Virginia Public Schools document.

The proposed changes include:

- updating the title of the document and removing content that reflects the section(s) regarding the Modified Standard diploma that were effective for students with disabilities who entered the ninth grade prior to 2013-2014 and have since aged out;
- updating School Courses for the Exchange of Data (SCED) codes used to identify courses in which students are enrolled;

- adding courses to allow school divisions to award students course credit to satisfy graduation requirements;
- adding a section that addresses awarding of credit in the area of English, based on frequently asked questions by school divisions;
- clarifying and updating language regarding state/federal testing and state graduation requirements; deleting unnecessary or outdated content; and
- improving accuracy, readability, and consistency in formatting.

The proposed updates are necessary for appropriate notation of course enrollments in the Master Schedule Collection (MSC) by school divisions, to clarify common questions, and to ensure that appropriate credits to satisfy graduation requirements are awarded.

This item aligns with Priority 1 of the Board's comprehensive plan to ensure a high-quality learning environment for all students.

The Superintendent of Public Instruction recommended that Item J be accepted by the Board for First Review. The Board accepted Item J for First Review.

Item K- **First Review of the Revision of the *Career and Technical High-Quality Work-Based Learning (HQWBL) Guide*.** ([Item K- Attachment A](#)) ([Item K- Attachment B](#)). Dr. David Eshelman, Director of Career, Technical, and Adult Education, VDoE, presented Item K to the Board. The last revision of the Career and Technical High-Quality Work-Based Learning (HQWBL) Guide was reviewed and approved by the Board in November 2020. Since that time, it has become necessary to make technical content revisions and develop new program content in certain areas. This Guide will provide local school divisions with consistent messaging regarding high-quality work-based learning experiences.

The Superintendent of Public Instruction recommended that the Board Waive First Review of Item K and approve the item on Final Review. A motion was made and seconded to waive First Review of Item K and approve on Final Review. The motion passed unanimously.

Item L- **First Review of the Proposed 2022 *Physical Education Standards of Learning Curriculum Framework*.** Vanessa Wigand, Physical Education Coordinator, VDoE, presented Item L to the Board. The 2022 Physical Education Standards of Learning describe the Commonwealth's expectations for student learning and achievement in grades K-12 physical education. Periodic revisions of the standards are necessary to update content, clarify important concepts, and reflect emerging public health issues, current academic research, and best practice. Academic content standards for physical education were first developed in 1988 with subsequent revisions in 1995, 2001, 2008, 2015, and 2022.

The Superintendent of Public Instruction recommended the Board accept Item L on First Review. The Board accepted Item L on First Review.

Item M- First Review of Guidelines for Policies on Sudden Cardiac Arrest Prevention in Student Athletes. Mrs. Vanessa Wigand, Physical Education Coordinator, VDoE, presented Item M to the Board. Pursuant to Senate Bill 463, the Code of Virginia was amended to include § 22.1-271.8 directing the Board to develop, biennially update, and distribute to school divisions guidelines on policies to inform and educate coaches, student-athletes, and student athletes' parents or guardians about the nature and risk of sudden cardiac arrest (SCA). This will guide procedures for removal from and return to play, and the risks of not reporting symptoms. A student-athlete removed from play shall not return to play until they are evaluated by and receive written clearance to return to physical activity from an appropriate licensed health care provider as determined by the Board. The licensed health care provider evaluating student athletes may be a volunteer. The purpose of the Board's Guidelines for Policies on Sudden Cardiac Arrest Prevention in Student-Athletes is to protect student-athletes by providing recommendations that support the development and implementation of effective sudden cardiac arrest (SCA) prevention policies in local school divisions through education, prompt recognition, and appropriate response. SCA is a sudden loss of heart function most frequently caused by an abnormality in the heart's electrical system and is different from a heart attack which involves a blockage in a blood vessel to the heart. While rare, SCA is the leading medical cause of death in young athletes. Hence, raising awareness of warning signs and risk factors, putting a strong cardiac emergency action plan in place, and screening for heart conditions are key as SCA is often prevented when the underlying causes are diagnosed and treated.

The goals of Senate Bill 463 are to ensure that student-athletes who may be experiencing SCA are properly identified, removed from activity immediately, and not allowed to return to play until evaluated by an appropriate licensed health care provider familiar with evidence-based best practices for diagnosing and treating various forms of heart disease and individualizing care. Proper identification requires awareness of the warning signs of SCA, which are often ignored or attributed to other causes. Any delays in taking appropriate action can be catastrophic. Training parents, students, and coaches to respond to an SCA emergency could help save a life. The proposed guidelines will help ensure that schools statewide have a healthy and safe environment and support Priority 1 of the Board's Comprehensive Plan.

The proposed Guidelines for Policies on Sudden Cardiac Arrest Prevention in Student-Athletes were developed in consultation with clinicians with subspecialties in pediatric sports medicine, pediatric cardiology, interventional cardiology, emergency medicine, family medicine, and other stakeholders affiliated with the Virginia Chapter American Academy of Pediatrics, Virginia College of Emergency Physicians, Virginia Athletic Trainers' Association, Virginia Association of School Nurses, Virginia Association for Health, Physical Education, Recreation and Dance, American Medical Society for Sports Medicine, Virginia Association of Clinical Nurse Specialists, Children's

Hospital of the King's Daughters; Virginia Commonwealth University School of Medicine, Virginia High School League Sports Medicine Advisory Committee, the American Board of Family Medicine, Virginia Department of Health, and the Virginia School Board Association.

The Superintendent of Public Instruction recommended the Board accept Item M on First Review. The Board accepted Item M on First Review.

Item N- First Review of Revisions to the *Licensure Regulations for School Personnel to Establish an Economics and Personal Finance Add-on Endorsement (final stage)*. Dr. Joan Johnson, Assistant Superintendent of Teacher Education and Licensure, VDoE, presented Item N to the Board. Currently, no specific endorsement has been established in the Licensure Regulations for School Personnel to teach courses in economics and personal finance. Teachers holding valid Virginia licenses with endorsements in specific areas of agricultural education, business and information technology, family and consumer sciences, history and social science, marketing, and mathematics may teach the courses. The regulatory action (standard procedure) is to establish an add-on endorsement to teach economics and personal finance. The add-on endorsement will expand the number of teachers who may teach economics and personal finance. This initiative supports the Board of Education's Comprehensive Plan Priority 2 to recruit, develop, and retain well-prepared and skilled teachers.

To initiate this regulatory action, a workgroup was established, and proposed regulations were presented to ABTEL. The Notice of Intended Regulatory Action was approved by the Board in January 2019, and submitted for executive branch review. The proposed changes were approved by the Board in June 2020, submitted for executive branch review and published in Town Hall for a 30-day public comment period ending April 15, 2022. Public comments received were in support of establishing the Economics and Personal Finance (Add-on Endorsement), including a timeline to implement the add-on endorsement.

The Superintendent of Public Instruction recommended the Board waive First Review of Item N and approve the item on Final Review. A motion was made and seconded to waive First Review of Item N and approve the item on Final Review. The motion carried unanimously.

Item O- First Review of Revisions to the *Licensure Regulations for School Personnel to Establish a Dual Language Endorsement and Add-on Endorsement (final-stage)*. Dr. Joan Johnson, Assistant Superintendent of Teacher Education and Licensure presented Item O to the Board. Currently, no specific endorsement has been established in the Licensure Regulations for School Personnel to teach courses in dual language. Specifically, there has been a need in the elementary grade levels for content curriculum to be taught in English and in a world language. The regulatory action (standard procedure) is to establish new and add-on endorsements in Dual Language (English) prek-6 and Dual Language (Target) prek-6, as well as corresponding professional studies requirements.

To begin the regulatory process, the Notice of Intended Regulatory Action NOIRA was approved by the Board in October 2018. A workgroup was established, and proposed regulations were presented to ABTEL in the spring of 2019. The Board approved the proposed stage in November 2019, the regulations were submitted for executive branch review, and a 30-day public comment period closed on April 29, 2022. The public comment received was in support of establishing the Dual Language Endorsement and Add-on Endorsement.

The Superintendent of Public Instruction recommended the Board waive First Review of Item O and approve the item on Final Review. A motion was made and seconded to waive First Review of Item O and approve the item on Final Review. The motion carried unanimously.

Item P- **First Review of Revisions to the *Regulations Governing the Review and Approval of Education Programs in Virginia to Establish Dual Language and Economics and Personal Finance Endorsements (final stage)***. Dr. Joan Johnson, Assistant Superintendent of Teacher Education and Licensure presented Item P to the Board. Currently, no specific endorsement has been established in the Regulations Governing the Review and Approval of Education Programs in Virginia to teach courses in dual language or economics and personal finance. Specifically, there has been a need in the elementary grade levels for content curriculum to be taught in English and in a world language. For economics and personal finance, teachers holding valid Virginia licenses with endorsements in specific areas of agricultural education, business and information technology, family and consumer sciences, history and social science, marketing, and mathematics may teach the courses. The regulatory action (standard procedure) is to establish new and add-on endorsements in Dual Language (English) prek-6, Dual Language (Target) prek-6, and Economics and Personal Finance for approved educator preparation programs at Virginia institutions of higher education. The add-on endorsement for economics and personal finance will expand the number of teachers who may teach economics and personal finance

This initiative supports the Board of Education's Comprehensive Plan to recruit, develop, and retain well-prepared and skilled teachers. Workgroups were established for the Dual Language and the Economics and Personal Finance endorsements, and proposed regulations were presented to ABTEL. The Notice of Intended Regulatory Action was approved by the Board in October 2019. The subsequent proposed regulation changes were approved by the Board in June 2020 and submitted for executive branch review. A 30-day public comment period on the proposed stage closed on April 1, 2022. Public comments received were in support of establishing the endorsements. No changes have been made to the regulatory text from the proposed stage.

The Superintendent of Public Instruction recommended the Board waive First Review of Item P and approve the item on Final Review. A motion was made and seconded to waive First Review of Item P and approve the item on Final Review. The motion carried unanimously.

Item Q- Item Q: First Review of the Revisions to the *Licensure Regulations for School Personnel and Regulations Governing the Review and Approval of Education Programs in Virginia to Comport with Federal Guidelines Related to Accredited Institutions of Higher Education (fast-track)*. Dr. Joan Johnson, Assistant Superintendent of Teacher Education and Licensure presented Item P to the Board. The Licensure Regulations for School Personnel (8VAC20-23) set standards for the licensure of teachers, principals, superintendents, and other professional personnel in Virginia. The Regulations Governing the Review and Approval of Education Programs in Virginia (8VAC20-543) set the requirements for institutions of higher education to offer state-approved teacher preparation programs that lead to licensure. These regulations are prescribed by the Virginia Board of Education in alignment with regulations and guidelines issued by the United States Department of Education (USED).

The USED has amended regulations (34 CFR 600) related to post-secondary institution accreditation. Effective July 1, 2020, USED no longer categorizes accrediting agencies as "regional" or "national" but includes them under a combined umbrella identified as "institutional" or "nationally recognized." The Board's Licensure Regulations for School Personnel and Regulations Governing the Review and Approval of Education Programs in Virginia require accreditation for institutions of higher education by a regional accrediting agency and include the following definitions:

- "Accredited institution" means an institution of higher education accredited by a regional accrediting agency recognized by the United States Department of Education.
- "Regional accrediting agency" means one of the six accrediting associations recognized by the United States Department of Education as follows: New England Association of Schools and Colleges, Middle States Association of Colleges and Schools, North Central Association of Colleges and Schools, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges. [Note: This definition appears only in Regulations Governing the Review and Approval of Education Programs in Virginia].

While the amendments to the federal regulations do not explicitly require states to amend their laws/policies/regulations, the Board is no longer permitted to distinguish between regional and national accreditation in its requirements for teacher licensure or approval of education programs at Virginia institutions of higher education based on changes to 34 CFR 600.

The proposed amendments to the Licensure Regulations for School Personnel and Regulations Governing the Review and Approval of Education Programs in Virginia reflect the changes that were made to the federal regulations. These proposed amendments will follow the fast-track rulemaking requirements of the Administrative Process Act (APA). Section 2.2-4012.1 of the Code



of Virginia provides that the fast-track rulemaking process may be followed for rules that are expected to be noncontroversial.

The Superintendent of Public Instruction recommended the Board waive First Review of Item Q and approve the item on Final Review. A motion was made and seconded to waive First Review of Item Q and approve the item on Final Review. The motion carried by a vote of 4-1.

After completing all Action and Discussion Items, the Board received the following, [Item R- Annual Report and Presentation from the State Special Education Advisory Committee](#) and [Item S- Update on the Commonwealth of Virginia's Critical Shortage Teacher Endorsement Areas for the 2022-2023 School Year](#).

The final agenda item for the Board was to engage in discussion of Current Issues which included an [update from Superintendent Jillian Balow](#) on the May 19, 2022 report issued by the Superintendent, "[Our Commitment to Virginians: High Expectations and Excellence for All Students](#)" and a [Final Legislative Report from the 2022 General Assembly](#).

Board members provided feedback to Superintendent of Public Instruction Balow regarding the report issued on May 19th. They questioned aspects of the report including the data used to arrive at its conclusions and expressed concern over findings included in the report.

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

The next meeting of the Virginia Board of Education will be **July 20th and 21st, 2022**.