

Virginia Board of Education – March 2019 Meeting Update

On March 20th and 21st, the [Virginia Board of Education \(VBOE\)](#) met for their regular business and committee meetings. VSBA was present and reviewed the video streams of the meetings, which can be found [here](#). While we do our best to give you a concise summary of the relevant aspects of the 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. You are a vital part of this conversation, and we may wish to share your feedback at the next VBOE meeting on April 25th.

Wednesday Work Session

The Board convened for their [Wednesday Work Session](#) in the James Monroe Building in Richmond. The work session began with a review of Policy Considerations for Equity by [the Committee on the Standards of Quality](#). State Department of Education Director of Research, Dr. Jennifer Piver-Renna, and State Department of Education Director of Policy, Zachary Robbins, presented research on policies that are currently in place in states across the country for the Board to consider as potential recommendations to address equity in the state. The policy recommendations focus on three key areas: 1. Recruiting and Retaining High Quality Teachers; 2. Specialized Instructional Support Personnel; and 3. Staffing for English Learner Students. SOQ Committee Chair Dan Gecker asked Board members to consider policies for teacher recruitment and training that will ensure equitable distribution of effective teachers across the Commonwealth's school divisions.

The bulk of the Board's discussion on this topic centered around the positive impact on student achievement that stems from having effective teachers across Virginia's school divisions. Reimagining the role of the teacher by developing instructional leaders and providing mentors/coaching for new educators are ways other states tackle retaining effective teachers. Board members showed great interest in these programs from other states but asked for data to support whether the programs have positive outcomes on retaining effective teachers. In addition to support programs, the Board discussed at length opportunities for targeted compensation adjustments for teachers willing to work in high-poverty schools. Addressing equity at the school building level is a topic the Board will continue to study in the coming months as they review the SOQs. The full presentation of policy considerations can be found [here](#).

Following the conclusion of the SOQ Committee meeting, the [Committee on School and Division Accountability](#) heard from Department of Education staff regarding proposed inclusion of students of Multiple Races in State and Federal Accountability reports. Additionally, the committee received an update on Profile Projects to support the Profile of a Virginia Graduate.

Committee Chair Diane Atkinson called upon Department of Education staff members Dr. Jennifer Piver-Renna, Director of Research and Dr. Lynn Sodot, Director of ESEA Programs to present to the Board a proposal to include a Multiple Races Student Group in State and Federal Accountability.

The presenters provided context for reporting racial and ethnic student group data for federal and state accountability purposes. The Virginia Department of Education currently has a threshold of reporting this data once a racial or ethnic student group reaches 5% or more of

annual student enrollment. In the 2018-2019 school year, 5.7% of Virginia students identified as more than one race. Presently, 39 of 52 states/territories include a multiple race student group in their accountability systems.

Board member Dr. Francisco Duran questioned DoE staff on Hispanic students that identify as more than one race. DoE staff explained to the Board that Hispanic students will remain as a single group because of federal guidelines for accountability.

DoE staff asked Board members to consider adding students identifying as more than one race for state and federal accountability as the Multiple Races student group beginning in the 2019-2020 school year. The committee agreed to conduct a first review of the proposal at its Thursday full Board meeting. The presentation on the proposal to include Multiple Races student group in state and federal accountability can be viewed [here](#).

The final presentation for the committee was delivered by Ms. Gena Keller, Assistant Superintendent for Learning. Ms. Keller provided the committee with an update of ongoing work designed to support the Profile of a Virginia Graduate initiative. She discussed research underway at the William and Mary School of Education, the School University Research Network, and George Mason University that supports education leaders and educators in developing core competencies that impact quality education in the classroom. A link to this update can be found [here](#).

Upon completion of this presentation, concluding remarks were made by Chair Atkinson and the work session adjourned.

Thursday Business Session

The following morning, the Board reconvened for their [main business session](#). President Gecker called the meeting to order and the Board proceeded to approval of the previous meeting's minutes. Due to inclement weather, which caused a delay in the arrival of the Board's guests for recognition, President Gecker asked to amend the agenda to allow for recognition of the 2018 Virginia Principals of the Year. No objection was made to amending the agenda.

After accepting Public Comment, the Board approved the following four Items as part of their Consent Agenda: **Item A- Resolution of Recognition to Commemorate April 2019, as the Month of the Military Child**, [Item B- Final Review of Proposed Revisions to the Virginia School Bus Specifications](#), [Item C- Final Review of Nominations to Fill Vacancies on the State Special Education Advisory Committee](#), and [Item D- Final Review of Proposed State Approved Textbooks for K-12 English](#).

The Board's first Action/Discussion Item of the morning was to address [Item E- Final Review of an Amendment to Virginia's Consolidated State Plan under the Every Student Succeeds Act of 2015 \(ESSA\)](#). Director of ESEA Programs, Dr. Lynn Sodat explained that under ESSA, each state must develop a plan that explains how the state will comply with the federal statute. Title I, Part A of the consolidated state plan requires states to report how they seek to address disproportionate rates of ineffective, out-of-field, or inexperienced educators in Title I schools. Virginia's plan submitted to the U.S. Department of Education (USED) in September 2017 included definitions for out-of-field and inexperienced teacher which were accompanied with data from Virginia's *Equitable Access to Excellent Educators Teacher Equity Plan*. Virginia did not include a definition for "ineffective teacher", believing the definition was optional under Virginia's plan that explained to USED that teacher effectiveness is determined by local

divisions based on evaluation criteria found in the *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers*. Additionally, local school divisions utilize standards for evaluation that drive personnel decisions according to their local board policies. In May 2018, USED informed Virginia of the requirement to amend the state plan to include a definition for “ineffective teacher” by September 15, 2019.

Dr. Sodot informed the Board that Department staff consulted with several stakeholder groups while revisiting the definition for “ineffective teacher”. As a result of stakeholder feedback and internal Department discussion, Dr. Sodot asked the Board to approve Superintendent’s recommendation of the following definition- *An ineffective teacher is defined as a teacher who is both out-of-field and inexperienced.*

President Gecker acknowledged that Board members are not completely satisfied with the proposed definition. Board member Diane Atkinson expressed hope in using research from future reports on the Profile of a Virginia Teacher will allow the Board to adopt a clearer definition of both effective and ineffective teachers. President Gecker believes the Board’s focus on equity of teachers across the Commonwealth will also influence development of a better definition. Board member Anne Holton objected to the definition on grounds it does not help determine equitable distribution of teachers in challenging schools and questioned Superintendent of Public Instruction, Dr. James Lane, on the Department’s ability to collect data from local divisions on the number of teachers rated as ineffective. Dr. Lane reported the Department is discussing best practices to proceed with collecting this data and is addressing internal IT capabilities. He added that discussions with local division superintendents and other interested stakeholder groups is necessary before this collection of data can begin because of concerns over multiple evaluation systems utilized by local divisions to rate teachers. Virginia has state guidelines but not a state system for evaluation. In July 2019, the Department will launch an 18-month plan to address teacher evaluation across the Commonwealth. The Department wants to ensure stakeholder groups are represented in this process. Board member Adkins shared her concern with the reporting of evaluation data and the effect it can have on teachers and local school divisions.

The Board was reminded by Department staff that if adopted, the definition of an ineffective teacher may be revisited and amended. The definition under consideration is to comply with federal standards found under ESSA. A motion was made to adopt the definition. The Board approved the definition of “ineffective teacher” 8-1 with Board member Holton being the lone dissenter.

At the conclusion of discussion on Item E, all guests to be recognized were in attendance and President Gecker asked Board member Dr. Francisco Duran to introduce Virginia’s 2018 Principals of the Year. Dr. Duran recognized [Dr. David Ellena](#), Tomahawk Creek Middle School, Chesterfield County Public Schools (Outstanding Middle School Principal), [Mr. Andy Jacks](#), Ashland Elementary School, Prince William County Public Schools (National Distinguished Principal), and [Mrs. Kaitlyn Engelmeier-Foor](#), Bull Run Middle School, Prince William County Public Schools (Outstanding Assistant Principal) and invited each to address the Board. Unable to attend the recognition ceremony was Outstanding High School Principal, [Dr. Catherine Worley](#), Jamestown High School, Williamsburg/James City County Public Schools. After hearing from each principal, the Board proceeded with their agenda of Action/Discussion Items.

Item F- First Review of Proposal to Include Multiple Races Student Group in State Accreditation was presented by Director of Research, Dr. Jennifer Piver-Renna. The number of students identifying as two or more races during the 2018-2019 school year reached 5.7% of total student enrollment. At the present time, students identifying as two or more races are counted in the “All Students” group for accreditation. Dr. Piver-Renna noted the current proposal only addresses the inclusion of “Multiple Races” students for reporting of state accreditation purposes. At a future Board meeting, review for approval of federal accreditation will be addressed. She asked the Board to consider action on the current proposal at a future meeting. Board accepts first review of Item F. For additional information on this item, please see notes from Wednesday’s Board Work Session.

Item G- First Review of Recommended Cut Scores for the Grades 3-8 Standards of Learning Mathematics Tests Based on the 206 Mathematics Standards was presented by Assistant Superintendent for Student Assessment and ESSA Programs, Ms. Shelley Loving-Ryder. New Standards of Learning (SOL) tests measuring the 2016 mathematics content standards for the 2018-2019 school year will be administered in the spring. Change in content requires the Board to adopt new “cut” scores. Consistent with past processes, teachers were convened to recommend minimum cut scores for achievement levels *fail/basic*, *pass/proficient*, and *pass/advanced* for students in grades 3-8 SOL mathematics based on test items. Teachers receive training on the standard setting process and what is considered advanced and proficient at the grade level. Based on this teacher review, the Superintendent of Public Instruction asks the Board to adopt new cut scores. Ms. Loving-Ryder asked the Board to waive the first review and adopt the Superintendent’s [recommended cut scores](#) to allow testing to begin in mid-April. Board member Atkinson raised concern regarding the third-grade rigor being significantly lower than before and asked for clarification on the teachers’ determination of proficiency. Under the proposed recommendation, the third grade cut score for pass proficient will drop from 26 correctly answered items to 21. Ms. Loving-Ryder explained there may have been a perception amongst the educators that cut scores for the previous grade three test were too high based on lower pass rates when compared to passing rates in the subsequent grade levels. Ms. Loving-Ryder suggested that the Board has an option to change the recommendations at this time, or to review and make changes to cut scores later if they feel the score is too low following SOL testing. Dr. Lane informed the members the Department will evaluate the third-grade results and bring to the Board in the fall. At such time, the Board can decide whether to raise the third-grade cut score. Board member Adkins moved to accept the Superintendent’s recommended cut scores. The Board approved.

Item H- Final Review of Regulations Governing the Designation of School Divisions of Innovation (Final Stage) was withdrawn from the agenda.

Item I- First Review of Proposed Revisions to the Regulations Governing the Collection and Reporting of Truancy (8VAC20-730) (Fast-Track) was presented by Mr. Joseph Wharff, Associate Director, Office of Student Services and Mr. Michael Gregory, School Social Work Specialist, Office of Student Services. During the 2018 session of the Virginia General Assembly, the legislature amended [§ 22.1-258](#) of the *Code of Virginia*, relating to the appointment of attendance officers; notification when pupil fails to report to school; plan; conference; and court proceedings. The amendments to [§ 22.1-258](#) provided changes to the timeline and process for intervening with students and families for continued and repeated student non-attendance. The Office of Student Services held meetings with stakeholder groups

soliciting feedback from across the Commonwealth on the amendments to [§ 22.1-258](#). The changes in the code were well received by stakeholder groups who felt the changes in procedure allowed for a student-centered approach based on best practices for truancy preventions that don't involve court proceedings. Feedback from local school division truancy personnel and attendance data was used in the amendments to 8 VAC20-730. The feedback is reflected in substantive changes in 8 VAC20-730 that are in direct response to [§ 22.1-258](#) of the *Code of Virginia*. Substantive changes to the regulations include expansion of the number of days parents have to provide excuse for school absence from three days to five days. This change allows school personnel an opportunity to assist students and families in addressing excused and unexcused absences. Additionally, changes in data collection requirements through provisions found in 8 VAC20-730 will require school divisions to report two categories of unexcused absences based on definitions found in the 8 VAC20-730. The regulations define an unexcused absence as 1. the parent or school division is not aware of where the student is, and 2. the parent and school do know where the child is, and the school does not accept the reason for the absence. Dr. Lane reported there is concern from local school divisions regarding the two definitions for unexcused absences and will be meeting with Juvenile Judges to receive feedback on the proposal before the Board's next meeting. The Board moved to proceed with first review.

Item J- First Review of Recommendations Concerning Applications for Literacy Fund Loans was presented by Deputy Superintendent of Budget, Finance, and Operations, Mr. Kent Dickey. Southampton County has submitted seven applications for Literacy Fund loans for projects involving roof replacements at seven schools in the division. The Literacy Fund provides low-interest loans for new school construction and permanent improvements to existing buildings. The Superintendent of Public Instruction recommends the Board waive first review and approve the seven Literacy Fund loan applications from Southampton County totaling \$6,000,000. The Board approved waiver of first hearing.

Following approval of Item J, President Gecker asked Board members if there was discussion on written reports, **Item K- Statewide Annual Performance Report for Career and Technical Education and the Virginia Community College System as a Sub-recipient of Perkins Funds from the Department of Education for School Years 2016-2017 and 2017-2018**, **Item L- Report on the Timeline for Review and Revision to the 2013 Dance Arts Standards of Learning, Music Standards of Learning, Theatre Arts Standards of Learning, and Visual Arts Standards of Learning**, and **Item M- Legislative Report: 2019 General Assembly**. **Item M: Attachment**. With no discussion on these reports, President Gecker asked Board members if there were any final comments before adjournment of the meeting.

Board member Adkins asked to acknowledge the tragic passing of Ms. Lynn Fitzgibbons. Ms. Fitzgibbons recently retired after serving forty-three years with Henry County Public Schools. An article about Ms. Fitzgibbons can be found [here](#).

With the conclusion of remarks from Board member Adkins, President Gecker adjourned the meeting until 11:30 a.m. where the Board would reconvene for a public hearing on ***Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia***.

Thursday Public Hearing

The Board reconvened to hold a public hearing on ***Regulations Governing the Use of***

Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia at 11:30 a.m. President Gecker called the public hearing into session and commented to attendees that Board members would refrain from questioning speakers. The purpose of the public hearing was for Board members to hear from stakeholders as decisions are weighed regarding the new regulations. Several individual and stakeholder groups spoke in both support and opposition to the regulations. A full video recap of the testimony provided during the public hearing can be viewed [here](#).

I thank you for your support as advocates for public education. The full agenda and supporting documents can be found by visiting the following [link](#). If you have any questions, please do not hesitate to contact me.

Kind Regards,
J.T.