

**COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA  
March 21, 2018**

The Board of Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, with the following members present:

Mr. Daniel A. Gecker, President	Mrs. Elizabeth V. Lodal
Mrs. Diane T. Atkinson, Vice President	Dr. Tamara K. Wallace
Ms. Kim E. Adkins	Dr. Steven M. Constantino,
Mr. James H. Dillard	Acting Superintendent of Public Instruction
Ms. Anne B. Holton	

Mr. Gecker called the meeting to order at 11:03 a.m.

***EXECUTIVE SESSION***

Mrs. Atkinson made a motion to go into executive session under Virginia Code §2.2-3711(A) (41), for the purpose of discussion and consideration of records relating to denial, suspension, or revocation of teacher licenses, and that Susan Williams, legal counsel to the Virginia Board of Education; as well as staff members Dr. Steven Constantino, Patty Pitts, Nancy Walsh, Dr. Sarah Susbury and Keith King, whose presence will aid in this matter, participate in the closed meeting. The motion was seconded by Mr. Dillard and carried unanimously by seven members. The Board went into Executive Session at 11:04 a.m.

Mrs. Atkinson made a motion that the Board reconvened in open session at 11:34 a.m. to take a lunch break until 12:10 p.m. The motion was seconded by Mr. Dillard and carried unanimously by seven members.

Mrs. Atkinson made a motion to reconvene in open session at 12:15 p.m. Mrs. Atkinson made a motion to go into executive session under Virginia Code §2.2-3711(A) (41), for the purpose of discussion and consideration of records relating to denial, suspension, or revocation of teacher licenses, and that Susan Williams, legal counsel to the Virginia Board of Education; as well as staff members Dr. Steven Constantino, Patty Pitts, Nancy Walsh, Dr. Sarah Susbury and Keith King, whose presence will aid in this matter, participate in the closed meeting. The motion was seconded by Mr. Dillard and carried unanimously by seven members. The Board went into Executive Session at 12:16 p.m.

Mrs. Atkinson made a motion to reconvene in open session at 1:49 p.m. The motion was seconded by Mr. Dillard and carried unanimously by seven member.

Mr. Gecker made a motion that the Board certify by roll-call vote that to the best of each member's knowledge (i) only public business matters lawfully exempt from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered. Any

member who believes there was a departure from these requirements shall so state prior to the vote, indicating the substance of the departure that, in his or her judgement, has taken place. The statement of the departure will be recorded in the minutes.

Board roll call:

- Dr. Wallace - yes
- Mrs. Lodal - yes
- Mr. Dillard – yes
- Mrs. Atkinson - yes
- Mr. Gecker - yes
- Ms. Holton – yes
- Ms. Adkins - yes

The Board made the following motions:

Mrs. Atkinson made a motion to revoke the license of Joseph Nicholas Clary. The motion was seconded by Mr. Dillard and carried unanimously.

Mrs. Atkinson made a motion to revoke the license of Brittney Faye Tilson. The motion was seconded by Mrs. Lodal and carried unanimously.

Ms. Adkins made a motion to issue a license in Case #1. The motion was seconded by Mr. Dillard and carried unanimously.

Mrs. Atkinson made a motion to revoke the license of Lamont Drake Harris. The motion was seconded by Ms. Adkins and carried unanimously.

Mrs. Atkinson made a motion to revoke the license of Amy Farmer Hensley. The motion was seconded by Ms. Adkins and carried unanimously.

Mrs. Lodal made a motion to suspend the license of Rebecca B. Whitford through June 30, 2018. The motion was seconded by Mr. Dillard. Six members were in favor, one member abstained.

***ADJOURNMENT***

There being no further business of the Board of Education, Mr. Gecker adjourned the meeting at 1:55 p.m.



Daniel A. Gecker  
President

**COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA  
March 22, 2018**

The Board of Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, with the following members present:

Mr. Daniel A. Gecker, President	Dr. Tamara K. Wallace
Mrs. Diane T. Atkinson, Vice President	Dr. Steven M. Constantino, Acting Superintendent of Public Instruction
Ms. Kim E. Adkins	
Mr. James H. Dillard	
Ms. Anne B. Holton	
Mrs. Elizabeth V. Lodal	

Mr. Gecker called the meeting to order at 11:01 a.m.

***MOMENT OF SILENCE***

Mr. Gecker asked for a moment of silence.

***PLEDGE OF ALLEGIANCE***

The Pledge of Allegiance followed the moment of silence.

***APPROVAL OF MINUTES***

Mr. Dillard made a motion to approve the minutes of January 24-25, 2018 meeting of the Board, with an amendment to agenda item E to state, “Mr. Dillard expressed concern that the Virginia and United States Government textbooks did not sufficiently cover Virginia and the local government.” The motion was seconded by Ms. Adkins and carried unanimously. Copies of the minutes had been distributed in advance of the meeting.

***RESOLUTION OF RECOGNITION***

Resolution of Recognition to Commemorate April 2018 as the Month of the Military Child. This recognition will be honoring children of service members throughout the month of April including “Purple Up Day” on April 13 recognizing unified support and celebration of military children across the Commonwealth.

***PUBLIC COMMENT***

The following persons spoke during the public comment period:

Zakia Shabazz, community advocate, spoke on the testing of lead in water in public schools and

concerns with the handling of an employee grievance with Richmond City Public Schools. Dr. Marla Crawford, spoke on the McKinney-Vento Homeless Assistance Act.

Donna Sayegh, a city of Portsmouth, Virginia resident and candidate for Portsmouth School Board, spoke in reference to Portsmouth City Public School organizational system.

Kandise Lucas, Special Education Advocate; spoke on concerns of due process for special education cases and massive resistance in Virginia's public schools.

Tonie Matthew, parent of special needs student, spoke on the denial of student funding and transportation from Henrico County Public Schools.

### ***CONSENT AGENDA***

#### **A. Final Review of Proposed State approved Textbooks for K-12 Mathematics**

This item was before the Board for final review.

Mr. Dillard made a motion to approve the final review of this item on the consent agenda. The motion was seconded by Ms. Adkins and carried unanimously by seven members.

#### **B. Final Review of Proposed Stated Approved Textbooks and Instructional Materials for K-12 History and Social Science**

This item was before the Board for final review.

Mr. Dillard requested that this item be removed from the consent agenda. Mr. Dillard had concerns that the textbooks lacked sufficient information in reference to state and local government covered in the Virginia Standards of Learning. In the past, there had been a Virginia supplement, which included information about state and local government. He encouraged staff to ask the publishers for this supplement. He did not support the recommendations to approve the textbooks.

Ms. Christonya Brown, coordinator of history and social science in the division of instruction, presented this item to the Board for first review at January 25, 2018 Board Meeting. Ms. Brown stated that she could make a request to the publishers for this supplement.

Mrs. Lodal expressed concern that there was inadequate or insufficient information of certain parts of history, including massive resistance, Jim Crow laws, and Virginia's role in the Civil Rights Movement. She also expressed concern of the lack of attention to the Holocaust and Genocide in World History. She believes that students need to learn about these parts of history. Ms. Brown stated that students would learn about the Holocaust in middle school in US History and again in World History II and in Virginia State History, which deals with Holocaust and Genocide.

Mr. Dillard asked for the procedure to request a requirement from the publisher to include adequate Virginia coverage. Ms. Brown stated that she would make this request to the publisher.

Mr. Gecker asked for a motion to allow those textbooks to be approved for Virginia. Ms. Holton made a motion to approve the final review on the consent agenda. The motion was seconded by Mrs. Atkinson. Five members were in favor, two members opposed, the motion carried.

### ***ACTION/DISCUSSION ITEMS***

#### **C. First Review of Recommendations Concerning Literary fund Applications Approved for Release of funds or Placement on a Waiting List; Update to the first Priority Waiting List**

Mr. Kent Dickey, deputy superintendent of finance and operations, presented this item to the Board for first review.

Mr. Dickey reported that the Literary Fund provides low-interest loans for new school construction and for additions or permanent improvements to existing schools to help provide students with a safe and secure environment in which to learn. In accordance with the provisions of the *Code of Virginia*, Chapter 10, Section 22.1-142, the Board of Education is responsible for the management of the Literary Fund.

School divisions that have successfully completed the application process for a low-interest loan from the Literary Fund for new construction or renovation are placed on one of two waiting lists. The Literary Fund regulations of the Board of Education establish two priorities for the Literary Fund Waiting Lists. These priorities are as follows:

- Priority 1: Applications from localities having a composite index less than 0.6000 and indebtedness (including the application considered for release of funds) less than \$20 million to the Literary Fund.
- Priority 2: Applications from localities having a composite index of 0.6000 or above or an indebtedness (including the application considered for release of funds) of \$20 million or greater to the Literary Fund.

To the extent, funds are available; a recommendation for initial release of funds is presented for projects currently on the First Priority Waiting List or otherwise eligible for priority funding. The maximum loan amount from the Literary Fund is \$7.50 million. To the extent funds are not available, new requests for the initial release of Literary Funds cannot be approved. As a result, such requests must be deferred and placed on either the First or Second Priority Waiting List in accordance with the Literary Fund regulations.

Two items require action by the Board of Education:

1. An update to the First Priority Waiting List for the removal of the Dryden Elementary School project in Lee County from the waiting list. This project was previously financed through the Spring 2013 Virginia Public School Authority (VPSA) Pooled Bond Program and needs to be removed from the waiting list since projects financed through the VPSA pooled program may not be refinanced per requirements of that program. Consequently, the VPSA represents the financing for this project so that the project should be removed from the Waiting List.
2. Approve the release of loans for the Rural Retreat High School and Rural Retreat Middle School projects in Wythe County, which were placed on the First Priority Waiting List in October 2008 and are priority number four and five, respectively, on the current First Priority Waiting List. The Rural Retreat High School project is eligible for a \$7.5 million

loan, and the Rural Retreat Middle School project is eligible for a \$2.6 million loan.

Both of the renovation projects were completed using an initial local borrowing. The proceeds from the Literary Fund loans will be used by Wythe County to refinance the initial local borrowing used to finance the original renovation cost at the lower Literary Fund interest rate of two percent. Under the *Code*, Literary Fund loan proceeds may be used to refinance prior local debt used for the initial financing of Literary Fund projects. Since these projects were ready to proceed with release of the Literary Fund loans, they were presented to the Board ahead of projects number one and two on the Waiting List. (Note: project number three, Dryden Elementary School in Lee County, is recommended for removal from the First Priority Waiting List as recommended in action number one above). However, sufficient Literary Fund revenue is currently available for projects number one and two if those localities proceed with release of their loans within a reasonable time-frame.

The Superintendent of Public Instruction recommended that the Board of Education waive first review and approve the actions as described above.

Mrs. Atkinson made a motion to approve the recommendations stated above and waive the first review. The motion was seconded by Mr. Dillard and carried unanimously by seven members.

**D. First Review of Proposed Emergency Amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Emergency/NOIRA Stage)**

Dr. Cynthia Cave, assistant superintendent for policy and communications presented this item to the Board for first review.

The Board of Education approved comprehensive revisions to the *Regulations Establishing Standards for the Accreditation of Public Schools in Virginia*, more commonly referred to as the SOA, on November 16, 2017. These regulations completed the Administrative Process Act review process and will become effective at the beginning of the 2018-2019 academic year.

The proposed amendments to the SOA make changes to graduation requirements, including the availability of locally awarded verified credits. Under the existing and revised requirements, locally awarded verified credits provide students the opportunity to receive a verified credit in a course that they have passed, but failed the related end-of-course Standards of Learning test twice within a narrow margin. To receive a locally awarded verified credit, the student must take the test twice, score between 375 and 399 on one of the attempts, and demonstrate achievement and mastery in the academic content through a local appeal process.

The Standards of Accreditation applicable to first-time ninth graders until the 2018-2019 academic year limit the award of locally awarded verified credit to science and history/social science. The revised graduation requirements that will take effect for first-time ninth graders beginning in the 2018-2019 school year will allow a student to earn one locally awarded verified credit among English, mathematics, science, or history/social science.

These changes resulted in inequitable opportunities to earn verified credits for students that will be attending high school at the same time. Without these proposed amendments, current high school students struggling to pass either the English or mathematics end-of-course test would not have access to locally awarded verified credits, while students that will enter the ninth grade

beginning in the fall of 2018-2019 would have that opportunity.

To provide parity among these high school cohorts, and to help current students earn their diplomas for graduation in the spring of 2018, the Board needed to adopt emergency regulations to extend the availability of a locally-awarded verified credits to English and mathematics for students who entered the ninth grade prior to the 2018-2019 school year. In addition, the Board's guidance document governing the award of locally awarded verified credit needed to be updated to extend the use of locally awarded verified credits in English and mathematics for current students. These proposed amendments align with Priority 1 in the Board's Comprehensive Plan, since they will help provide high quality, effective learning environments for all students by advancing policies that expand equitable opportunities.

The Superintendent of Public Instruction recommended the Board of Education waive first review and approve the proposed emergency amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Emergency/NOIRA Stage). Further action is governed by the requirements of the Administrative Process Act.

The Superintendent of Public Instruction also recommended the Board of Education waive first review and approve the proposed amendments to the Board's guidance on the use of locally-awarded verified credits, subject to the approval of the proposed emergency regulations.

Mrs. Atkinson asked to explain the process for emergency regulations to exist. Dr. Cave stated that emergency regulations go through a similar process as other regulations with certification and review by the Office of the Attorney General, Department of Planning and Budget and Secretary of Education with final approval from the governor. Once the regulations have completed the executive review process, they are submitted to the Registrar of Regulations for publication and become effective on the publication date. Mrs. Lodal made a motion to waive first review. The motion was seconded by Mrs. Atkinson and carried unanimously by seven members.

**E. First Review of the Board of Education's Guidelines on Exemplar School Recognition as Required by Recognition and Reward for School and Division Accountability (8VAC20-1310410)**

Dr. Jennifer Piver-Renna, senior executive director for research presented this item to the Board for first review.

The Board of Education's authority for establishing criteria to recognize schools and divisions for exemplar performance is prescribed in *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (8VAC20-131). Section 410.B. of the regulations states:

Schools and divisions may be designated and recognized by the Board for exemplar performance in accordance with criteria and guidelines it shall establish for top achievement in one or more school quality indicators and the board may include recognition for high performing schools in specific peer categories, such as schools with high levels of poverty.

The three areas of recognition are highest achievement, continuous improvement, and innovative practice.

Schools identified for highest achievement must be rated "Accredited" and demonstrate high levels of success across all of the school quality indicators, including achievement gaps among

student groups. To be eligible for this award, schools must meet the state benchmark for reading, math, and science based on the student pass rate (i.e., not including growth or progress) and must have no more than a five percent gap (for schools with two student groups) or a ten percent gap (for schools with three or more student groups) between the lowest performing student group and all other students in the school. In addition, schools must meet the Level One benchmark for all other applicable school quality indicators.

Recognition for continuous improvement values schools that are demonstrating consistent, noteworthy improvement for each of three years. Schools that are rated “Accredited” or “Accredited with Conditions” and meet one of four criteria will be recognized: a reduction in the rate of students failing state assessments in reading, math, and science; a reduction in the rate of students failing state assessments in reading and math for two or more student groups; a reduction in the chronic absenteeism rate; or for schools with a graduating class, an increase in the Graduation and Completion Index and a decrease in the dropout rate.

Recognition for highest achievement and continuous improvement will be awarded annually based on current year data and accreditation status. Schools recognized for highest achievement will not be considered for recognition for continuous improvement in the same year. The criteria for innovative practice recognition, the Board can recognize schools, divisions, or school boards that implement an innovative practice for at least two years, which demonstrates a significant impact on student success. The innovative practice must be a new or creative evidence-based alternative to existing instructional or administrative practices in one of the following priority areas: closing achievement gaps; developing an integrated STEM approach to learning; building relationships with families; enhancing technology infrastructure; elevating the quality of the school environment; or retaining quality teachers. Recognition for innovative practice will be awarded every two years based on an agency-established application process.

**If approved by the Board**, exemplar recognition for highest achievement and continuous improvement will be awarded for the first time in Fall 2018. Exemplar recognition for innovative practice will be awarded for the first time in Fall 2020. Staff will bring before the Board recommendations for a *Code* change. If passed, the Code change will become effective July 1, 2019.

This item was discussed during the Committee on School and Division Accountability on Wednesday, March 21, 2018 and recommendations were added to the proposed criteria for recognitions. The recommendations from Board members was to:

- Allow new measures of growth to factor into the recognition criteria;
- consider the combined rate alignment with state accreditation as well as the use of the combined rate alternative over the failure rate; and
- The use of The Profile of a Graduate and the 5 C’s as priorities for the innovative practice award.

Dr. Piver-Renna will work with staff over the next few weeks to review and consider these changes.

The Superintendent of Public Instruction recommended that the Board of Education receive for first review the proposed guidelines for the recognition of exemplar schools and divisions.

The Board received this item for first review.

#### **F. First Review of Revisions to Student Eligibility Criteria for Expedited Retakes of Standards of Learning Tests**

Mrs. Shelley Loving-Ryder, assistant superintendent of student assessment and school improvement presented this item to the Board for first review.

Since 2000, the Virginia Board of Education has permitted students who need to pass an end-of-course Standards of Learning (SOL) test for a verified credit to immediately retake a test if the following criteria are met:

- The student must: need the test for verified credit, have passed the course associated with the test, and have met one of the following:
  - Failed the test by a narrow margin, or
  - Failed the test by any margin and have extenuating circumstances that would warrant retesting, or
  - Did not sit for the regularly scheduled test for legitimate reasons.

The “narrow margin” criterion is defined as a scaled score of 375-399. The division superintendent is responsible for making the determination of what constitutes “extenuating circumstances” and “legitimate reasons” for the purposes of establishing eligibility for an expedited retest of an end-of-course Standards of Learning test.

In 2015, the Board adopted a resolution to extend the opportunity for expedited retakes to lower grade students who were taking SOL tests for grades 3-8. The Board adopted the same criteria for these expedited retakes as had been in place for end-of-course tests needed for verified credit. Additionally, the Board required parental permission for students to retake a failed SOL test under the expedited retake policy.

Originally, the definition of “extenuating circumstances” in the criteria was left up to the division superintendent to provide as much flexibility as possible for student to meet graduation requirements. However, with the expansion of expedited retakes to include the lower grade SOL tests, school divisions expressed concern to Virginia Department of Education staff that the criteria used to determine extenuating circumstances for these tests varied widely across the Commonwealth.

Department staff briefed the Board on this issue at the November 15, 2017, Committee on School and Division Accountability meeting, and the Board asked staff to prepare revisions to the expedited retake criteria. On January 19, 2018, Department staff engaged the members of the State Superintendent’s Leadership Council in a discussion about potential changes to the criteria, and on January 31, all local superintendents were invited to participate in a conference call regarding this topic. Input was also sought from local Division Directors of Testing (DDOTs) at meetings held on February 7 and 15, and a smaller group of DDOTs convened via conference call on February 28 to provide more specific guidance to Department staff.

This item was discussed at the Committee on School and Division Accountability meeting on Wednesday, March 21, 2018. Mrs. Loving-Ryder proceeded to provide a summary of the amendments that were discussion at the committee meeting to the revised criteria:

- The Board asked for clarification on students eligible for an expedited retake of SOL test with a scaled score below 375.

Mrs. Loving-Ryder added language which reads: The student must have a documented extenuating circumstance that prevented him/her from performing at the expected level AND/OR There was a significant discrepancy between the student's SOL test score and his/her typical academic performance.

- Mrs. Loving-Ryder added language to justify the definition to Significant Achievement Discrepancy: Evidence that the SOL test score is significantly lower than expected based on the student's typical level of achievement may be used to justify retesting. Data used to establish the student's typical performance may include previous SOL test data in the same content area or evidence of the student's current academic achievement.
- The Board expressed concern in reference to required documentation. Mrs. Loving-Ryder explained that school divisions will maintain documentation of the unusual circumstances experienced for each student retested under the extenuating circumstances provision and evidence of the student's typical academic achievement for those retesting under the significant achievement discrepancy provision.
- The test for students needing the verifying credit, Ms. Holton suggested adding language – Extenuating circumstances may include the need to pass the end-of-course test to graduate.

The Superintendent of Public Instruction recommended that the Board receive for first review the proposed revisions to the expedited retake criteria.

Upon further discussion, the Board decided to waive first review.

Mrs. Atkinson made a motion to waive first review and approve the proposed revisions to the expedited retake criteria. The motion was seconded by Mr. Dillard and carried unanimously by seven members.

### **G. First Review of Proposed Regulations Governing the Designation of School Divisions of Innovation (Proposed Stage)**

Dr. Cynthia Cave, assistant superintendent for policy and communications presented this item to the Board for first review.

The 2017 Virginia General Assembly approved HB 1981 (Greason), directing the Board to develop regulations for the designation of School Divisions of Innovation (SDI). To be eligible for designation, a local school board would submit a plan of innovation according to Board criteria as presented in these proposed regulations. The legislation defines "innovation" as a new or creative alternative to existing instructional or innovative practices or school structures that evidence-based practice suggests will be effective in improving student learning and educational performance. The legislation requires the Board to establish expectations for plans of innovation, including goals and performance targets, which could include reducing achievement and opportunity gaps, implementing high standards for student performance and balanced

assessments, increasing learning opportunities through integrated coursework, and providing additional learning choices such as personalized learning opportunities and experiences such as community service projects, and work-based learning. The plan of innovation could also include requests for exemptions from selected regulations, allowing school divisions to implement alternative policies to address local needs. The Board would also be required to establish a procedure for the ongoing evaluation of a SDI.

The Board approved a Notice of Intended Regulatory Action (NOIRA) at its September 28, 2017 meeting, which was subsequently approved by the Governor pursuant to the Administrative Process Act, and published in the Virginia Register on December 11, 2017, opening a 30-day public comment period. No comments were received during the public comment period. The proposed regulations would establish the procedure and criteria for the designation of a SDI, and provide that the Superintendent of Public Instruction establish a format and timelines for local school boards to submit plans of innovation. The proposed regulations would prohibit any exemptions to teacher licensure regulations, special education regulations, and any other regulations that are mandated by state or federal law or are designed to promote health or safety. The regulations also include provisions to evaluate the performance of a SDI, including revocation in the event that performance expectations are not met.

These proposed regulations align with several of the goals outlined in the Board's Comprehensive Plan. In promulgating these regulations, the Board will help provide high-quality, effective learning environments for all students (Priority 1) by allowing alternative policies to be developed and implemented to address the diverse needs of students. Additionally, the proposed regulations will assist with the implementation of the Profile of a Virginia Graduate and the revised accountability system (Priority 3) through the implementation of innovative practices, and the utilization of evaluative data to identify additional measures impacting student achievement or school quality.

The Superintendent of Public Instruction recommended the Board of Education receive for first review the proposed *Regulations Governing the Designation of School Divisions of Innovation*.

Board members discussed possible amendments to the regulation to clarify whether a School Division of Innovation must implement related innovations in every school in a school division, and to permit divisions to request waivers from teacher licensure regulations if not required by state and federal law.

Dr. Cave welcomed all the recommendations from the Board and offered to return at the April Board meeting with revisions.

#### **H. First Review of Division-Level Memorandum of Understanding for Greenville County Public Schools**

Mrs. Beverly Rabil, director of office of school improvement, division of student assessment and school improvement presented this item to the Board for first review.

During the 2016-2017 school year, the following technical assistance was provided to Greenville County by the Virginia Department of Education: instructional diagnostic visit, division-level asset mapping, review of lesson plan alignment resulting in two professional development sessions on lesson alignment, and the services of a contractor assigned by the Office of School

Improvement. Triannual meetings were conducted with principals from the three schools and division leaders to review evidence of progress on the essential actions in the Reconstitution Agreement Plan and Corrective Action Plans.

In September 2017, the Virginia Board of Education approved the request for a division-level review in Greensville County Public Schools. In preparation for the review, Office of School Improvement (OSI) staff provided training on the division-level review tool to Greensville County Public Schools staff on November 7, 2017. A team of Virginia Department of Education (VDOE) staff conducted the onsite review from December 5, 2017 through December 8, 2017. The division-level review focused on the following five categories: Academics and Student Success, Leadership and Governance, Operations and Governance, Human Resource Leadership, and Community Relations and Communications. These categories are noted as the key priority areas in the Memorandum of Understanding (MOU) and are the five areas for developing essential actions in the Corrective Action Plan. Mrs. Rabil explained that the MOU was developed by OSI staff and shared with Greensville staff and members of the school board on February 12, 2018.

The Superintendent of Public Instruction recommended the Board of Education receive for first review the division-level Memorandum of Understanding for Greensville County Public Schools. Ms. Holton asked how Greensville County Public Schools would fair under the new accreditation system. Mrs. Rabil responded that they would continue to have several schools that were accredited with conditions and would need department intervention.

Ms. Holton and Mrs. Lodal asked if the staff in attendance from Greensville would like to address the Board. Additionally, they asked how collaborative the department had been in developing the MOU. Mrs. Rabil responded that OSI staff will collaborate with Greenville staff in the development of the Corrective Action Plan. Due to the retirement of the current superintendent, development of the Corrective Action Plan will begin once the new superintendent has been selected.

Dr. Angela Wilson, superintendent of Greensville County Public Schools, expressed her gratitude to the department for working with her and her division staff. . She offered that her school division recognized that they needed assistance and the school board and division staff are fully committed to the process of the corrective action plan. Dr. Wilson offered her hope that the schools within Greensville will continue to make progress under the new accreditation system, and offered her gratitude to the Board for their work on developing the new system.

Ms. Adkins made a motion to waive first review and adopt the Division-Level Memorandum of Understanding for Greensville County Public Schools as presented. The motion was seconded by Dr. Wallace and carried unanimously by seven members.

**I. First Review of the Proposed Repeal of the Regulations Governing Minimum Standards for the Accreditation of Child Day Programs Serving Children of Preschool-Age or Younger in Public Schools (8 VAC 20-590) and the Regulations Governing Minimum Standards for the Accreditation of Child Day Programs Serving School-Age Children Offered in Public Schools (8 VAC 20-600)**

Ms. Cheryl Strobel, associate director of early childhood education, presented this item to the Board for first review.

*The Regulations Governing Minimum Standards for the Accreditation of Child Day Programs Serving School-Age Children Offered in Public Schools* (8VAC20-600) were effective April 5, 1995. They provided the context for reviewing child day programs for school-age children located within public schools based on the State Board of Social Services regulations. The Board of Education had the authority to regulate child day programs in public school and adopted *The Regulations Governing Minimum Standards for the Accreditation of Child Day Programs Serving Children of Preschool-Age or Younger in Public Schools* (8VAC20-590) and *The Regulations Governing Minimum Standards for the Accreditation of Child Day Programs Serving School-Age Children Offered in Public Schools* (8VAC20-600). During the 2016 General Assembly session, Senate Bill 467 was passed, which removed the Board of Education's authority to regulate all child day programs in public schools and placed the authority with the Board of Social Services. 8VAC20-590 and 8VAC20-600 must be repealed to conform to this legislation. The Board of Education no longer has the authority and is required to initiate a fast track regulatory action to repeal these regulations.

The Superintendent of Public Instruction recommended that the Board of Education waive first review, approve the repeal of the regulations as required by SB467 (2016), and authorize the Department of Education staff to proceed with the requirements of the Administrative Process Act.

Mrs. Atkinson made a motion to waive first review, approve the repeal of the regulations as required, and authorize the department staff to proceed with the requirements of the Administrative Process Act. The motion was seconded by Mr. Dillard and carried unanimously.

#### **J. First Review of Revisions to the List of 2018-2019 Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Professional Licenses**

Mr. George Willcox, acting director for the office of career, technical and adult education, presented this item to the Board for 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.

Mr. Willcox provided a list of industry or trade association certification examinations, professional licenses, and occupational competency assessments, that meets 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 for students who enter the ninth grade in the 2018-2019 school year). The full list can be view at [CTE List](#). The list of industry credentials also meets the criteria to satisfy the requirements for the Career and Technical Education Seal and the Seal of Advanced Mathematics and Technology.

Mr. Willcox also reported that the 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. Technical changes have been made to the credential name or issuing organization of 14 certifications that were previously approved by the Board. In addition, three certification examinations are recommended for deletion from the Board-approved list.

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 and Advanced Mathematics and Technology.

The Superintendent of Public Instruction recommended that the Board of Education receive for first review the revised list of industry certification examinations, occupational competency assessments, and licenses to meet the requirements for graduation (effective for the students entering ninth grade prior to the 2018-2019 school year) and requirements for graduation (effective for the students who enter the ninth grade in the 2018-2019 school year).

Ms. Adkins asked about the process the department takes for adding a credential. Mr. Willcox stated that there are multiple pathways for a credential to be added but there is a specific set of criteria for a credential to be included on the approved list.

Dr. Wallace stated that in Virginia, students are required to take the Virginia Communication and Literacy Assessment (VCLA), and if passed, can be substituted for the Praxis Core assessment. She inquired if the VCLA could be included in the list of approved industry certifications, occupation competency assessments, and professional licenses. Mrs. Lodal agreed with Dr. Wallace that adding the VCLA could be helpful to students. Mr. Willcox responded that department staff will look at the VCLA for inclusion in the approved list.

Mrs. Atkinson stated that she may need to recuse herself from voting on certain aspects of this list. She inquired if staff could separate into two motions for the April meeting. Mr. Willcox responded that staff could accommodate this request.

The Board received this item for first review.

## ***REPORTS***

### **K. Legislative Report: 2018 General Assembly (written report)**

Dr. Cynthia Cave, assistant superintendent for policy and communications, provided a written report for the Board of Education.

Board members asked Dr. Cynthia Cave, and Mr. Zachary Robbins, director of policy, to provide a brief update on the budget. Mr. Robbins noted that the governor has called for a special session on the budget on April 12, 2018.

### **L. Report on Recommendations from the Advisory Committee on Teacher Shortages**

Mrs. Holly Coy, deputy secretary of education, presented this report to the Board.

A committee was established in 2017 at the request of then Governor McAuliffe to examine the recruitment and retention of teachers as it relates to the teacher shortage statewide. This committee examined the teacher shortage statewide over time and the shortage of minority teachers with an increasingly diverse student population.

After an analysis of the challenge, the committee believed that shortages were occurring due to:  
Costly pathways into the profession, coupled with limited earnings potential;

A negative perception of the teaching profession; and

Undesirable working conditions, including stressful cultures of testing and accreditation.

The committee established recommendations that were categorized into separate compartments as priority, recruitment and retention.

The top five priority recommendations are:

- Stackable, financially accessible pathways into the profession
- Permit undergraduate majors in teaching
- Raise awareness about federal loan forgiveness programs
- Consider establishing a competitive Commonwealth Teaching Fellows Program
- Differentiated compensation or retention bonuses

The committee suggested the recruitment recommendations as:

- Modernized Pathways into the Profession
- Building Awareness of Pathways
- Enhancing Compensation and Reducing Entry Costs

The committee suggested retention recommendations as:

- Enhance Teacher Preparation
- Foster Positive School Climate
- Deploy Targeted Financial Incentives

Mrs. Coy discussed areas that would be in further consideration related to:

- Ensuring high quality teacher induction and mentorship programs in all divisions;
- Fostering principal training programs, as well as induction and mentorship;
- Creating a Commonwealth Teaching Fellows program to recruit students to high-need locations; and
- Research on which financial incentives would be most effective.

The Board thanked Mrs. Coy for her presentation on the recommendations from the Advisory Committee on Teacher Shortages.

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

**Presentation on Research Related to Teacher Shortages**

Ms. Kate Wolff, state relations representative for Virginia and Ms. Stephanie Aragon, K-12 policy analyst, both from the Education Commission of the States (ECS), provided a presentation

on research related to teacher shortages across the nation. The Education Commission of the States is a nonprofit, nonpartisan and non-advocate that serves as a partner to the state policymakers by providing personalized support and helping education leaders come together and learn from one another.

Ms. Aragon provided an overview research of teacher shortages and major requirements for teacher candidates across the country.

Teacher shortages in the United States are impacted by mismatched supply and demand and state policies. Additionally, teacher shortages are often confined to schools with specific characteristics and certain subject areas.

Teacher shortages primarily stem from issues related to recruitment, retention, equity, and inadequate implementation.

Ms. Aragon reviewed Virginia's teacher licensure requirements and requirements from other states.

Ms. Aragon's full presentation can be found on the Board's website.

Ms. Aragon highlighted a report recently released by ECS on teacher shortages in the United States and how to address the recruitment policy. The report can be found [on the ECS website.](#)

The Board held a robust discussion on the data and research presented by Ms. Aragon. The Board asked for follow-up research on the teacher labor market and long term trends in Virginia and the United States, teacher supply and demand in Virginia and the United States, career pathways for high school students to become teachers, and financial incentives and their impacts for teachers. Ms. Aragon stated that ECS would follow-up on these items after the meeting.

The Board thanked Ms. Aragon and Ms. Wolff for their presentation.

### **Update from the Advisory Board on Teacher Education and Licensure**

Mrs. Patty Pitts, assistant superintendent of teacher education and licensure provided an update from the Advisory Board on Teacher Education and Licensure to respond to the Board of Education's requests of recommendations related to the teacher shortage in Virginia.

At ABTEL's March 19, 2018 meeting, members divided into small groups to discuss potential recommendations for the Board's consideration. Through their responses and recommendations, ABTEL members made it clear that any policy actions made by the Board should not lower standards for the profession but should invest in a comprehensive system to train and retain committed teachers in the classroom and elevate the teaching profession.

Mrs. Pitts shared that the recommendations from ABTEL are in addition to the proposed regulatory revisions in the *Licensure Regulations for School Personnel* and the *Regulations Governing the Review and Approval of Education Programs in Virginia* and pending General Assembly legislation in the area of teacher education. The recommendations fall into four categories:

- Salaries, Compensation and Employment

- Preparation and Licensure
- Induction and Support
- Working Conditions

A detailed report of recommendations will be available on the [Board's website](#).

### **Update on Legislation Related to Teacher Shortages Passed by the Virginia General Assembly**

Dr. Cynthia Cave, assistant superintendent of policy and communications, provided an update of legislation that passed the 2018 Virginia General Assembly as it relates to teacher shortages.

Dr. Cave discussed House Bill 1125, which made changes to the teacher education and licensure requirements, including:

- Extending the length of the teacher's license from 5 years to 10 years;
- Removing some requirements from the license process;
- Provide a longer grace period for certain ancillary licensure requirements;
- Providing full licensure reciprocity;
- Establishing alternate routes for elementary and special education endorsements;
- Providing for four-year education preparation programs;
- Permitting provisional licensure extensions;
- Waiver of certain teacher licensure requirements;
- Relaxing restrictions on Career and Technical Education three-year licensures.

Dr. Cave explained that these changes and a review of the impact of these changes will be discussed at the Board's retreat in April. Mrs. Lodal suggested that the topic described might be best discussed during regular Board meeting rather than during the Board's retreat.

The Board thanked Dr. Cave for an update on House Bill 1125.

### **Update on Virginia's Every Student Succeed Act Update**

Dr. Lynn Sodat, director of office of program administration and accountability, provided an update to Virginia's Every Student Succeeds Act (ESSA) state plan submitted to the United States Department of Education (USED) for review on September 18, 2017. In December, VDOE received an interim feedback letter requesting additional information. VDOE submitted a revised plan in February to USED.

USED sent an email in early March that included several follow-up items for clarification. VDOE staff reached out to USED staff for clarification on some aspects of the concerns. No additional comments were noted for any of the federal programs in the state plan except for a few in the accountability area.

The main issues described in USED's follow-up email on Virginia's ESSA plan are:

- Use of scores on all End-of-Course mathematics assessments as the achievement measure for high school mathematics;

- Use of the four-year and extended year graduation rates;
- Propose inclusion of a *Standard of Accreditation* indicator rating as an additional indicator of school quality and student success;
- Educator effectiveness data including data on ineffective teachers;

The division of student assessment and school improvement has submitted the revised state ESSA plan and anticipates that it will be reviewed and approved in the next few weeks.

Mrs. Lodal shared information from USED that she recently received at the NASBE Legislative Conference in Washington, DC.

### **Board of Education Members Discussion**

Mrs. Lodal provided each Board member the Virginia Commission of the Arts, 50<sup>th</sup> year celebration booklet on behalf of Margaret Vanderhye, Executive Director of the Virginia Commission of the Arts. .

Board members recommended possible topics and speakers for the upcoming Board retreat scheduled for April 24, 2018. Mrs. Lodal recommended that the retreat focus on equity and teacher shortages from the Board's comprehensive plan. Ms. Holton asked that outside experts continue to educate the Board on these two topics. Ms. Adkins inquired if ABTEL could prioritize and drill down on the recommendations that they provided to the Board.

Ms. Holton announced that she is providing consulting services to Henrico County Public Schools in relation to their special education processes to make recommendations for improvement. Ms. Holton felt it was important to publicly disclose this work and stated that if /when a Board item in relation to this work comes to the Board for approval, she would make the appropriate decision on recusal.

### ***LUNCH MEETING***

The Board met for lunch on Wednesday March 21, 2018 at 11:34 a.m. at the James Monroe State Office Building, 25<sup>th</sup> Floor, with the following members present: Ms. Adkins, Mrs. Atkinson, Mr. Dillard, Mr. Gecker, Ms. Holton, Mrs. Lodal, and Dr. Wallace. The following department staff was present: Dr. Steven Constantino, acting superintendent of public instruction and Ms. Emily Webb, director of board relations.

During lunch, the Board had an informal discussion on the agenda for the Board's retreat in April and Virginia's teacher shortage challenges.

Lunch ended at 12:15 p.m.

### ***DINNER MEETING***

The Board met for a public dinner on Wednesday March 21, 2018 at 6 p.m., at the Berkley Hotel with the following members present: Ms. Adkins, Mrs. Atkinson, Mr. Dillard, Mr. Gecker, Ms. Holton, Mrs. Lodal, and Dr. Wallace. The following department staff attended Dr. Steven Constantino, acting superintendent of public instruction, and Ms. Emily Webb, director of board

relations. Atif Qarni, secretary of education, and Holly Coy, deputy secretary of education, joined the Board for dinner. The following topics were discussed informally:

- Secretary's spring listening tour;
- Equity and teacher shortages;
- Teacher, principal, and superintendent evaluations;
- Update from the NASBE legislative conference;
- Update from the VSCA conference; and
- Lafayette Day at the Capitol.

No votes were taken, and the dinner meeting event ended at 7:55p.m.

***ADJOURNMENT OF THE BUSINESS SESSION***

There being no further business of the Board of Education, Mr. Gecker adjourned the business meeting at 4:04 p.m



Daniel A. Gecker, President