

**DRAFT MINUTES**  
**COMMONWEALTH OF VIRGINIA**  
**BOARD OF EDUCATION**  
**RICHMOND, VIRGINIA**  
**November 19, 2020**

Pursuant to Chapter 1283 of the 2020 Acts of Assembly, the Virginia Board of Education convened in a virtual meeting on Thursday, November 19, 2020 at 10 a.m.

The meeting was open to the public for listening and viewing and livestreamed on the VDOE YouTube channel at <https://www.youtube.com/channel/UCrbx19wHScrWKWIEoUWNIfQ/videos> . Oral public comment was not accepted; however, written public comment was accepted on the Board's email account at [BOE@doe.virginia.gov](mailto:BOE@doe.virginia.gov) and posted on the Board's website at <https://www.doe.virginia.gov/boe/meetings/2020/11-nov/agenda-111920.shtml>.

Mr. Gecker called the meeting to order at 10 a.m.

**Board Roll Call:**

Mr. Daniel Gecker, President  
Dr. Jamelle Wilson, Vice President  
Ms. Pamela Davis-Vaught  
Dr. Francisco Durán  
Ms. Anne Holton  
Dr. Tammy Mann  
Dr. Keisha Pexton

***APPROVAL OF MINUTES***

Dr. Mann made a motion to approve the meeting minutes of October 14, 2020 and October 15 with a correction on page 108 where it referenced her saying "teaching the course" when she meant teaching content in general. The motion was seconded by Dr. Durán and carried unanimously by Board roll call vote.

Mr. Daniel Gecker - aye  
Ms. Pamela Davis-Vaught - aye  
Dr. Francisco Durán - aye  
Ms. Anne Holton - aye  
Dr. Tammy Mann - aye  
Dr. Jamelle Wilson - aye  
Dr. Keisha Pexton - aye

Mr. Gecker welcomed the Board members, staff and the public to the Board of Education virtual

meeting. He stated that the meeting is open to the public via livestream on the department's webpage and YouTube channel. Oral public comment would not be accepted due to the limitations of the platform, however written comments as of 5 p.m. on Tuesday were accepted and posted on the meeting webpage for public viewing.

### ***CONSENT AGENDA***

#### **A. Final Review of Nomination to Fill a Vacancy on the State Special Education Advisory Committee**

#### **B. Final Review of Amendments to the Licensure Regulations for School Personnel, Procedural Guidelines for Conducting Licensure Hearings, and the Regulations Governing the Review and Approval of Education Programs in Virginia to Comport with Legislation from the General Assembly**

#### **C. Final Review of Technical 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**

#### **D. Final Review of Revisions to the Work-Based Learning Guide as required by House Bill 1680 (2020 General Assembly)**

Dr. Wilson made a motion to approve the consent agenda as presented. The motion was seconded by Dr. Pexton and carried unanimously by Board roll call vote.

Board Roll Call:

Mr. Daniel Gecker - aye  
Ms. Pamela Davis-Vaught - aye  
Dr. Francisco Durán - aye  
Ms. Anne Holton - aye  
Dr. Tammy Mann - aye  
Dr. Keisha Pexton - aye  
Dr. Jamelle Wilson - aye

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

#### **E. Final Review of a Process to Certify a List of Qualified Persons for the Office of Division Superintendents of Schools**

Mrs. Patty S. Pitts, assistant superintendent, teacher education and licensure, presented this item to the Board for final review.

Mrs. Pitts stated that the *Constitution of Virginia* requires the Board of Education 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.

During the October 15, 2020, meeting, the Board of Education deferred action on this matter and requested Department staff and counsel meet with representatives from the Virginia School Boards Association (VSBA) to discuss the implementation of this requirement. After the October Board meeting, the VSBA submitted the following suggestions for consideration:

1. Board of Education members who are employed by local school boards should not be given information about applicants from their own school divisions.
2. Names of applicants should be kept confidential until approved by the Board of Education.
3. The Board of Education should commit to an expedited process to approve applications within seven (7) days, when necessary for the school board to appoint its preferred candidate.
4. A change in the *Constitution of Virginia* that removes the process of requiring the Board of Education to certify a list of qualified individuals for local school boards to choose as applicants to hire as school superintendents.

The Superintendent of Public Instruction recommended that the Board of Education approve the process to certify a list of qualified persons for the office of division superintendents of schools.

Dr. Wilson asked how the department might respond to the suggestions VSBA raised. Mrs. Pitts stated that the applicant's information will not be posted for public information until the Board certified the list and the applicant receives their license. The expedited process will be up to the Board to determine its meeting schedule. With regards to changing the *Constitution of Virginia*, any change in the Constitution would begin with the General Assembly.

Ms. Holton asked about the mechanics of expedited meetings to certify the list. Ms. Emily Webb, director of board relations, stated that Board meetings have to be noticed to the public within three business days and that the President of the Board has the authority to call additional meetings as needed. She stated that while meeting virtually it would be easy to add additional meetings, if needed, once the Board resumes in-person meetings, it may be more challenging to pull members together quickly but staff would certainly work out the logistics. Ms. Holton stated that she is comfortable approving this process with the understanding that the Board will do their best to expedite on cases, which are truly necessary.

Dr. Duran stated that he understands the requirement outlined in the constitution and will support the process but feels as though it could limit or cause a potential barrier to divisions in selecting the best candidate for their community. He also thanked Mrs. Pitts for reaching out to VSBA and responding to superintendents in a quick manner.

Ms. Holton asked for clarification on suggestion number one from VSBA. Mr. Gecker stated that he doesn't support this suggestion from VSBA as all Board members should be privy to the same information. He feels that every member is trustworthy of this information and confidentiality.

Dr. Mann made a motion to approve the process to Certify a List of Qualified Persons for the Office of Division Superintendents of Schools. The motion was seconded by Dr. Wilson and carried unanimously by Board roll call vote.

Board Roll Call:

Mr. Daniel Gecker - aye  
Ms. Pamela Davis-Vaught – aye  
Dr. Francisco Durán - aye  
Ms. Anne Holton - aye  
Dr. Tammy Mann - aye  
Dr. Keisha Pexton - aye  
Dr. Jamelle Wilson - aye

**F. Final Review of the Board of Education’s 2020 Annual Report on the Condition and Needs of Public Schools in Virginia**

Ms. Emily Webb, director of board relations, presented this item to the Board for final review.

Ms. Webb reported that the Annual Report is required by §22.1-18 of the *Code of Virginia* to be submitted annually by December 1 and articulates the condition and needs of public schools. This *Code* section outlines the requirements for the report including the current Standards of Quality, information on student and parent choice including charter school and virtual school options, as well as a report on the reports that local school divisions are required to submit to the state or federal government. Additionally, the Annual Report outlines the condition of public education including:

- Education funding as compared to other states;
- Student demographics and enrollment trends;
- Teacher vacancies and turnover;
- Graduation and dropout rates; and
- Suspension rates among demographic groups.

Ms. Webb reported several updates to the report since first review including the addition of an executive summary, a new introduction, new information related to the COVID-19 pandemic, a new section on early childhood education, additional information on noteworthy actions of the Board and several technical and editorial updates suggested by Board members. The 2020 Annual Report on the Condition and Needs of Public Schools in Virginia can be viewed at: [https://www.doe.virginia.gov/boe/reports/annual\\_reports/2020-annual-report-final.docx](https://www.doe.virginia.gov/boe/reports/annual_reports/2020-annual-report-final.docx)

Upon approval from the Board, the report will be submitted to the Governor and General Assembly on December 1, 2020.

Board members commended Ms. Webb for her hard work on the report.

Mr. Gecker spoke about the updated report and how it’s the Board’s advocacy document to the Governor and General Assembly. Additionally, he shared that he was pleased with the end result and commended Board members and Ms. Webb for their efforts.

The Superintendent of Public Instruction recommended that the Board of Education approve the *2020 Annual Report on the Condition and Needs of Public Schools in Virginia*.

Dr. Wilson made a motion to approve the *2020 Annual Report* with any technical edits needed from staff. The motion was seconded by Dr. Duran and carried unanimously by Board roll call vote.

Board Roll Call:

Mr. Daniel Gecker - aye  
Ms. Pamela Davis-Vaught - aye  
Dr. Francisco Durán - aye  
Ms. Anne Holton - aye  
Dr. Tammy Mann - aye  
Dr. Keisha Pexton - aye  
Dr. Jamelle Wilson – aye

**G. Final Review of Revisions to the Emergency Guidelines for Locally Awarded Verified Credits Due to COVID-19**

Dr. Leslie Sale, director of policy, presented this item to the Board for final review.

Dr. Lane presented a preamble of this Board item and Items G and K, stating that in order to implement these items following Board approval, waivers would be issued from the Superintendent's office, signed by the Secretary of Education. Dr. Lane provide data on divisions with high-risk cases throughout the commonwealth due to the pandemic.

Many of Virginia's local school divisions have begun their 2020-2021 academic year remotely, whether entirely or in part, to help maintain the health and safety of their school communities amid ongoing pandemic conditions. Regardless of modality, divisions are still responsible for providing new instruction to their students and many statutory and regulatory requirements, including assessments, remain in place for the 2020-2021 school year in order to maintain consistent and quality standards of education across the Commonwealth.

Dr. Sale stated that this item was reviewed earlier this spring as part of our efforts to support high school students who were unable to earn a verified credit by way of the SOL end-of-course assessments due to the extended school closures.

With a more information on the modality of instruction this fall, approval of this item is needed to provide similar flexibility for those students that continue to be affected by pandemic conditions in the 2020-2021 school year.

Dr. Sale noted that the proposed revisions were intentional to ensure alignment with the Board and Department's expectations for the 2020-2021 school year, which included the mandate on new instruction as well as the decision to maintain many statutory and regulatory requirements that serve as pillars for our educational system. This, in part, includes an assessment program that provides students the opportunity to demonstrate comprehension and mastery of content. However, the proposed guidelines also recognize that adapting to new and evolving instructional modalities remains a challenge for many of Virginia's students in addition to other unprecedented stressors that has come with this year, which may affect their ability to perform on assessments as successfully as may have otherwise, and could be a barrier to graduation if students are unable

to earn a verified credit through existing pathways.

Dr. Sale presented two versions of the proposed guidelines – a redline document, to highlight the changes as well as a clean document, pending final approval. A new section is proposed specific to those students impacted by ongoing pandemic conditions this fall. The proposed guidelines establish two options for students to earn a verified credit through an amended locally-awarded verified credit process.

The choice in option one for these students depends on the subject area in which the student is seeking a verified credit and certain capacities at the local school division level.

Option one applies to any subject area and allows students to access the locally-awarded verified credit process after having attempted the SOL end-of-course assessment and scoring within a certain range.

The revised guidelines provide flexibility to students in two ways:

- Students are only required to attempt the SOL test once; and
- The SOL score range for these students has been expanded from 375 – 399 to 350 – 399.

Students meeting these revised criteria can access the same modified LAVC process available to those students in spring and summer. This process still requires substantive review of evidence before awarding the verified credit but understands there will likely be an increase in the volume of LAVCs school divisions need to administer.

Option two only applies to students who are seeking a verified credit in history and social science and available only in those divisions that are able to administer local performance assessments in history and social science. For these students, there is no requirement to attempt the associated SOL, but the path to the locally-awarded verified credit must incorporate local performance tasks graded on state rubrics. During the 2020 General Assembly session, legislators passed budget language that allowed for the use of local performance assessments in history and social science, an option that had formerly been prohibited.

By creating this second pathway, option two supports students in their road to graduation and encourages school divisions to build their capacity for administering these types of assessments which will serve as a foundation for how these assessments may be used in the future.

Dr. Lane also noted that SOLs are not being canceled. School divisions have the option to deliver the SOLs to their students, these are alternate pathways by which students can earn a locally awarded verified credit.

The Superintendent of Public Instruction recommended that the Board of Education waive first review and approve the revised *Emergency Guidelines for Locally Awarded Verified Credits* for immediate implementation.

Dr. Wilson asked for clarification on the purpose of the rubric and how it will be used. Dr. Sale stated that the rubric will ensure local school divisions have consistent rigor and adequate demonstration of mastery across the board.

Dr. Duran thanked Dr. Sale and Dr. Lane for the clarity so that school divisions will understand

what students need to utilize this flexibility. Ms. Davis-Vaught also thanked Dr. Sale and Dr. Lane.

Mr. Gecker asked how long this waiver and flexibility would be in place. Dr. Sale responded that this waiver will be in place until the end of the 2020-2021 school year, and students will be able to utilize this flexibility until graduation.

Dr. Mann made a motion to waive first review and approve the revised *Emergency Guidelines for Locally Awarded Verified Credits*. The motion was seconded by Ms. Davis-Vaught and carried unanimously by Board roll call vote.

Board Roll Call:

Mr. Daniel Gecker - aye  
Ms. Pamela Davis-Vaught - aye  
Dr. Francisco Durán - aye  
Ms. Anne Holton - aye  
Dr. Tammy Mann - aye  
Dr. Keisha Pexton - aye  
Dr. Jamelle Wilson - aye

#### **H. Final Review of Recommended Cut Scores for the Grades 3-8 and End-of-Course Standards of Learning Reading Tests Based on the 2017 English Standards**

Mrs. Shelley Loving-Ryder, assistant superintendent for student assessment, accountability & ESEA Programs, presented this item to the Board for final review.

Mrs. Loving-Ryder reported that new reading assessments measuring the 2017 English Standards of Learning (SOL) were scheduled to be administered in spring 2020. Because of the changes in the content measured by these tests, new “cut” scores must be adopted by the Board of Education. The cut scores for the new reading assessments went to the Board for first review in January 2020 and were scheduled for a final review by the Board in March 2020. Due to the school closures in spring 2020 because of the COVID-19 pandemic, all assessments scheduled for the spring 2020 test administration were canceled. In addition, the Board did not meet to address the reading cut scores as only emergency topics were brought forward at the March meeting. The cut scores were on the May 2020 agenda for final review but the Board delayed this item until a later meeting when they could meet in person. The implementation of the new tests has been rescheduled for spring 2021 and the cut scores are being brought back to the Board for approval prior to the spring testing window

In the spring of 2021, new Standards of Learning (SOL) reading tests measuring the 2017 English Standards of Learning will be administered. Because of the changes in the content measured by these tests, the Board must adopt new “cut” scores. Consistent with the process used in 1998 and in 2012-2013, committees of educators were convened in December 2019 to recommend to the Board minimum cut scores for the achievement levels of fail/basic, pass/proficient, and pass/advanced for the grades 3-8 SOL reading tests and the achievement levels of pass/proficient and pass/advanced for the SOL end-of-course reading test.

Mrs. Loving-Ryder provided content on the standard setting process, which is a systematic way of making a professional judgment on the level of achievement required to signify that a student’s performance is at a particular performance level. This is an educator driven process.

For grades 3-8, the performance level descriptor for each achievement level is Below Basic, Basic, Proficient, and Advanced. For grade 3, the performance level descriptor is Advanced, Proficient and Fail.

Mrs. Loving-Ryder stated that teachers are trained on performance level descriptors and an example is provided showing what students need to know on the test. Panelists independently examine each question on the test, thinking of students who are “just” proficient and estimating whether or not these students would answer each item correctly. Panelists use the same procedure for the basic and advanced categories. When Round 1 is completed, each panelist has recorded “yes” or “no” for each question on the test for “proficient,” “advanced,” and “basic.” Each panelist’s ratings on the questions are converted to a cut score. A cut score is defined as the number of questions that a student must answer correctly to be classified in a particular performance category. On Round 2, panelists are provided with a table of each panelist’s ratings from Round 1, discuss the results, refine the definitions and descriptors, and repeat the process used in Round 1. On Round 3, panelists are provided with a table of each panelist’s ratings from Round 2, discuss the results, and make any changes to their recommended cut scores.

After the work of the standard setting committees has been completed, a smaller group of educators composed of two or three members from each of the standard setting committees is convened as the articulation committee to review the results of Round 3 for each test. The purpose of this articulation committee is to review Round 3 results for the tests to determine the reasonableness of the recommended cut scores in light of the performance level descriptors and estimated impact data. The impact data reviewed by the articulation committee provided estimates of the number of students who would fall into each achievement level if the recommended cut scores were adopted. Based on their review, the articulation committee may recommend adjustments to the cut scores for some of the tests.

Mrs. Loving-Ryder provided a summary and background information on Proposed Cut Scores for the Reading Tests for Grades 3-8 and End-of-Course Based on the 2017 Standards of Learning as shown below:

Test Name	Pass/Proficient					Pass/Advanced				
	Background Information		Standard Setting Summary			Background Information		Standard Setting Summary		
	Pass/Proficient Cut Score for Previous Reading Test*	Pass/Proficient Cut Score for New Test to Maintain Previous Level of Rigor	Round 3 Median for Proficient*	Articulation Committee Rec.	Supt.’s Rec.	Pass/Advanced Cut Score for Previous Reading Test*	Pass/Advanced Cut Score for New Test to Maintain Previous Level of Rigor	Round 3 Median for Advanced	Articulation Committee Rec.	Supt.’s Rec.
Grade 3	25 out of 40	25 out of 40	16 out of 40	21 out of 40	22 out of 40	35 out of 40	35 out of 40	33 out of 40	35 out of 40	35 out of 40
Grade 4	25 out of 40	26 out of 40	22 out of 40	22 out of 40	23 out of 40	35 out of 40	36 out of 40	34 out of 40	35 out of 40	35 out of 40



Test Name	Pass/Proficient					Pass/Advanced				
	Background Information		Standard Setting Summary			Background Information		Standard Setting Summary		
	Pass/Proficient Cut Score for Previous Reading Test*	Pass/Proficient Cut Score for New Test to Maintain Previous Level of Rigor	Round 3 Median for Proficient*	Articulation Committee Rec.	Supt.'s Rec.	Pass/Advanced Cut Score for Previous Reading Test*	Pass/Advanced Cut Score for New Test to Maintain Previous Level of Rigor	Round 3 Median for Advanced	Articulation Committee Rec.	Supt.'s Rec.
Grade 5	25 out of 40	25 out of 40	22 out of 40	23 out of 40	24 out of 40	35 out of 40	35 out of 40	34 out of 40	36 out of 40	36 out of 40
Grade 6	28 out of 45	27 out of 45	27 out of 45	25 out of 45	26 out of 45	40 out of 45	40 out of 45	39 out of 45	39 out of 45	39 out of 45
Grade 7	28 out of 45	27 out of 45	26 out of 45	25 out of 45	26 out of 45	40 out of 45	40 out of 45	39 out of 45	39 out of 45	39 out of 45
Grade 8	28 out of 45	28 out of 45	25 out of 45	25 out of 45	26 out of 45	40 out of 45	41 out of 45	39 out of 45	39 out of 45	39 out of 45
End-of-Course	31 out of 55	26 out of 47	22 out of 47	23 out of 47	24 out of 47	49 out of 55	42 out of 47	37 out of 47	38 out of 47	38 out of 47

The Superintendent of Public Instruction recommended that the Board of Education approve scaled scores of at least 400 for pass/proficient and at least 500 for pass/advanced for the grades 3-8 and end-of-course SOL reading tests based on the 2017 English SOL. These scaled scores shall be equivalent to the following number of items correct on the test forms reviewed by the educator committees convened for standard setting:

- Grade 3 reading: 22 out of 40 for pass/proficient and 35 out of 40 for pass/advanced
- Grade 4 reading: 23 out of 40 for pass/proficient and 35 out of 40 for pass/advanced
- Grade 5 reading: 24 out of 40 for pass/proficient and 36 out of 40 for pass/advanced
- Grade 6 reading: 26 out of 45 for pass/proficient and 39 out of 45 for pass/advanced
- Grade 7 reading: 26 out of 45 for pass/proficient and 39 out of 45 for pass/advanced
- Grade 8 reading: 26 out of 45 for pass/proficient and 39 out of 45 for pass/advanced
- End-of-Course reading: 24 out of 47 for pass/proficient and 38 out of 47 for pass/advanced

Because the minimum scaled score for the fail/basic achievement level for the grades 3-8 SOL reading tests will be specific to each test, the Superintendent of Public Instruction recommended that the Board adopt cut scores based on the following number of items correct on the test forms reviewed by the educator committees convened for standard setting. Scaled scores that represent the same level of achievement shall be determined once the Board adopts the cut scores for each test.

- Grade 3 reading: 10 items correct
- Grade 4 reading: 12 items correct
- Grade 5 reading: 11 items correct
- Grade 6 reading: 12 items correct
- Grade 7 reading: 13 items correct

- Grade 8 reading: 12 items correct

Dr. Wilson asked if the COVID-19 pandemic and the current status of schools in the Commonwealth has been given any consideration or has a barring on the recommendation presented to the Board. Dr. Lane stated that it has been a discussion among VDOE staff, and it was determined that the level of proficiency in each grade level should not change based on the circumstances and does not change the recommendation that would set up precedent for the future. Dr. Lane further stated that should the Board approve a lower cut score than the recommendation, VDOE staff would want the Board to take a look at the cut scores next year to ensure it is still appropriate based on the circumstances. Mrs. Loving-Ryder also added that the Board has the authority to make adjustments to the cut scores as needed.

Mr. Gecker added that the purpose of the cut score is to determine where students are in terms of academic performance. Mr. Gecker shared that he is struggling of why the department believes that when the Board actually sees the results, that the Board may make changes later, if the validity of the underlying process is to be believed. Dr. Lane answered that educators will tell you that not all students are proficient today. Setting the cut scores too low would mask the needs that many students have in our schools. This is Virginia's standard setting process but face national comparisons on a regular basis, and in recent history, Virginia's national comparisons have not been favorable, partially because previous scores were set too high.

Dr. Duran made an amendment to align the cut scores to the articulation committee recommendation. He stated that this is an educator driven process, and thanked Mrs. Loving-Ryder for the amount of detail she provided on the process. Dr. Duran stated that he wanted to honor the educator driven process, balanced with the reasonable performance level objectives. The motion was seconded by Ms. Davis-Vaught.

Dr. Mann reiterated that these assessments are typically given at the end of a school year and often aren't given in time to shape instructional practice and learning needs. She further stated that she believes in high bars but also stated that she believes in a high-bar but struggle when schools aren't staffed appropriately to help students meet these high bars. It's hard to add another level of challenges when inequities continue to exist. Mr. Gecker believes that the bar should be set to measure what it is we need to know. Teachers will have the biggest impact on student outcomes.

Ms. Holton stated that she is supportive of Dr. Duran's motion for the reasons stated by Dr. Duran and Mr. Gecker. She further stated that she believes we should continue with the current process unless there is a good reason to deviate from that process. Ms. Holton stated that she is more interested in learning about how these tests can incorporate growth measures.

Dr. Duran reiterated his motion to recommend an amendment in the cut scores to the articulation committee to have it align with the articulation committee. The motion was seconded by Ms. Davis-Vaught and carried unanimously by Board roll call vote.

Board Roll Call:

Mr. Daniel Gecker - aye  
Ms. Pamela Davis-Vaught – aye

Dr. Francisco Durán - aye  
Ms. Anne Holton - aye  
Dr. Tammy Mann - aye  
Dr. Keisha Pexton - aye  
Dr. Jamelle Wilson - aye

### **I. First Review of the Proposed Consolidation of the City of Covington and Alleghany County School Divisions**

Dr. Leslie Sale, director of policy, presented this item to the Board for first review.

Section § 22.1-25 of the *Code of Virginia* sets out how local school divisions are made in the Commonwealth as well as the Board of Education's role in the process. As part of its authority, the Board can consider the division or consolidation of existing local school divisions and in doing so, shall evaluate certain criteria related to the appropriateness of the division or consolidation. These criteria include information about the student demographics, operational efficiencies, and the ability of the division(s) to facilitate the offering of a comprehensive program for kindergarten through grade 12 at the level of the established standards of quality, among others.

Prior to submission, the consolidation team of Alleghany County Public Schools and Covington City Schools, undertook a significant discovery process exploring the feasibility of the consolidation as well as its pros and cons. The conclusion of this work found that a consolidated school division would be better able to meet the Standards of Quality and the needs of their school communities than the existing school divisions can separately.

The Joint Proposal for the Consolidation of the Alleghany County and Covington City School Divisions met all of the relevant prerequisite conditions for submission established in the Code of Virginia and provides the Board with each of the criteria required for the consideration of such a proposal.

Dr. Sale noted an update to the information provided in the Board's boilerplate. At the time of submission, the reenrolled version of House Bill 5005, the budget bill from the 2020 special session, had not been released. As of yesterday, Governor Northam signed HB5005, which does not restore funding for consolidation efforts in the second year of the biennium.

Dr. Sale introduced Jacob Wright of the Alleghany County School Board, Jonathan Arritt of the Covington City School Board, and Stephen Piepgrass of Troutman Pepper Hamilton Sanders to continue the presentation.

Mr. Stephen Piepgrass began by thanking the Board for giving them the opportunity to present their proposal. He introduced the members of the team that would be speaking.

Jacob Wright, Alleghany County School Board, Jonathan Arritt, Covington City School Board, Sherman Callahan, Superintendent, Alleghany County Public Schools, Melinda Snead-Johnson, Superintendent, Covington City Public Schools, Jon Landford, County Administrator for Alleghany County, Krystal Oniaitis, City Manager of Covington, Jim Regimbal, Fiscal Analyst, whom provided all the data. Mr. Piepgrass also acknowledged the joint-committee that

participated in helping with the proposal.

Mr. Wright began by presenting the consolidation plan, which will begin with the 2023-2024 school year. The plan includes:

- One high school (housed in the current Alleghany High School building)
- One middle school (housed in the current Covington High School building)
- Four elementary schools (all current elementary schools retained)
- One School Board (beginning July 1, 2022)
  - Four members from Alleghany County
  - Three members from Covington
  - Two-thirds vote required on significant matters
- Superintendent and assistant superintendent (selected from current superintendents)

The enrollment for Alleghany County Public Schools was 1909 for the 2019-2020 school year. The enrollment for Covington City Public Schools was 995 for the 2019-2020 school year.

Mr. Arritt spoke on the steady decline in enrollment and how the student-teacher ratio remain relatively low. Mr. Arritt believes that consolidating with Alleghany County will provide more opportunities for additional course offerings and electives and opportunities through Jackson River Technical Center and Dabney S. Lancaster Community College.

Mr. Wright stated that efforts for consolidation began in the late 2010 based on several factors including decreasing populations and greater recognition that the pooling of resources would be advantageous, creating additional opportunities for area students. A Joint Committee on School Consolidation was formed to discuss a plan for potential cooperation and joint services between the school divisions; two members appointed by each of the school boards and governing bodies.

Mr. Piepgrass presented the consolidation factors for the Board to consider:

- Consent Under § 22.1-25(A) of the *Code of Virginia*
- Consent of school boards
- Consent of governing bodies
- Criteria Under § 22.1-25(C) of the *Code of Virginia*
- Potential to facilitate offering of comprehensive K-12 program at established SOQ
- Potential efficiencies in use of school facilities and personnel and economy in operation
- Anticipated increase or decrease in school-age population
- Relation of geography and topography to transportation and pupils' reasonable access to school facilities
- Existing school divisions' ability to meet the SOQ
- Procedures and schedule for consolidation, including completion of current superintendent and school board terms
- Plan for school board representation
- Evidence of local support

Mr. Piepgrass discussed the feasibility study, financial and bus routes. The Feasibility study was conducted by Jim Regimbal and Dick Salmon. It comprised of RRMM Architects.

The benefits to students included the following:

- Enhanced course offerings through transition from two high schools and two middle

schools (across two divisions) to one high school and one middle school (in consolidated division)

- Access to more elective courses, including career and technical education and foreign languages
- Additional educational opportunities through Dabney S. Lancaster Community College
- Accreditation of high school and middle school expected to be more in line with Covington's (full accreditation)
- All existing elementary schools retained (all are fully accredited)

Additional benefits highlighted in the proposal included:

- Efficiencies in use of school buildings, central office administration, and student-teacher ratios over time
- Cost savings from efficiencies, equalization or increase of health benefits more slowly over time, ERIP
- Public support across localities, support increases after learning more about consolidation
- Supported by local school boards and governing bodies
- Consolidated school-age populations greater than in individual divisions, recently and prospectively

Proposed timeline and next steps:

- Seek related legislation in the General Assembly
- Local Boards and Governing Bodies negotiate and enter into agreement regarding school division consolidation matters
- Governing Bodies appoint the required number of members of the consolidated school board within 60 days before July 1, 2022
- Effective date for consolidation of the school divisions and the school boards
- Appointment of the consolidated superintendent and assistant superintendent
- Adopt policy manual for consolidated school divisions to be effective 2022-2023 school year
- Merger of the student bodies to be effective 2022-2023 school year

Ms. Davis-Vaught thanked the presenters and asked for clarification on some aspects of their plan such as the age of the buildings, major concerns of the community that may not be in support of consolidation, and specific ways they plan on consolidating the central office staff. Mr. Arritt responded that concerns from the local community were the one division versus two divisions and the loss of local identity. Several of the school buildings are fairly new, well maintained and adequate for students.

Ms. Davis-Vaught asked about the demographics and population of the community. Mr. Arritt stated that 40 percent of the student population qualifies for free-or-reduced lunch.

Dr. Wilson asked about the impact of teachers and student learning in the consolidation. Mrs. Snead-Johnson responded that the goal with the consolidation is to offer more academic opportunities to the students.

Ms. Holton thanked the divisions for their presentation and strong consolidation proposal. She recommended that any savings from consolidation be redirected to education opportunities for students.

Mr. Regimbal added that both divisions have similar demographics, SOL scores, dropout rates and Local Composite Index's, which will make consolidation easier.

Ms. Davis-Vaught asked what grade levels will comprise the high school. Mr. Wright stated it will be grades 9-12 for high school and 6 -8 for middle school.

The Superintendent of Public Instruction recommended the Board of Education receive for the first review the Joint Proposal for the Consolidation of the Alleghany County and Covington City School Divisions.

The Board accepted this item on first review.

#### **J. First Review of Emergency Guidelines for the Use of Local Performance Assessment to Verify Credits in Writing for 2020-2021**

Mrs. Shelley Loving-Ryder, assistant superintendent of student assessment, accountability & ESEA Programs, presented this item to the Board for first review.

The 2017 *Standards of Accreditation* at 8VAC20-131-110 B4 permit local school divisions to award a verified credit in writing to a student who “meets the criteria for the receipt of a verified credit in English (writing) by demonstrating mastery of the content of the associated course on an authentic performance assessment, that complies with guidelines adopted by the board.” At its September 20, 2018 meeting, the Board adopted *Guidelines for the Use of Local Performance Assessment to Verify Credits in Writing* to provide guidance to school divisions in implementing this option.

The intent of the proposed *Emergency Guidelines for the Use of Local Performance Assessments to Verify Credits in Writing for 2020-2021* is to provide flexibility to local school divisions during the pandemic by temporarily revising the guidelines to allow students to complete their writing samples in a virtual setting and to provide flexibility in the specific requirements regarding who may score a student's writing sample.

The proposed *Emergency Guidelines for the Use of Local Performance Assessments to Verify Credits in Writing for 2020-2021* offer temporary flexibility so that local school divisions may include a writing sample completed in a virtual setting and scored by the student's teacher in the Collection of Evidence used to verify a student's credit in writing. The *Emergency Guidelines* promote student accountability but recognize that unprecedented circumstances may impede a student's ability to complete work in a testing environment that meets expectations required by the previous *Guidelines for the Use of Local Performance Assessments to Verify Credits in Writing*. The flexibility afforded by these *Emergency Guidelines* will enable school divisions to continue fulfilling the requirements of the local performance assessments in writing and enable students to earn credit for writing samples completed virtually while adhering to the conditions described within these *Emergency Guidelines* during the 2020-2021 school year.

The flexibility in the proposed guidelines are as follows:

- Allow students to prepare one of the writing samples in a virtual environment, opportunity for two of the three writing samples to be developed in a virtual environment, if the school division was not able to collect a sample in Spring 2020
- Allow the student's teacher to be one of the scorers, additional language indicating highly recommending to use a panel for scoring.

The Superintendent of Public Instruction recommended that the Board waive first review and approve the *Emergency Guidelines for the Use of Local Performance Assessments to Verify Credits in Writing for 2020-2021*.

Board members thanked Mrs. Loving-Ryder and her staff for their work on the proposed guidelines and appreciate the inclusion of language to allow additional instructors to serve as scorers.

Dr. Durán made a motion to waive first review and approve the proposed guidelines. The motion was seconded by Dr. Mann and carried unanimously by Board roll call vote.

Board Roll Call:

Mr. Daniel Gecker - aye  
Ms. Pamela Davis-Vaught – aye  
Dr. Francisco Durán - aye  
Ms. Anne Holton - aye  
Dr. Tammy Mann - aye  
Dr. Keisha Pexton - aye  
Dr. Jamelle Wilson - aye

**K. First Review of Emergency Guidelines for the Use of Local Alternative Assessments in Lieu of the Virginia Studies, Civics and Economics, and Grade 8 Writing Standards of Learning Tests for the 2020-2021 School Year**

Mrs. Shelley Loving-Ryder, assistant superintendent of student assessment, accountability & ESEA Programs, presented this item to the Board for first review.

In response to the challenges presented by the COVID-19 pandemic and in accordance with Governor Northam's Executive Order Fifty-One (EO51) issued on March 12, 2020, and Chapter 1283 of the 2020 Acts of Assembly (part of the Appropriation Act), as signed by Governor Northam on April 27, 2020, the Superintendent of Public Instruction pursued a state-level waiver allowing school divisions the flexibility to choose to administer local alternative assessments in lieu of administering the required Virginia Studies, Civics and Economics, and Grade 8 Writing Standards of Learning (SOL) tests in the 2020-2021 school year.

The proposed *Emergency Guidelines for the Use of Local Alternative Assessments in Lieu of the Virginia Studies, Civics and Economics, and Grade 8 Writing Standards of Learning Tests for the 2020-2021 School Year*, as they specifically pertain to students impacted by ongoing pandemic conditions, are contingent upon a waiver allowing school divisions the flexibility to choose to

administer local alternative assessments in lieu of administering the required Virginia Studies, Civics and Economics, and Grade 8 Writing SOL tests in the 2020-2021 school year. The *Emergency Guidelines* may only be implemented in totality should the relevant waivers be approved by the Secretary of Education. A final version of this document will be made available upon approval of such waivers.

For school divisions opting to exercise this waiver, should it be approved by the Secretary of Education, the waiver does not relieve the divisions of the requirements in § 22.1-253.13:3.C of the *Code of Virginia* by which each local school board is to certify annually that it provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each SOL subject area in which the SOL assessment was not administered.

Therefore, for the 2020-2021 year, school divisions that choose not to administer the Virginia Studies, Civics and Economics, and Grade 8 Writing SOL tests must administer local alternative assessments consistent with these *Emergency Guidelines*. For school divisions not opting to exercise the flexibility of the state-level waiver, the SOL tests will continue to be available for administration.

Additionally, school divisions exercising this waiver will be required to report on the outcomes of the local alternative assessments administered in lieu of these SOL tests in the periodic reports required by the Board, per Superintendent's Memo #230-20.

The Superintendent of Public Instruction recommended that the Board waive first review and approve the *Emergency Guidelines for the Use of Local Alternative Assessments in Lieu of the Virginia Studies, Civics and Economics, and Grade 8 Writing Standards of Learning Tests for the 2020-2021 School Year*.

Dr. Durán made a motion to waive first review and approve the emergency guidelines. The motion was seconded by Dr. Mann and carried unanimously by Board roll call vote.

Board Roll Call:

Mr. Daniel Gecker - aye  
Ms. Pamela Davis-Vaught – aye  
Dr. Francisco Durán - aye  
Ms. Anne Holton - aye  
Dr. Tammy Mann - aye  
Dr. Keisha Pexton - aye  
Dr. Jamelle Wilson - aye

### **L. First Review of Revised Foundation Blocks for Learning**

Ms. Jenna Conway, chief school readiness officer, presented this item to the Board for first review.

As a result of recent legislation, the Board and Department of Education (VDOE) are now charged with ensuring that all Virginia children have equitable opportunity to enter kindergarten



ready. To support this effort, the VDOE, in partnership with experts and stakeholders, produced comprehensive, up-to-date early learning and development standards for children birth to five.

The proposed item for first review will replace the current *Foundation Blocks for Learning* with the new learning guidelines: *Virginia's Birth-to-Five Early Learning and Development Standards* last revised in 2013. This new document will also replace the Virginia Department of Social Service (VDSS) document *Virginia Milestones of Early Childhood Development*.

To improve school readiness, the VDOE has developed unified early learning and development standards that support birth to five programs to:

- Understand child development and provide developmentally-appropriate practice,
- Use quality instructional tools and engage in aligned professional development,
- Individualize care and instruction to meet the needs of all learners, and
- Promote holistic and intentional learning and development at each age and stage.

Early learning guidelines are distinct in that they provide guidance across a range of developmental and learning areas, focusing on describing a set of behaviors across a continuum. *Virginia's Birth-to-Five Early Learning and Development Standards* describe behavior indicators across six areas of development:

- Approaches to Play and Learning;
- Social and Emotional Development;
- Communication;
- Language and Literacy Development;;
- Health and Physical Development; and
- Cognitive Development, including science, social science, mathematics and fine arts.

For each domain of learning, these guidelines reflect typical development patterns for young children across six overlapping age bands. While not intended to be used in place of a curriculum, early learning guidelines are a critical tool for teachers in childcare, family day homes, and preschool programs to support progression across the critical skills outlined in this document.

A focus on equity for all learners is central to *Virginia's Birth-to-Five Early Learning and Development Standards*, both in terms of process and content. The VDOE led a lengthy and inclusive process, including:

- Ensuring a diverse set of stakeholders participating in the workgroup and feedback processes;
- Establishing a workgroup at the outset that focused on equity when constructing the draft; and
- Conducting a second public comment period in fall 2020 to collect additional feedback on 1) cultural competency and responsiveness, 2) inclusivity and 3) how pragmatic and accessible the document is to diverse audiences.

Establishing a culturally-responsive and inclusive set of foundational standards is critical to ensuring their use and applicability to all early learners and their caretakers. By this design, these standards will help eradicate inequities and disparities in child outcomes by equipping teachers and caregivers to provide individualized care and instruction that addresses the needs of all learners.

Data on early childhood access, quality and kindergarten readiness suggests significant disparities in resources and support for Virginia's most vulnerable populations.

Early childhood programs will begin using the proposed Virginia's *Birth-to-Five Early Learning and Development Standards* during the 2021-2022 academic year. The Office of Early Childhood will continue to work to develop tools and resources that support the diverse universe of early childhood educators with implementation, and especially how to best serve Virginia's most vulnerable children.

The Superintendent of Public Instruction recommended the Board of Education receive for first review the revised *Birth-to-Five Early Learning and Development Standards*.

The Board accepted this item on first review.

#### **M. First Review of Proposed Revisions to the *World Language Standards of Learning***

Dr. Lisa Harris, specialist for world languages and international education, office of humanities, presented this item to the Board for first review.

Dr. Harris began by acknowledging and thanking her support team, steering committee, writing team and representatives from private and public organizations.

The *World Language Standards of Learning* have been in place since the early 1980's and have undergone 4 previous revisions. In 2017, the name of the Standards was officially changed from foreign language to world language with the approval of the revised *Standards of Accreditation*.

On January 23, 2020, the Board approved the timeline to proceed with the review process for the *World Language Standards of Learning*. In accordance with the plan, the Department took the following steps to produce the drafts of the proposed revisions: \

- Received public comment on the 2014 *World Language Standards of Learning*;
- Identified *World Language Standards of Learning* Revision Team members;
- Met virtually for four days on July 20-July 23, 2020 with members of the review teams that consisted of recommended individuals solicited from school divisions, to review the public comments and to consider recommendations and reports from stakeholder groups;
- Developed a draft of the proposed revised *World Language Standards of Learning*; and
- Convened an external review team comprised of stakeholders from across the K-20 education field and representatives from state language organizations to solicit feedback on the proposed revisions.

Public comment was solicited on the current standards. During the initial comment period, the Department received 31 comments on the 2014 standards. A brief summary of comments was provided in the Board item.

A writing team and Steering Committee made up of teachers and curriculum specialists reviewed public comment and considered proposed revisions.

The World Language Standards of Learning Review Committee took into consideration National World Language Readiness Standards, Advanced Placement and International Baccalaureate requirements, as well as the Board of Education Goals and Department of Education Priorities around literacy, the profile of a Virginia Graduate, the 5Cs, Social Emotional Learning, culturally responsive instruction, and equity. Additionally, a group of external stakeholders convened in September to review and provide input on the proposed changes. At the end of this process, the comments and suggestions from all groups were used to complete the proposed revisions.

In addition to analyzing the public comments, the review teams used a deliberative process to guide the work on reviewing and recommending changes to the current standards.

From the onset of this process, three goals were established for the review:

- Alignment of the proposed standards to the *Profile of a Virginia Graduate*, specifically, the 5 Cs.
- Opportunities for students to explore the impact and use of current and emerging technologies and to apply the knowledge and skills developed in language courses to other contexts both inside and outside of the learning environment.
- Maximize the potential of ALL learners and are respectful of diverse backgrounds and experiences of Virginia's public school students.

Dr. Harris stated that based on the feedback from educators and the external panel, five key changes were made that will be immediately noticeable:

- The move from alignment to course levels to align with proficiency bands. This change is the foundation for the other proposed revisions and was the number one most requested change from public comments.
- The proposed revisions move away from separate SOL for individual languages, and move to universal standards grouped by language families.
- In the strands and structure of the standards, it is noted a new focus on intercultural communication and building literacy. The new Literacy strand helps breakdown how to help student's access authentic materials at a deeper level, not just surface
- In response to another frequent request, The Standards were expanded to include elementary levels. Previous versions addressed only secondary language courses.

The proposed revised standards include new standards for visual languages, primarily represented in Virginia schools through American Sign Language (ASL). ASL has been accepted for world language credit since 1997, but to date has not been represented in the SOL. In addition, progress indicators will provide guidance for language development for dual language and heritage language programs.

After the review and revision team completed their work, the proposed revisions were presented to a team of external reviewers. Initial feedback from teachers and external review members on the direction of the proposed revised standards was positive. Community college and 4-year college and university representatives were particularly enthusiastic about the proposed changes.

The Superintendent of Public Instruction recommended the Board receive for first review the proposed revisions to the *World Language Standards of Learning*.

The Board thanked Dr. Harris for her report and presentation to the Board on the proposed

revisions. Additionally, the Board congratulated Dr. Harris on a recipient of the French Academic Palms award.

Ms. Holton asked for clarification on the Heritage Learner approach and how will it help English Learners capitalize on being dual language. Dr. Harris clarified that a Heritage Language is considered an immigrant, minority or indigenous language that has been learned at home but never fully developed. The speakers grow up with a more dominant language than the Heritage Language. Gaps often occur in literacy. Academic language and literacy skills need to be worked on. Acknowledge that Heritage Learners come in at a variety of levels as it relates to speaking or writing of the language. This approach wants to address the needs of these students.

The Board accepted this item on first review.

### **WRITTEN REPORTS**

#### **N. Written Report on State-level Waivers and Relief Measures**

Dr. Leslie Sale, director of policy, provided the Board with a written report on State-level Waivers and Relief Measures. The report can be viewed at:

<https://www.doe.virginia.gov/boe/meetings/2020/11-nov/item-n.docx>

#### **O. Written Report on the 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 Year 2018-2019**

George R. Willcox, director, operations and accountability, Office of Career, Technical, and Adult Education, provided the Board with a written report on the Statewide Annual Performance Report for Career and Technical Education and the Virginia Community College System. The report can be viewed at: <https://www.doe.virginia.gov/boe/meetings/2020/11-nov/item-o.docx>

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

Dr. Lane thanked the Board for their hard work today. He updated the Board that the waivers related to Items G and K were submitted to the Secretary of Education have been approved and will be disseminated to the field.

Dr. Lane updated the Board that many school divisions have moved to more in-person learning in the month of October. A revised Operational Status is available on the VDOE website. However, there will likely be regression as the holidays approach and community spread is more likely.

Ms. Davis-Vaught shared with Board members her trip throughout Southwest Virginia, visiting various schools with Dr. Lane and Dr. Myers. She stated that they observed students during in-person classes and practiced safe social distancing. She also expressed the appreciation the school division superintendents, principals and staff who made their visit so informative.

Ms. Holton thanked Ms. Davis-Vaught for her update. Ms. Holton asked everyone to be patient and supportive of their school divisions during this trying time as they are making difficult decisions on reopening schools.

Mr. Gecker reminded the Board of their prior discussions about the constitutional requirement to periodically review the adequacy of existing school divisions for promoting the realization of the prescribed Standards of Quality. Mr. Gecker asked Dr. Lane if the Department had the bandwidth to support the Board in such review at this time. Dr. Lane responded that bandwidth is limited right now due to many other competing requirements. However, Dr. Lane shared that this topic of school boundaries is a passion for him as it is a big part of the equity conversation. Mr. Gecker asked that this priority not be lost off the radar screen as the work on the new year begins.

Mr. Gecker thanked the Department staff for the hard work and expert recommendations that go into preparing items for the Board to review and approve. He stated that occasionally the Board will change a recommendation that causes a bit of discomfort, which he tries to alleviate with humor. He asked that his humor not be misread as any disrespect to staff or the incredible work that staff does to support the Board.

Mr. Gecker shared that working with the Board, Department staff and Dr. Lane is one of the greatest blessing he has and thanked everyone for the opportunity to serve the children of the Commonwealth. He wished all Board members and staff a healthy and peaceful holiday season.

#### **ADJOURNMENT**

There being no further business of the Board of Education, Mr. Gecker adjourned the business meeting call at 2:03 p.m.

Mr. Daniel Gecker, President