

**COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA  
August 17, 2022**

The Board of Education met at the Board Room, 22nd Floor, James Monroe Building, 101 North 14th Street, Richmond, VA 23219, with the following members present:

Mr. Dan Gecker, President  
Mrs. Grace Creasey  
Ms. Suparna Dutta  
Dr. Bill Hansen  
Dr. Pamela Davis-Vaught

Dr. Tammy Mann, Vice President  
Mr. Andy Rotherham  
Dr. Alan Seibert  
Ms. Anne Holton  
Mrs. Jillian Balow,  
Superintendent of Public Instruction

President Gecker called the meeting to order at 10:00 a.m. and welcomed Board members, staff and visitors to the meeting. President Gecker noted that he approved Dr. Mann's participation from Alexandria, Virginia and Ms. Holton's participation from Nantucket, Massachusetts via electronic means due to personal matters. President Gecker also approved Dr. Davis-Vaught's participation from Bristol, Virginia due to a medical matter in accordance with § 2.2-3708.2 of the *Code of Virginia* and the Bylaws of the Virginia Board of Education. President Gecker extended a welcome to five new Board members appointed by Governor Youngkin on June 30, 2022.

***MOMENT OF SILENCE***

President Gecker asked for a moment of silence.

***PLEDGE OF ALLEGIANCE***

The recitation of the Pledge of Allegiance followed the moment of silence.

***APPROVAL OF MINUTES***

Dr. Mann made a motion to adopt the June 15, 2022, meeting minutes of the Board as presented. The motion was seconded by Dr. Davis-Vaught and carried unanimously. Copies of the minutes were distributed in advance of the meeting.

***PUBLIC COMMENT***

- Kandise Lucas spoke about concerns regarding special education services, and parents' rights being violated.

- Dan Zacharias spoke about concerns related to early childhood education policy.
- Robert Rigby spoke about student mental health concerns
- Zowee Aquino spoke about the proposed revisions to the History and Social Science Standards of Learning and urged the Board to move forward with first review.
- Nicole Cole spoke about concerns related to a superintendent license for Mr. Mark Taylor and the selection process by the Spotsylvania County School Board.
- Dr. Ed Ayers spoke in support of the proposed revisions to the History and Social Science Standards of Learning.
- Frank Callahan spoke in support of the proposed revisions to the History and Social Science Standards of Learning.
- Rich Lieberman spoke about concerns related to a superintendent license for Mr. Mark Taylor and the selection process by the Spotsylvania County School Board.
- Chad Stewart with the Virginia Education Association spoke about the proposed revisions to the History and Social Science Standards of Learning and concerns related to the Lab School Planning Grant Guidelines.
- Cheryl Gibbs Binkley spoke about teacher evaluation, accreditation and lab schools, and urged Board member to visit schools in their division.
- Dawn Shelley, school board member in Spotsylvania County, spoke about concerns related to a superintendent license for Mr. Mark Taylor and the selection process.
- Marianne Burke, spoke about the necessity of passing the History and Social Science Standards of Learning revisions based on the outlined timeline, and student discipline.
- Narissa Rahaman spoke about support for transgender students.
- Paul Nichols, superintendent in Mecklenburg County, spoke in support for lab schools.
- Delegate Glenn Davis spoke in support of lab schools and on the discrepancy in the budget language.
- Kume Goranson, executive director of CodeRVA, spoke in support of lab schools, and offered her support for a lab school network.
- Chris Dovi, executive director of CodeVA, spoke in support of lab schools.
- Sara Ward spoke about the proposed revisions to the History and Social Science Standards of Learning.
- Emily Klein spoke about concerns related to special education services for her child.
- Kathy Halvorsen spoke about concerns related to special education services.
- Faith Jarvis spoke about concerns related to a superintendent license for Mr. Mark Taylor and the selection process by the Spotsylvania County School Board.
- Jane Ashton spoke about concerns related to a superintendent license for Mr. Mark Taylor and the selection process by the Spotsylvania County School Board.
- Anthony Lofaro spoke about concerns related to a superintendent license for Mr. Mark Taylor and the transparency of the selection process.
- Kirk Twigg, chairman of the Spotsylvania County School Board, offered information about the appointment of a new superintendent and about the selection process.

## ***CONSENT AGENDA***

***A. Final Review to Certify a List of Qualified Persons for the Office of Division Superintendent of Schools***

A motion was made by Dr. Seibert, seconded by Mrs. Creasey and carried unanimously, to certify the list of qualified persons for the office of Division Superintendent of Schools, with the exception of Mr. Mark Taylor. Certification of Mr. Taylor was deferred to the September meeting in order to ascertain whether all licensure requirements have been met.

***B. Final Review of Financial Report on the Literary Fund and Updates to the First Priority Waiting List***

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 is responsible for the management of the Literary Fund.

Mr. Hansen made a motion to approve the Final Review of Financial Report on the Literacy Fund and Updates to the First Priority Waiting List. The motion was seconded by Mrs. Creasey and carried unanimously.

***ACTION/DISCUSSION ITEMS***

***C. Final Review of a Proposal to Adopt Special Provisions Regarding Accreditation Indicators***

Ms. Amy Siepka, Director of Accountability, presented this item to the Board.

According to *The Standards for Accrediting Public Schools in Virginia (SOA)* (8VAC20-131-380 F 3), “The board may adopt special provisions related to the measurement and use of a school quality indicator as prescribed by the board. The board may also alter the inclusions and exclusions from the performance level calculations by providing adequate notice to local school boards.”

VDOE recommended that the Board adopt special provisions to:

- temporarily alter the inclusion of Virginia Alternate Assessment Program (VAAP) failing test records from the determination of the performance level for the student group “students with disabilities” in the Achievement Gap-English and Achievement Gap-Mathematics indicators for accreditation year 2022-2023, when the performance level for that student group is a level three and the rating is based solely on failing VAAP test records; and
- alter the measurement of the College, Career, and Civic Readiness Index (CCCRI) by adding additional qualifying criteria, such as successful completion of three years of

JROTC coursework and having earned an approved industry credential (e.g. Armed Services Vocational Aptitude Battery Test, JROTC Leadership and Employability Skills Assessment, the Workplace Readiness Skills Test, College and work readiness Assessment (CWRA+), or the National Career Readiness Certificate Assessment).

This proposal only applies to accreditation year 2022-2023. In accreditation year 2023-2024, year-over-year growth will be determined by comparing performance on the spring 2022 assessment to the spring 2023 assessment.

The Superintendent of Public Instruction recommended the Board approve the proposal to adopt special provisions in order to:

- temporarily alter the inclusion of Virginia Alternate Assessment Program (VAAP) failing test records from the determination of the performance level for the student group “students with disabilities” in the Achievement Gap-English and Achievement Gap-Mathematics indicators for accreditation year 2022-2023, when the performance level for that student group is a Level Three and the rating is based solely on failing VAAP test records; and
- alter the measurement of the College, Career, and Civic Readiness Index (CCCRI) by adding an additional qualifying criteria, beginning in accreditation year 2023-2024.

Dr. Mann made a motion, seconded by Dr. Davis-Vaught to approve temporarily altering the inclusion of Virginia Alternate Assessment Program (VAAP) failing test records from the determination of the performance level for the student group “students with disabilities” in the Achievement Gap-English and Achievement Gap-Mathematics indicators for accreditation year 2022-2023, when the performance level for that student group is a Level Three and the rating is based solely on failing VAAP test records. This motion was carried by majority, with Ms. Dutta voting against the motion.

Mrs. Creasey made a motion, seconded by Mr. Rotherham, to alter the measurement of the College, Career, and Civic Readiness Index (CCCRI) by adding an additional qualifying criteria, beginning in accreditation year 2023-2024. This motion passed unanimously.

#### **Remarks from Governor Youngkin**

During the VDOE staff presentation on Item C, the Board paused its business to welcome The Honorable Glenn Youngkin, 74<sup>th</sup> Governor of Virginia, and Mrs. Suzanne Youngkin, First Lady of Virginia. Governor Youngkin thanked the Board for their service to the Commonwealth and shared information about his vision for public education. President Gecker thanked Governor Youngkin for coming to address the Board as he was the first Governor to attend a meeting, and shared that he looked forward to working together.

#### **D. Final Review of Revisions to the Board’s Guidelines for the Use of Computer Science Courses to Satisfy Graduation Requirements**

Mrs. Keisha Tennessee, Computer Science Coordinator, presented this item to the Board for final review.

The 2015 Board *Guidelines for the Use of Computer Science Courses to Satisfy Graduation Requirements* currently allow for Advanced Placement Computer Science A to meet graduation requirements for students pursuing both standard and advanced diploma types as a mathematics, science, or Career and Technical Education (CTE) credit. At the request of stakeholders, including division school counselors and parents, the International Baccalaureate (IB) Computer Science course was reviewed by VDOE staff in the Office of STEM and Innovation and the Office of Career, Technology, and Adult Education (CTAE) for inclusion in the Guidelines.

After review, VDOE staff recommended the addition of the IB Computer Science course to the current guidelines. The rigor of the IB Computer Science course coupled with the inquiry nature of the content and practices reflect best practices in mathematics, science, and CTE. The recommended addition allows IB Computer Science to be used to satisfy mathematics, science, or Career and Technical Education (CTE) graduation requirements.

Ms. Dutta requested that Mrs. Tennessee create a table showing the standards currently used for all of the computer science AP and IB courses, including the SL and HL for IB and also a crosswalk that shows the difference between all of these courses for the purpose of the math, lab science, and CTE requirements.

The Superintendent of Public Instruction recommended that the Board of Education approve the proposed addition to the *Board Guidelines for the Use of Computer Science Courses to Satisfy Graduation Requirements*.

Ms. Holton made a motion to approve the revisions to the Board's *Guidelines for the Use of Computer Science Courses to Satisfy Graduation Requirements*, and was seconded by Dr. Davis-Vaught. This motion was carried by majority, with Ms. Dutta voting against the motion.

**E. Final Review of Updates to the Board-Approved Courses to Satisfy Graduation Requirements for the Standard, Advanced Studies, and Modified Standard Diplomas in Virginia Public Schools**

Dr. Brendon Albon, Director of the Office of STEM and Innovation, presented this item to the Board for final review.

The VDOE proposed updates to the *Board of Education Approved Courses to Satisfy Graduation Requirements for the Standard, Advanced Studies, and Modified Standard Diplomas in Virginia Public Schools* document. The proposed changes include the following:

- Updating the title of the document and removing content specific to students that have aged out;
- Updating School Courses for the Exchange of Data (SCED) codes used to identify courses in which students are enrolled;
- Adding courses that satisfy graduation requirements;
- Adding a section that addresses frequently asked questions about awarding credit in the area of English;
- Clarifying and updating language regarding state/federal testing and state graduation requirements;
- Deleting unnecessary or outdated content;
- Improving accuracy, readability, and formatting.

The proposed updates are necessary to ensure appropriate notation of course enrollments in the Master Schedule Collection (MSC) by school divisions and that appropriate credits are used to satisfy graduation requirements, as well as to clarify answers to common questions. No comments have been made since the first review.

The Superintendent of Public Instruction recommended that the Board of Education approve the proposed 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* for final review.

Ms. Holton made a motion to approve the revisions to the *Board of Education Approved Courses to Satisfy Graduation Requirements for the Standard, Advanced Studies, and Modified Standard Diplomas in Virginia Public Schools*, seconded by Dr. Davis-Vaught. This motion was carried by majority, with Ms. Dutta voting against the motion.

#### **F. Final Review of the Proposed 2022 Physical Education Standards of Learning Curriculum Framework**

Dr. Brendon Albon, Director of the Office of STEM and Innovation, and Dr. Dani Almarode, Health and Physical Education Specialist, presented this item to the Board for final review.

The 2022 *Physical Education Standards of Learning* describe the Commonwealth's expectations for student learning and achievement in grades K-12 physical education. Periodic revisions of the standards are necessary to update content, clarify important concepts, and reflect emerging public health issues, current academic research, and best practice. The Board adopted the 2022 *Physical Education Standards of Learning* on March 17, 2022.

The 2022 *Physical Education Standards of Learning* embrace a comprehensive, collaborative review of the standards and the expertise of diverse constituents. The standards were developed through numerous phases of meetings convened with Virginia educators, college professors, and

other stakeholders. Additional citizen input was solicited throughout the process and through a public comment email account and two virtual public hearings with the Board. The VDOE took the following steps to review the previous framework and create the proposed 2022 *Physical Education Standards of Learning Curriculum Framework*:

- Changed the structure of the curriculum framework from four elements (i.e., VDOE Standard(s) Student Friendly Language; Suggested Sample Assessments; Terms (vocabulary) and Content Information; and Suggested/Sample Activities) to two elements (i.e., Essential Understandings and Essential Knowledge and Skills)
- Convened meetings with steering and educator committees composed of teachers, curriculum supervisors, and higher education faculty
- Solicited additional feedback from teachers and other critical stakeholders;
- Reconvened the steering committee to reach consensus on the proposed 2022 Physical Education Standards of Learning Curriculum Framework.

The 2022 *Physical Education Standards of Learning* and the proposed *Physical Education Standards of Learning Curriculum Framework* have been organized into the following strands to provide clarity for learning expectations and to provide learning progressions for:

1. Demonstrating competence in motor skills and movement patterns needed to perform a variety of physical activities (Motor Skill Development)
2. Applying knowledge of the structures and functions of the body and how they relate to and are affected by human movement to learning and developing motor skills and specialized movement forms (Anatomical Basis of Movement)
3. Achieving and maintaining a health-enhancing level of personal fitness (Fitness Planning)
4. Demonstrating the aptitude, attitude, and skills to lead responsible, fulfilling, and respectful lives (Social and Emotional Development)
5. Explaining the importance of energy balance and the nutritional needs of the body to maintain optimal health and prevent chronic disease (Energy Balance)

The Superintendent of Public Instruction recommended that the Board of Education approve for final review the proposed 2022 *Physical Education Standards of Learning Curriculum Framework* and authorize the VDOE to make technical edits.

Ms. Dutta requested elaboration on the social and emotional development component. Dr. Almarode stated that it has been shown that physical movement has direct ties to emotional health. The social and emotional strand is scaffolded from kindergarten through the elective courses focusing on rules, safety, inclusion of skill abilities and understanding of those varying skill levels.

Mr. Hansen made a motion to approve the Superintendent's recommendation. The motion was seconded by Dr. Mann and carried unanimously.

## **G. First Review of the Proposed Revised 2022 History and Social Science Standards of Learning**

Ms. Christonya Brown, History and Social Science Coordinator, presented this item to the Board for first review. Also in attendance: Ms. Brandi McCracken, Elementary History and Social Sciences Specialist, Ms. Andrea Emerson, Secondary History and Social Sciences Specialist, and Dr. Christine Harris, Director, Office of Humanities.

The Proposed Revised 2022 *History and Social Science Standards of Learning* describe the Commonwealth's expectations for student learning and achievement in grades K-12 history and social science education. Periodic revisions of the standards are necessary to update content, clarify important concepts, and reflect current academic research, and best practice. Section 22.1-253.13:1 of the *Code of Virginia* requires a review of each Standards of Learning subject area at least once every seven year. Academic content standards for history and social science education were first published by the Board in 1995 for kindergarten through grade 12. Pursuant to legislation from the 2000 Virginia General Assembly, the Board established a seven-year cycle for review of the Standards of Learning. Thus, the 1995 History and Social Science Standards of Learning were reviewed in 2001, 2008, and 2015.

The Proposed Revised 2022 *History and Social Science Standards of Learning* embrace a comprehensive, collaborative review of the standards and the expertise of diverse constituents. The standards were developed through numerous phases of meetings convened with Virginia students, parents, educators, historians, college professors, and representatives of the Virginia Parent Teacher Association, members of the Virginia Advisory Committee for Career and Technical Education, and business and industry community. Additional citizen input was solicited at the beginning and throughout the process and through a public comment Google form. The VDOE took the following steps to review the 2015 *History and Social Science Standards of Learning and Curriculum Frameworks*:

- subsumed the Curriculum Frameworks document into the Standards document;
- convened a meeting with Historian Steering Committee composed of historians, political scientist, geographer, and economist to review and provide feedback on gaps in content;
- convened meetings with Practitioner committee composed of curriculum supervisors, coordinators, specialists, and higher education faculty to lead educator committees composed of teachers;
- built a system of collecting, organizing, and disseminating public comments, feedback, and input from all committee members;
- increased the number of participants for for the Educator Committee to ensure diverse perspectives and experience, provided pre-meeting materials for review (i.e. National Assessment of Education Progress (NAEP), College Board: Advanced Placement, International Baccalaureate, Fordham Report: The State of State Standards for Civics and U.S. History in 2021, Educating for American Democracy, The College, Career, and Civic



Life (C3) Framework for Social Studies State Standards: Enhancing the Rigor of K-12 and convened July 12 - 23, 2021;

- expanded the number of external committees and convened sessions(i.e., Students (May 13 and 27, 2021, Museums and Organizations (August 23 - 26, 2021, Historian and Professors September 22 - 29, 2021, VAPTA and CTE seven meetings between February and March 2022));
- provided a status update to the Board in January 2022 (written report);
- solicited additional feedback from additional teachers, parents, and staff of institutions of higher education;
- presented an overview to VDOE leadership (February 2022 and June 2022);
- changed the structure and layout of the Standards document by expanding the components of the Standards document and to reflect and include elements of the Curriculum Frameworks, academic research and best practices by including Overarching Inquiries and Supporting Questions, Themes, Skills Progression, and Knowledge and Learning Experiences, and links for Content, Sources, and Resources for Consideration;
- reconvened the Practitioner committee to reach consensus on the Proposed Revised 2022 History and Social Science Standards of Learning document; and
- reconvened the committees to provide an overview of the Proposed Revised 2022 History and Social Science Standards of Learning.

The Board applauded the degree of detail and thoughtfulness in the presentation of the *Proposed Revised 2022 History and Social Science Standards of Learning*, led by Ms. Brown. Dr. Mann noted that this presentation highlights the importance of undertaking this process with an informed perspective and shared her gratitude for the level of attention and thoughtfulness from the staff members, parents, and students involved in this process. Ms. Dutta affirmed the importance of getting this document right, rather than rushing the process due to timelines. Ms. Holton echoed the sentiment of the exceptional quality of the work that has been done and also the importance of putting out a quality document, noting that both new and seasoned Board members would benefit from being engaged with briefings of this document. However, she is in agreement with President Gecker that in order to maintain the timeline necessary to ensure deadlines are met, the public and community engagement sessions should not be delayed. Mr. Hansen offered that it would be helpful if a productive tool could be made for the public to highlight changes that have been made to assist them in clearly understanding what is before them.

The Superintendent of Public Instruction did not recommend the Board receive for first review the History and Social Science Standards of Learning. The State Superintendent recommended that the draft standards undergo further development and input from Virginians and national experts prior to acceptance for first review by the Board. Our shared goal is to have best in class History and Social Sciences standards.

After a lengthy discussion, the Board decided that the History and Social Science Standards of Learning would undergo further development and public engagement prior to first review by the Board.

#### **H. First Review of Proposed College Partnership Laboratory School Fund Planning Grant Guidelines**

The Honorable Aimee Guidera, Secretary of Education, and McKenzie Snow, Deputy Secretary of Education presented this item for review.

College Partnership Laboratory Schools (or lab schools) are public schools that are designed and initiated by institutions of higher education (IHEs) and other similar entities. These schools leverage the resources, expertise, and capacity based at IHEs to provide inventive educational service delivery models to students. This framework sets expectations for governance and accountability, among other requirements, and requires that eligible IHEs seek approval with the Board to open a lab school. Governor Youngkin has committed to expanding the number of lab schools in Virginia to increase choice and opportunity, inspire innovation, and promote achievement in preK-12 public education. In line with this vision, during its 2022 Special Session, the General Assembly appropriated \$100M into the College Partnership Laboratory Fund (Fund) to support the development and implementation of new lab schools in the Commonwealth. The \$100M appropriation is allotted for the following uses:

- \$5M for planning grants to support eligible entities in the design of new college lab schools and to assist in drafting and submitting a lab school application to the Board.
- \$20M for initial start-up grants for approved lab schools to make one-time purchases for expenses necessary to launch a lab school, such as staff recruitment, technology and material purchases, etc.
- \$75M (or the balance of the fund) for per-pupil operating grants to support ongoing expenses for the operation and maintenance of a lab school.

The budget language requires the Board to issue guidelines for the award and distribution of grant money prior to distribution. The *Guidelines and Criteria for the Award and Distribution of Planning Grant Funds* set the parameters for how the planning grants (\$5M) shall be administered, including the process for reviewing requests, how applications will be evaluated and prioritized, permissible expenditures, and accountability measures for the use of the grant funding. These guidelines and criteria will be supplemented by the *Guidelines and Criteria for the Award and Distribution of Lab School Start-up and Per-Pupil Funding Grants*, also being reviewed by the Board.

Required application components include:

- General information about the proposed Lab School, including school governance and structure, facilities, mission and pedagogy, methods of assessment, and prospective student population

- A description of the school’s proposed instructional model, including how it will improve student academic proficiency, mastery, college and career readiness, and long-term outcome goals
- A description of the plan for involvement of teachers, parents, community, organizations, employers, etc., in the planning, development, and implementation of the program, and;
- A description of how the Lab School will secure and maintain community-based partnerships to ensure programmatic, financial, and operational success and sustainability of the Lab School

The Planning Grant guidelines will evaluate submissions according to a weighted rubric utilizing the following factors:

- Targeted student population and relevant research (30 points)
- Clarity of program description , goal, and timeline (20 points)
- Sustainability (20 points)
- Collaboration (15 points)
- Regional and applicant diversity (15 points)

The Superintendent of Public Instruction recommended that the Board of Education waive First Review and approve the *Guidelines and Criteria for the Award and Distribution of Planning Grant Funds*.

President Gecker recommended that the formation of the standing committee be formed at the next meeting. He also noted that following Board approval, the guidelines will be posted in Town Hall for a 30-day public comment period, pursuant to the Administrative Process Act.

Mrs. Creasey made a motion to approve the Superintendent’s recommendation. The motion was seconded by Mr. Hansen and carried unanimously.

### **I. First Review of Guidelines and Criteria for the Award and Distribution of Lab School Start-up and Per-Pupil Funding Grants**

The Honorable Aimee Guidera, Secretary of Education, and McKenzie Snow, Deputy Secretary of Education presented this item for review.

The budget language requires the Board to issue guidelines for the award and distribution of grant money prior to distribution. The *Guidelines and Criteria for the Award and Distribution of Lab School Start-up and Per-Pupil Funding Grants* set the parameters for how the initial start-up costs (\$20M) and per-pupil operating funding grants (\$75M) shall be administered, including the process for reviewing requests, how award amounts will be determined, permissible expenditures, and accountability measures for the use of the grant funding. Staff anticipates the guidelines and criteria for the award and distribution of lab school startup and per-pupil funding grants will return to the Board for final review in September 2022.

Start-up grant guidelines are as follows:

- Approved lab schools can apply for initial start-up grants to support one-time costs up to \$1M (additional funding will be considered on a case-by-case basis and in accordance with available funds)
- Common allowable expenditures include short-term staffing during star-up and implementation, consultants, contracted services, materials and supplies, technology devices, meeting costs, necessary travel and per diems
  - Start-up grant funds may be used for limited, one-time renovation or alteration of instructional spaces to prepare the for classroom instruction, as well as purchase of classroom materials, equipment, and furnishings
  - Major capital expenditures for land acquisition, new construction, or building-wide renovations are not permitted
- Building from its application for approval, the approval lab school will have already prepared necessary request components including a financial plan, benchmarks and deliverables, and community-based partnerships to ensure sustainability.

Per-pupil grant guidelines are as follows:

- “Such [per-pupil] grant guidelines shall consider and be consistent with the distribution of state funds for standards of quality, categorical, incentive, and lottery program per-pupil costs.”
  - A per-pupil operating funding grant request amount cannot exceed the average per-pupil state-projected funding to educate a student
- Common allowable expenditures include salaries and benefits of lab school instructional and support staff, leased facilities that include the lab school instruction spaces, consultants, contracted services, materials and supplies, technology devices, meeting costs, necessary travel and per diem
- The approved lab school will have already prepared necessary request components including a financial plan, benchmarks and deliverables, and community-based partnerships to ensure sustainability
  - There may be funding provided based on enrollment projections, so there is a provision that if enrollment decreases by 20% or less the awardee will still have access to those funds, however if enrollment decreases by more than 20% there will need to be an adjustment based on the actual enrollment vs. the projected enrollment
- Initial start-up and per-pupil grant funding are available to help mitigate the costs of launching a lab school. However, the success of a lab school and these grant programs rely on the long-term, programmatic, operational, and financial sustainability of new lab schools.

Following Board approval, the guidelines will be posted in Town Hall for a 30-day public comment period, pursuant to the Administrative Process Act.

The Superintendent of Public Instruction recommended that the Board of Education receive the Guidelines and Criteria for the Award and Distribution of Lab School Start-up and Per-Pupil Funding Grants for first review.

The Board accepted this item for first review.

### **J. First Review of an Amendment to Virginia’s Consolidate State Plan under the Every Student Succeeds Act of 2015 (ESSA) - Amendment 5**

Ms. Amy Siepka, Director of Accountability, presented this item to the Board.

The purpose of Virginia’s Consolidated State Plan is to provide information about how the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), will be implemented in the Commonwealth. Consistent with ESEA section 1111(a)(6)(B), a State Educational Agency (SEA) may submit a request to amend its plan. A redlined version of the latest approved plan, with proposed amendments, must be submitted to the U.S. Department of Education (USED) for review and approval before implementation. Attachment A, pending Board approval, will be Virginia’s 5th amendment submission.

The changes to the Consolidated State Plan were itemized in Attachment B. In summary, the updates to the plan relate to one of these changes:

- 1) Adding a multiple races student group for reporting purposes.
- 2) Providing technical edits, for clarification purposes, to step 3 of the identification processes for Comprehensive Support and Improvement Schools (CSI) and Targeted Support and Improvement schools (TSI).
- 3) Changing the methodology for determining growth for accountability year 2022-2023, based on 2021-2022 school year data.
- 4) Shifting measures of interim progress (“targets”) forward two years for Chronic Absenteeism, the Federal four-year graduation Index (FGI), and English Learner Progress.
- 5) Updating the plan with new reading and mathematics measures of interim progress and long-term goals.
- 6) Changing a year reference in the plan so that the timeline to exit Additional Targeted Support (ATSI) before a school is designated as CSI matches the extension granted in the COVID-19 Addendum.

Section 8302 of ESEA, as amended by ESSA, requires the U.S. Secretary of Education to establish procedures and criteria under which, after consultation with the Governor, a State educational agency (SEA) may submit a consolidated State plan that meets the descriptions, information, assurances, and other material required to be included in a consolidated State plan. Consistent with ESEA section 1111(a)(6)(B), a State Educational Agency (SEA) may submit a

request to amend its plan. A redlined version of the latest approved plan, with proposed amendments, must be submitted to the U.S. Department of Education (USED) for review and approval before implementation. Pending Board approval, this proposed amendment will be Virginia's 5th amendment submission.

One of the proposed revisions to the plan (number 1) relates to previous Board action. The proposed revision would make the same change to the Consolidated State Plan (adding the student group Multiple Races) as was made to the state accreditation system.

Proposed revision number 3 updates our Consolidated State Plan to include the newly administered fall growth assessments in the determination of student growth. The growth methodology used for accreditation was approved by the Board July 22, 2021. The growth methodology used for accreditation uses both the previous year SOL score or the fall growth assessment score to determine whether a student shows growth. However under ESSA, as described on page 15 in the Frequently Asked Questions: Impact of COVID-19 on 2021-2022 Accountability Systems Required under the Elementary and Secondary Education Act of 1965 (ESEA) (February 2022), a State may not calculate an indicator using the "best of" two or more data points on an individual student basis. However, for calculating a measure of student growth, an SEA may choose data from an earlier or more recent point in time. In order to incorporate the fall growth assessment into Virginia's measure of growth, USED recommends Virginia determine the growth portion of the rate by measuring student growth from spring 2021 to spring 2022 when a spring 2021 SOL score for a student is available, and from the fall 2021 growth assessment score when a spring 2021 SOL test score is not available.

Three of the proposed revisions to the plan (numbers 2, 4, and 6) are necessary so that the Consolidated State Plan aligns with the changes that were approved in the COVID-19 Addendum. At the March 17, 2022 business meeting, the Board approved the COVID-19 Addendum, which was subsequently submitted and approved by USED.

Proposed revision 5 to the plan is based on the requirements of section 1111(c)(4)(A)(i)(I)(aa) of ESEA, which states that a State's measures of interim progress and long-term goals are to be based on student performance on the State's current annual assessments. This is especially important given that Virginia uses its measures of interim progress in the identification of schools for federal support and improvement (CSI, TSI, and Additional Targeted Support and Improvement (ATSI)).

In order to fully calculate federal accountability data for all indicators for 2022-2023 and to identify schools which will receive support designations (CSI, TSI, and ATSI), Amendment 5 must be submitted to and approved by USED. In order to provide timely information and support to schools, Amendment 5 would need to be submitted to USED no later than September 16, 2022. Following Board approval, Amendment 5 will be submitted to USED.

Final approval will be requested at the September 15, 2022 meeting.

The Superintendent of Public Instruction recommended that the Board of Education accept for first review Amendment 5 to Virginia's Consolidated State Plan under the Every Student Succeeds Acts of 2015.

The Board accepted this item for first review.

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

Due to time constraints, there was no discussion on current issues.

***SUPERINTENDENT'S UPDATE***

Superintendent Balow provided a written update to the Board.

***EXECUTIVE SESSION #1***

Mr. Rotherham made a motion to go into executive session under § 2.2-3711(A)(8) of the *Code of Virginia* for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel relevant to a final review to certify the list of qualified persons for the office of Division Superintendent of Schools. Deb Love and Coke Stewart, legal counsel to the Virginia Board of Education, as well as staff members Jillian Balow and Maggie Clemmons, whose presence would aid in consideration of this matter, also participated in the closed meeting. The motion was seconded by Dr. Seibert and carried unanimously.

The Board went into executive session at 11:30 a.m. Ms. Holton made a motion that the Board reconvene in open session at 12:23p.m.

President 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 Chapter 32 of Title 2.2 of the *Code of Virginia* 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.

Board roll call:

- **Mr. Gecker-aye**
- **Mr. Rotherham-aye**
- **Ms. Dutta-aye**
- **Mr. Hansen-aye**
- **Mr. Seibert-aye**
- **Mrs. Creasey-aye**

- **Ms. Holton-aye**
- **Dr. Davis-Vaught-aye**
- **Dr. Mann-aye**

### ***EXECUTIVE SESSION #2***

Mr. Rotherham made a motion to go into executive session under § 2.2-3711(A)(40) of the *Code of Virginia* for the purpose of discussion and consideration of records relating to denial, suspension, or revocation of teacher licenses and that Deb Love, legal counsel to the Virginia Board of Education, as well as staff members Jillian Balow, Joan Johnson, Steven Burkarth, and Kevin Foster, whose presence would aid in this matter, participate in the closed meeting. The motion was seconded by Ms. Dutta and carried unanimously. It should be noted that Ms. Holton did not participate in this portion of the executive session. The Board went into executive session at 6:30 p.m. Mr. Rotherham made a motion that the Board reconvene in open session at 7:43 p.m.

President 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 Chapter 32 of Title 2.2 of the Code of Virginia 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.

Board roll call:

- **Mr. Gecker-aye**
- **Mr. Rotherham-aye**
- **Ms. Dutta-aye**
- **Mr. Hansen-aye**
- **Mr. Seibert-aye**
- **Mrs. Creasey-aye**
- **Dr. Davis-Vaught-aye**
- **Dr. Mann-aye**

The Board made the following motions:

Mr. Rotherham made a motion to issue a license/extend a provisional license in Case #1. The motion was seconded by Mrs. Creasey and carried unanimously.

Mr. Hansen made a motion to issue a license in Case #2. The motion was seconded by Dr. Davis-Vaught and carried unanimously.

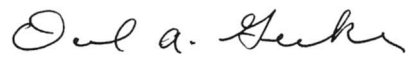
Mr. Hansen made a motion to extend the renewable license in Case #3 to June 30, 2023 to allow the applicant time to meet license renewal requirements. The motion was seconded by Dr. Davis-Vaught and carried by a majority. Dr. Mann abstained due to technical difficulties causing



difficulty hearing the details of the case.

***ADJOURNMENT OF THE BUSINESS SESSION***

There being no further business of the Board, President Gecker adjourned the business meeting at 7:48p.m.

A handwritten signature in cursive script that reads "Dan a. Gecker".

Mr. Dan Gecker, President