

**COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA
NOVEMBER 16-17, 2022**

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

Mr. Dan Gecker, President
Ms. Grace Creasey
Dr. Alan Seibert
Dr. Bill Hansen
Mr. Andy Rotherham

Dr. Tammy Mann, Vice President
Ms. Suparna Dutta
Ms. Anne Holton
Ms. Jillian Balow,
Superintendent of Public Instruction

President Gecker called the meeting to order at 9:00 a.m. and welcomed Board members, staff, and visitors to the meeting.

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

Mr. Hansen made a motion to adopt the October 17, 2022, meeting minutes as presented. The motion was seconded by Ms. Dutta and carried unanimously. Copies of the minutes were distributed in advance of the meeting.

PUBLIC COMMENT

- Kandise Lucas spoke about Virginia's lack of compliance with parent's rights regarding special education services.
- Melissa Siddiqui spoke about Virginia's lack of compliance with parent's rights regarding special education services.
- Kathy Halvorsen expressed concerns regarding special education services.
- Melissa Bolton expressed concerns related to inappropriate materials in schools.
- Doris Knick expressed concerns related to local school board accountability.

- David Bearinger spoke about the proposed revisions to the History and Social Science Standards of Learning.
- Scott Braband expressed thanks to board members who attended their fall conference and expressed opposition to accountability and accreditation for this school year and offered collaboration with VASS.
- Edward Ayers spoke about the proposed revisions to the History and Social Science Standards of Learning and the need for collaboration with AHA.
- Amanda Grinels expressed concerns with mandating the COVID vaccine.
- Susan Franz expressed concerns with mandating the COVID vaccine.
- Dr. Monica Mann expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Dr. Sheila Furey expressed concerns with mandating the COVID vaccine.
- Emily Mathon expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Basya Gartenstein expressed concerns regarding the proposed revisions to the Standards of Learning and concerns in the Jewish community about the revised material.
- Megan Ferenczy expressed concerns regarding the proposed revisions to the Standards of Learning and concerns in the Jewish community about the revised material.
- Keith Perrigan expressed concerns regarding budget language in the Guidelines for Implementing the School Construction Assistance Program in the 2022-2024 Biennium
- Catherine Carter expressed concerns with mandating the COVID vaccine.
- Cathy Hix expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- David Walrod expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Tricia Stall expressed concerns with mandating the COVID vaccine.
- Crystal Parker expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Randy O'Neill expressed concerns regarding funding for health and physical education.

- Lisa Guernsey expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Holly Means expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Zowee Aquino expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Ha Tang expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Sookyung Oh expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Manpreet Kaur expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning and the need for Sikhism to be included in the social studies standards.
- Yashnoor Kaur expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning and the need for inclusion of Sikhism in the social studies standards.
- Anhad Singh expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning and the need for Sikhism to be included in the social studies standards.
- Gursimar Dhaliwal expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning and the need for Sikhism to be included in the social studies standards.
- Simran Singh expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning and the need for Sikhism to be included in the social studies standards.
- Grace Chahal expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning and the need for Sikhism to be included in the social studies standards.
- Ting-Yi Oei expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Sarah Ahn expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.

- Elise Tsao expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Carol Bauer expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Collin Absher expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Monica Hutchinson expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Kristine Troch expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Tiffany Lewis expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Courtney Wynn expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Anne Taydus expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Joseph Douglas expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Arrington Evans expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Aaron Winston expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Isabella DiFulvio expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Cheryl Binkley expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Barb Zedler expressed concerns about mandating the COVID vaccine.
- Michael Karabinos expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Robin Allman expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.

- Jennifer Herget expressed concerns regarding mandating the COVID vaccine.
- Sally Johnson expressed concerns regarding mandating the COVID vaccine.
- Holly Hazard expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Paul Teal expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Jodie Cole expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Deborah Adams expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Donna Craft expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.
- Cary Walther-Cannaday expressed concerns regarding the proposed revisions to the History and Social Science Standards of Learning.

CONSENT AGENDA

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

Ms. Dutta made a motion to approve the list of qualified persons for the Office of Division Superintendent of Schools. The motion was seconded by Mr. Hansen. This motion was carried unanimously.

B. Final Review of the Advisory Board on Teacher Education and Licensure's Recommendation for a Passing Score for the Praxis® Chemistry (5246) Test for the Science – Chemistry Endorsement

Dr. [Joan Johnson](#) presented this item to the Board. Malik K. McKinley, Sr., Director of Client Relations, from ETS, was also in attendance to assist with answering questions of the Board. Items J, K and L were presented as a group to the Board.

The proposed recommendation from the Advisory Board on Teacher Education and Licensure (ABTEL) is to set a passing score for the **Praxis® Chemistry (5246) Test** for the Chemistry endorsement. The Praxis® Chemistry (5246) test will replace the Praxis® Chemistry: Content Knowledge (5245) test. This **new** assessment was designed and developed through work with practicing chemistry teachers, teacher educators, and higher education chemistry specialists to reflect the science knowledge teachers need to teach the chemistry curriculum and to reflect state

and national standards, including the National Science Teacher Association Preparation Standards for chemistry. This test will be required for individuals seeking initial licensure unless exempted by holding a full, clear out-of-state license with no deficiencies and can be taken and passed to add an endorsement in Chemistry by individuals holding a valid renewable teaching license.

Educational Testing Service (ETS) provides a recommended passing score from the multistate standard-setting study to help education agencies determine an appropriate operational passing score. For the Praxis Chemistry test, the recommended passing score is 56 out of a possible 100 raw-score points. The scale score associated with a raw score of 56 is **146** on a 100–200 scale. The current Praxis® Chemistry: Content Knowledge (5245) Test has a Board prescribed passing score of 153 on a 100-200 scale. The Praxis® Chemistry (5246) test is a **new** assessment and the previous passing score was not a consideration of ETS or ABTEL when establishing this test's passing score. Because this is a **new** assessment, ABTEL is also recommending that a data review be conducted after one year to determine if the passing score is providing for the greatest opportunity of teachers entering the profession while maintaining rigor.

On September 19, 2022 information regarding the multistate standard-setting process was presented to ABTEL members by Malik K. McKinley, Sr., Director of Client Relations, Professional Educator Programs, Office for Teacher Licensure and Certification, Student and Teacher Assessment Division, Educational Testing Service. ABTEL members reviewed the standard-setting report and recommended that the Board approve the passing score of 146 (the standard setting panel's recommendation).

The Superintendent of Public Instruction recommends that the Board approve the recommendation of the Advisory Board on Teacher Education and Licensure to establish a passing score of 146 for the Praxis® Chemistry (5246) Test. Individuals may take either the currently prescribed assessment for the Chemistry endorsement, Praxis® Chemistry: Content Knowledge (5245) or the new Praxis® Chemistry (5246) test through June 30, 2023. Beginning July 1, 2023, the Praxis® Chemistry: Content Knowledge (5245) test will be accepted only for those individuals who took and passed the test during the period it was prescribed by the Board of Education.

Ms. Holton made a motion to approve the Advisory Board on Teacher Education and Licensure's Recommendation for a Passing Score for the Praxis® Chemistry (5246) Test for the Science – Chemistry Endorsement. The motion was seconded by Dr. Mann. This motion was carried by majority, with Ms. Dutta voting against the motion.

C. Final Review of the Advisory Board on Teacher Education and Licensure's Recommendation for a Passing Score for the Praxis® Physics (5266) Test for the Science – Physics Endorsement

The proposed recommendation from the Advisory Board on Teacher Education and Licensure (ABTEL) is to set a passing score for the **Praxis® Physics (5266) Test** for the Physics endorsement. The Praxis® Physics (5266) test will replace the Praxis® Physics: Content Knowledge (5265) test. This **new** assessment was designed and developed through work with practicing physics teachers, teacher educators, and higher education physics specialists to reflect the science knowledge teachers need to teach the physics curriculum and to reflect state and national standards, including the National Science Teaching Association Preparation Standards for physics. This test will be required for individuals seeking initial licensure unless exempted by holding a full, clear out-of-state license with no deficiencies and can be taken and passed to add an endorsement in Physics by individuals holding a valid renewable teaching license. Educational Testing Service (ETS) provides a recommended passing score from the multistate standard-setting study to help education agencies determine an appropriate operational passing score. For the Praxis Physics test, the recommended passing score is 56 out of a possible 100 raw-score points. The scale score associated with a raw score of 56 is **145** on a 100–200 scale.

The current Praxis® Physics: Content Knowledge (5265) Test has a Board prescribed passing score of 147 on a 100-200 scale. The Praxis® Physics (5266) test is a **new** assessment and the previous passing score was not a consideration of ETS or ABTEL when establishing this test's passing score. Because this is a **new** assessment, ABTEL is also recommending that a data review be conducted after one year to determine if the passing score is providing for the greatest opportunity of teachers entering the profession while maintaining rigor.

On September 19, 2022 information regarding the multistate standard-setting process was presented to ABTEL members by Malik K. McKinley, Sr., Director of Client Relations, Professional Educator Programs, Office for Teacher Licensure and Certification, Student and Teacher Assessment Division, Educational Testing Service. ABTEL members reviewed the standard-setting report and recommended that the Board approve the passing score of 145 (the standard setting panel's recommendation).

The Superintendent of Public Instruction recommends that the Board receive for first review the recommendation of the Advisory Board on Teacher Education and Licensure to establish a passing score of 145 for the Praxis® Physics (5266) Test.

Ms. Holton made a motion to approve the Advisory Board on Teacher Education and Licensure's Recommendation for a Passing Score for the Praxis® Physics (5266) Test for the Science – Physics Endorsement. The motion was seconded by Dr. Mann. This motion was carried by majority, with Ms. Dutta voting against the motion.

D. Final Review of the Advisory Board on Teacher Education and Licensure's Recommendation for a Passing Score for the Praxis® Biology (5236) Test for the Science – Biology Endorsement

The proposed recommendation from the Advisory Board on Teacher Education and Licensure (ABTEL) is to set a passing score for the **Praxis® Biology (5236) Test** for the Biology endorsement. The Praxis® Biology (5236) test will replace the Praxis® Biology: Content Knowledge (5235) test. This **new** assessment was designed and developed through work with practicing biology teachers, teacher educators, and higher education biology specialists to reflect the science knowledge teachers need to teach the biology curriculum and to reflect state and national standards, including the National Science Teaching Association Preparation Standards for biology. This test will be required for individuals seeking initial licensure unless exempted by holding a full, clear out-of-state license with no deficiencies and can be taken and passed to add an endorsement in Biology by individuals holding a valid renewable teaching license.

Educational Testing Service (ETS) provides a recommended passing score from the multistate standard-setting study to help education agencies determine an appropriate operational passing score. For the Praxis Biology test, the recommended passing score is 75 out of a possible 120 raw-score points. The scale score associated with a raw score of 75 is **154** on a 100–200 scale.

The current Praxis® Biology: Content Knowledge (5235) Test has a Board prescribed passing score of 155 on a 100-200 scale. The Praxis® Biology (5236) test is a **new** assessment and the previous passing score was not a consideration of ETS or ABTEL when establishing this test's passing score. Because this is a **new** assessment, ABTEL is also recommending that a data review be conducted after one year to determine if the passing score is providing for the greatest opportunity of teachers entering the profession while maintaining rigor.

On September 19, 2022 information regarding the multistate standard-setting process was presented to ABTEL members by Malik K. McKinley, Sr., Director of Client Relations, Professional Educator Programs, Office for Teacher Licensure and Certification, Student and Teacher Assessment Division, Educational Testing Service. ABTEL members reviewed the standard-setting report and recommended that the Board approve the passing score of **154** (the standard setting panel's recommendation).

The Superintendent of Public Instruction recommends that the Board receive for first review the recommendation of the Advisory Board on Teacher Education and Licensure to establish a passing score of 154 for the Praxis® Biology (5236) Test.

Ms. Holton made a motion to approve the Advisory Board on Teacher Education and Licensure's Recommendation for a Passing Score for the Praxis® Biology (5236) Test for the Science – Biology Endorsement. The motion was seconded by Dr. Mann. This motion was carried by majority, with Ms. Dutta voting against the motion.

E. Final Review of the Advisory Board on Teacher Education and Licensure's Recommendation to Approve New Education (Endorsement) Programs

Dr. Joan Johnson presented this item to the Board for first review. The *Regulations Governing the Review and Approval of Education Programs in Virginia* ([8VAC20-543](#)) requires that the Virginia Board of Education (Board) approve requests from Virginia institutions of higher education to add new endorsement programs. Requests for new programs must be submitted annually by March 31.

Board regulation [8VAC20-543-30](#) requires institutions seeking education program approval to establish partnerships and collaborations based on PreK-12 school needs. All institutions of higher education provided a copy of the *Virginia Department of Education – Standards for Biennial Approval of Education Programs Accountability Measurement of Partnerships and 3 Collaborations Based on PreK-12 School Needs Education Programs* form for the requested program endorsement area.

Virginia Department of Education (VDOE) staff have verified program endorsement competencies through the review of course descriptions and syllabi to determine alignment with regulatory criteria, including supervised classroom instruction. A review of the Request for New Endorsement Program application submitted by the institution includes evidence of written documentation of school divisions’ demand data, as well as institutional and school division support for the requested programs.

On September 19, 2022, Advisory Board on Teacher Education and Licensure (ABTEL) recommended that the Board grant approval for the new endorsement programs. The following is a list of the institutions of higher education and the new endorsements requested.

College/University	Education Endorsement Program	Program Level
Averett University	Driver Education	Undergraduate
	Music: Instrumental PreK-12	Undergraduate
Mary Baldwin University	Special Education-General Curriculum K-12	Undergraduate
Randolph Macon College	Special Education-General Curriculum K-12	Undergraduate
University of Lynchburg	Special Education General Curriculum K-6 add on	Undergraduate
	Visual Arts PreK-12	Undergraduate
University of Mary Washington	Theatre Arts PreK-12	Graduate
University of Virginia	Special Education-General Curriculum K-6 add on	Graduate
	Special Education-General Curriculum 6-8 add on	Graduate

	Special Education-General Curriculum 6-12 add on	Graduate
University of Virginia at Wise	Early Childhood for 3 Year-Olds add on	Undergraduate
Virginia Tech	Career and technical education – family and consumer sciences	Undergraduate
	Career and technical education- technology education	Undergraduate
	Early Childhood for 3 Year-Olds add on	Undergraduate

The Superintendent of Public Instruction recommended that the Board of Education accept for first review, ABTEL's recommendation to approve New Education (Endorsement) Programs.

Ms. Dutta made a motion to approve the list of the institutions of higher education and the new endorsements requested. The motion was seconded by Mr. Hansen. This motion was carried by majority, with Ms. Holton abstaining.

F. Final Review of Biennial Approval of Education Endorsement Programs as Required by the Regulations Governing the Review and Approval of Education Programs in Virginia

The *Regulations Governing the Review and Approval of Education Programs in Virginia* ([8VAC20-543](#)) require institutions of higher education (IHEs) to meet and report on Standards for Biennial Approval of Education Endorsement Programs. Programs are reviewed biennially and must demonstrate achievement of the accountability measures set forth in the Virginia Board of Education’s *Regulations Governing the Review and Approval of Education Programs in Virginia* ([8VAC20-543](#)).

The 2019-2021 Biennial Report specifically addresses the progress of the institutions of higher education in achieving accountability measures 1 through 7 for the biennial reporting period of September 1, 2019 through August 31, 2021. The Virginia Department of Education (VDOE) requested that each institution complete and return the following three documents to report its progress in achieving accountability measures 1 through 7 for the current biennial reporting period:

- Certification for Standard 1– Assessment Passing Rates;
- Certification for Standards 2 through 7; and
- Affidavit for Standards 1 through 7.

Accountability Measure 1 stipulates “candidate progress and performance on prescribed licensure assessments. ...Achievement of an 80 percent biennial passing rate shall be required by

July 1, 2010. Candidates completing a program shall have successfully completed all coursework, required assessments, including those prescribed by the Board of Education, and 2 supervised student teaching or internship. Candidates exiting a program shall have successfully completed all coursework, regardless of whether the individuals attempted, passed, or failed required assessments, including those prescribed by the Board of Education, and/or who may not have completed supervised student teaching or required internship.”

All programs met the 80 percent pass rate for assessments required by Accountability Measure 1 with the exception of Randolph-Macon College’s Elementary PK-6 program and Sweet Briar College’s Elementary PK-6 program.

Randolph-Macon College’s Elementary PK-6 fell below the minimum prescribed candidate passing rate of 80 percent with a pass rate of 78% percent for the Praxis Subject Assessment. Sweet Briar College’s Elementary PK-6 fell below the minimum prescribed candidate pass rate of 80 percent with a pass rate of 50% percent for the Praxis Subject Assessment and the Reading for Virginia Educators (RVE) or Virginia Reading Assessment (VRA). Not all candidates were required by the institution to take the assessment; however, candidates who took the test met the passing score. The current regulations set forth a process for institutions with education endorsement programs that fall below the 80 percent biennial requirement. Institutions shall submit to the Board of Education for approval an improvement plan to address the areas of stipulation, including measurable goals and timelines. Semi-annual reports must be submitted to the Director of Teacher Education to document the progress in addressing the goals toward elimination of the stipulation until the next biennial review period. Randolph-Macon College and Sweet Briar College submitted improvement plans, which are included in Attachment B. For Accountability Measures 2-7, all institutions of higher education submitted a status result of MET for programs approved prior to September 1, 2019, and for which there was at least one program completer or program exiter for the current biennial reporting period. Attachment A is the *Biennial Report: 2019-2021 Approved Teacher Education Programs Compliance-Accountability Measurements 1 through 7*. The education endorsement programs in Virginia shall be approved by the Board and demonstrate achievement biennially of the accountability measures in this section. The institution of higher education must report evidence of the standards for Board’s review biennially. The biennial report is for 2019-2021.

The approval of programs aligns with the Board’s goal to advance policies that increase the number of candidates entering the teaching profession, encourage and support the recruitment, development, and retention of well-prepared and skilled teachers and school leaders.

The Superintendent of Public Instruction recommends that the Board of Education approve ABTEL’s recommendation to grant:

1. “Approved” status to all Virginia college and university education (endorsement) programs listed in the attached 2019-2021 Biennial Report with the exception of the

Randolph-Macon College's Elementary PK-6 program and Sweet Briar College's Elementary PK-6 program.

2. "Approval with Stipulations" status to the Randolph-Macon College's Elementary PK-6 fell below the minimum prescribed candidate passing rate of 80 percent with a pass rate of 78% percent for the Praxis Subject Assessment; and the Sweet Briar College's Elementary PK-6 fell below the minimum prescribed candidate pass rate of 80 percent with a pass rate of 50% percent for the Praxis Subject Assessment and the Reading for Virginia Educators (RVE) or Virginia Reading Assessment (VRA).

Ms. Dutta made a motion to approve the Education Endorsement Programs as Required by the Regulations Governing the Review and Approval of Education Programs in Virginia. The motion was seconded by Mr. Hansen. This motion was carried by majority with Ms. Holton abstaining.

ACTION/DISCUSSION ITEMS

G. Final Review of James Blair Middle School Accreditation Indicator Appeal

Amy Siepka, Director of Accountability, presented this item for Board review.

A local school board may appeal a performance level designation for a state accreditation indicator, as described in [8VAC20-131-380 F. 6](#) of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA). The specific language from the SOA is as follows:

The board shall provide a process for a local school board to appeal the performance level designation for a specific school quality indicator for any school in the division. The board shall grant such appeals only in limited circumstances that warrant special consideration in designating performance levels. In order to appeal such designation the local school board shall submit a request to the board, signed by the chairman of the school board and the school superintendent, explaining why the school board is appealing the designation and shall include documentation supporting the request to change the performance level designation.

The intent of this provision in the SOA is to provide potential relief to schools that have experienced a significant event impacting performance on an indicator. Such circumstances should be unusual and appeals based on this section of the SOA should be rare.

Williamsburg-James City County (WJCC) Public Schools has presented an appeal for James Blair Middle School. Their appeals form (Attachment A) indicates an appeal to the Level Three performance level given to the *students with disabilities* (SWD) group within the *Achievement Gap-Mathematics* indicator. If approved, the performance level change for the SWD group would result in the overall performance level for the *Achievement Gap-Mathematics* indicator to change from a Level Three to a Level Two. However, the change to the overall indicator would not result in a different accreditation status for the school. James Blair Middle School also has a

Level Three rating in the *Achievement Gap-English* indicator and its status would remain *Accredited with Conditions*.

On September 13, 2022, an internal Virginia Department of Education (VDOE) committee met to discuss the basis for the appeal. The committee members were representatives of various VDOE offices and consisted of the Directors from the Offices of Accountability; Test Development; Research; Data Services; Student Services; School Quality; Instructional Services; and the Assistant Superintendent of Student Assessment, Accountability, and ESEA Programs. Based on their review of the information provided by the school division, the committee unanimously recommended that the Virginia Board of Education (Board) not approve the appeal.

A summary of the committee's review of the appeal is provided below.

One way to earn a Level Two performance level for the achievement indicators is to have a pass rate greater than or equal to 50% but less than or equal to 65%, and to reduce the failure rate by at least 10% from the previous year (R10). WJCC's first justification in their appeal is that James Blair Middle School should be able to use the prior year's pass rate to determine adequate improvement (R10) [as indicated in 8VAC20-131-380 F.1.a](#).

WJCC's Justification: Lack of opportunity for reduction from the previous year (spring 2021). Spring 2022 mathematics data shows James Blair Middle School has made significant progress in the identified SWD subgroup and had a reduction of failure rate of 19.8% for SWD in mathematics from the previous year (2021). Therefore, WJCC asked for consideration with the mathematics achievement gap indicator to compare the reduction in failure rate for SWD from spring 2021 to spring 2022 ([8VAC20-131-380](#)).

VDOE Staff Response: In July 2021, due to the pandemic, the Board [adopted special provisions to approve the use of 2018-2019 school year data \(page D\)](#) to be the "previous year" data used in accreditation year 2022-2023 for all schools in the Commonwealth. In addition, James Blair Middle School did not test 35% of its students with disabilities in 2020-2021 so the data used in their justification is not fully representative of their student group population. For reference, the VDOE did not calculate accreditation in 2020-2021 for any school. The data James Blair uses in its justification were calculated by division staff.

WJCC's Justification: Lack of opportunity for the three-year average. James Blair Middle School has only two years of scores (spring 2019 and spring 2022) and is not afforded the same opportunity to calculate a true three-year average to meet the SOA criteria ([8VAC20-131-380](#)).

VDOE Staff Response: The three-year rate is an *option* that can be used to meet an accreditation performance level, but nothing in the SOA indicates that there *must be* a three-year rate opportunity provided. The following factors might also be considered:

- There is no precedent for allowing this flexibility.

- There are currently four other schools in the state who are in a similar situation and will not be afforded this opportunity.
- The school's performance in the mathematics SWD group is consistent with what it was in 2018-2019 (58.62% in 2018-2019 versus 58.97% in 2022-2023). The appeals review committee felt that James Blair Middle School would benefit from the requirements outlined in [8VAC20-131-400 D](#) for schools that earned a Level Three performance level on an indicator.

•

During the first review of this item at the October 20, 2022, business meeting, the Superintendent of WJCC Public Schools said that she was requesting a change in the processes and procedures for accrediting schools that do not have three years of data, and therefore do not have the option of calculating a three-year rate. She indicated that she was coming forward to respectfully ask that accreditation be waived not only for James Blair Middle School but for the other four schools that were opening in the 2018-2019 school year as well. The Superintendent of WJCC also stated that accreditation was waived in 2019-2020 for schools that were new in 2018-2019 because they did not have a previous year from which to calculate improvement.

VDOE staff response to the request to waive accreditation for schools that only have two years of data:

There is no statutory or regulatory basis that allows the Board to waive accreditation for a particular school. In addition, [8VAC20-131-370.C](#) requires each school be evaluated for accreditation:

C. Each school shall be accredited based on achievement of the conditions specified in [8VAC20-131-400](#) and on continuous improvement of performance levels on measures of selected school quality indicators as described in [8VAC 20-131-380](#).

Accreditation data informs school division staff and the community about the quality and effectiveness of schools, and is particularly important as new schools are building on their strengths and improving their programs.

VDOE staff response to the Superintendent's recollection that several new schools had accreditation waived in 2019-2020:

James Blair Middle School was a new school in 2018-2019 and as such, when accreditation was calculated for the 2019-2020 accreditation year, there was only one year of data. WJCC staff did discuss concerns with VDOE staff about new schools being unable to benefit from the demonstration of sufficient improvement. However, WJCC did not submit an appeal to the Board. Instead, VDOE staff submitted [special provisions to the Board in September 2019](#) to specifically address all new schools who only had one year of data. The schools that were new in 2018-2019, including James Blair Middle School, did not have accreditation waived, but had

special provisions applied. These special provisions provided flexibility in determining performance levels, and therefore resulted in flexibility in determination of accreditation status.

The special provisions resulted in the following:

The status of *New School* (a school that comprises students who previously attended one or more existing schools) is designated for schools that are in their first year of opening. When a school has a status of *New School* during the year in which data is collected for accreditation, it will only have one year of data for which to evaluate performance, therefore, the Board adopted special provisions such that –

- If an academic indicator is rated Level Three based on current year data and the combined rate in English or mathematics (elementary and middle schools), or the mathematics pass rate (EOC) or science pass rate (elementary, middle, and high school) is at least 50%, the indicator shall be rated a Level Two; and
- If the chronic absenteeism rate, dropout rate, or Graduation and Completion Index are rated Level Three based on current year data, the indicator shall be rated as Level Two.

VDOE staff does not believe that any other flexibility is warranted in the second accreditation year under the current model. However, this will be revisited within the context of the new model as the accountability system is revised.

The Superintendent of Public Instruction agrees with the recommendation of the VDOE staff committee which did not approve WJCC's appeal of the performance level for the students with disabilities group in the Achievement Gap-Mathematics indicator for James Blair Middle School.

Ms. Holton made a motion to deny WJCC's appeal of the performance level for the students with disabilities group in the Achievement Gap-Mathematics indicator for James Blair Middle School. The motion was seconded by Ms. Creasey. This motion was carried unanimously.

H. Final Review of the Board of Education's 2022 Annual Report on the Condition and Needs of Public Schools in Virginia

Emily Webb, Director of Board Relations, presented this item to the Board.

The *2022 Annual Report on the Condition and Needs of Public Schools in Virginia* (Annual Report) provides an overview of the needs of public education, an update on student achievement, and highlights the Board's work over the past year. Additionally, the Annual Report outlines the condition of public education including education funding as compared to other states, enrollment trends, educator and staff vacancies, and graduation and dropout rates.

The Annual Report is required by Article VIII, Section 5 of the *Constitution of Virginia* and [§22.1-18](#) of the *Code of Virginia*.

Since first review, the following items have been added or updated:

- An executive summary;
- Additional context and data points;
- A completed list of Board accomplishments; and
- The required reports outlined in the *Code*.

The Superintendent of Public Instruction recommends that the Board of Education approve the *2022 Annual Report on the Condition and Needs of Public Schools in Virginia*.

Dr. Mann made a motion to approve the *2022 Annual Report on the Condition and Needs of Public Schools in Virginia*. The motion was seconded by Mr. Hansen. This motion was carried unanimously.

I. First Review of the Proposed Revised 2022 History and Social Science Standards of Learning

The proposed, revised 2022 History and Social Science Standards of Learning describe the Commonwealth's broad goals for student learning and achievement in grades K-12 history, civics, geography, and economics. 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 years. 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 History and Social Science Standards of Learning originally adopted by the Board in 1995 were reviewed and revised in 2001, 2008, and 2015.

The draft standards were reviewed and revised through numerous phases of meetings convened with Virginia students, parents, educators, historians, college professors, and organizations. Additional citizen input was solicited throughout the process and through a public comment Google form. The standards align with Priorities 1 and 3 of the Board's Comprehensive Plan. In August 2022 the Board received a presentation from VDOE about the process used to review and revise the standards to date.

Superintendent Balow and Sheila Byrd Carmichael introduced and discussed the Department's proposed November Draft. They described it as follows: technical changes made to ensure a more complete, easier to understand and use standards document include:

- Corrected errors and omissions
- Removed repetitive and vague language to clarify content
- Moved useful instructional guidance to its proper place in curriculum
- Edited language to make the standards tighter and more coherent

- Reordered content to create a grade-by-grade and chronological progression
- Incorporated new content in some places based on feedback
- Emphasized facts and in the standards document and moved opportunities for critical thinking and inquiry into the curriculum frameworks
- Incorporated “essential skills” into the standards
- Checked for accuracy of facts
- Emphasized the most important content with additional details and standards.

Superintendent Balow and Byrd Carmichael further described the November draft. Content changes made to ensure that broad learning goals about history, civics, economics, and geography are comprehensive include:

- Adding more specific and thorough treatment of the issue of slavery, particularly by requiring more content in earlier grades
- Adding more specific and thorough treatment of the issue of segregation, particularly by requiring more content in earlier grades
- Adding more specific and thorough treatment of the Reconstruction era
- Adding more clear and thorough treatment of the issue of the Civil Rights Movement in Virginia
- Requiring the examination of important Supreme Court cases like Dred Scott v. Sanford, Plessy v. Ferguson, Korematsu v. U.S., Buck v. Bell, Loving v. Virginia and others
- Further examining the critical role of the Founding Fathers and the principles of liberty expressed in the Declaration of Independence and codified in the U.S. Constitution
- Further explaining the importance of Women’s Suffrage and key events in history that led to the Nineteenth Amendment Providing more thorough treatment of the Constitution, the branches of government, the rule of law, how a bill becomes a law, and the role of courts, judges, and juries in grades K-3
- Examining the influence that the U.S. Declaration of Independence and Constitution have had on other countries throughout history
- Providing a thorough examination of the Electoral College and Federalist Papers
- Adding more clear and thorough treatment of the issue of the economic systems and philosophies
- Adding more American history content and more world history content in grades K-3
- Reverting to the 2015 eighth grade geography standards because of the deficiency in content in the August 2022 draft
- Creating a staircase of standards to build students’ understanding of what citizenship is, detailing its rights and responsibilities.

The Superintendent’s proposed new timeline for adoption is:

- November 17, 2022: Acceptance on first review of draft SOL by Board of Education
- November 28 - December 16, 2022: Public engagement sessions.
- January 9-13, 2023: Public hearings.

- January 2023: Review of public comments and suggested edits.
- February 2023: Final review and adoption of the 2023 History & Social Science SOL.

Superintendent Balow stated that we need to continue moving forward with curriculum frameworks as they are currently and aligning those to the standards document to get them on the same track at the same time. Superintendent Balow stated that the frameworks will come back to the Board for adoption and go through public process so they can be vetted and receive input from the public and specific communities and teachers. Mr. Hansen thanked Superintendent Balow for reaching out to all of the community groups to help increase transparency in the process.

Superintendent Balow outlined the proposed next steps in the process from the November 17 meeting to the February 2 meeting of the Board:

- Convene public hearings and input sessions
- Review statewide public comment and make edits, as necessary
- Convene additional vetting and review of final feedback and content suggestions provided from various stakeholder groups and the public, including historians, practitioners, experts and others.

November 17, 2022- Acceptance on first review of draft SOL by Board of Education

November 28- December 6, 2022-Public engagement sessions

January 9-13, 2023- Public hearings

January 2023- Review of public comments and suggested edits

February 2023- Final review and adoption of the 2023 History and Social Science SOL

Dr. Seibert expressed his concerns about the timeline and how to continue moving forward, earning the trust back from constituents regarding transparency. Mr. Hansen echoed these concerns.

Ms. Holton expressed concerns about the process and the lack of time the Board has had to review documents. Ms. Holton also expressed concerns about the number of respected leaders in the field who do not support this document and also the number of mistakes/omissions that exist in these documents. Ms. Holton also shared her concerns that even though the Martin Luther King holiday was put back in the document, he is not included in the list of our nation's leaders taught in the second grade, nor are several other of our nation's leaders and how this carries the appearance of whitewashing. The Board discussed the proposed draft at some length, with various Board members raising concerns or expressing support.

Mr. Rotherham made a motion that the department be directed to take the November document as the basis moving forward and incorporate elements from the August document, as well as all feedback, and clarify all errors and omissions. A crosswalk should also be provided for all three documents. Mr. Rotherham also asked that this information is communicated to the Board and

public in a timely manner to show transparency in the process. The motion was seconded by Ms. Creasey and passed unanimously.

Ms. Holton also requested that a comparison document be created that shows the changes between the 2015 and November document.

J. Final Review of Guidelines for Implementing the School Construction Assistance Program in the 2022-24 Biennium

The School Construction Assistance Program was created at the 2022 Special Session I of the General Assembly through the 2022 Appropriation Act (i.e., Chapter 2, [Item 137](#), Paragraph C.43; “[Item 137](#)”). That appropriation act item provides fiscal year 2023 appropriations for the program of \$400,000,000 from the general fund and \$50,000,000 from the Literary Fund to be transferred into the School Construction Fund (Fund). The Virginia Board of Education (Board) will award grants on a competitive basis from the Fund to local school boards that demonstrate poor building conditions, commitment, and need in order for such local school boards to be able to fund the construction, expansion, or modernization of public school buildings.

The legislative intent of this program is to provide funding for major school construction, renovation, or additions projects, giving priority to high-need school divisions and localities. The intent is for planned projects or those being planned that lack sufficient funding and that are not yet in the construction phase to receive funding.

The Board is required to develop guidelines for the administration of the program to include certain minimum requirements, which include establishing the competitive scoring criteria and their associated point values used in evaluating school division applications for funding. The competitive criteria must reflect the categories of Commitment, Need, and Poor School Building Conditions, and a minimum qualifying criteria score established for a project to qualify for funding. The guidelines propose various criteria covering these three categories and their assigned point values. A minimum of 65 criteria points on a 100 point scale is proposed in the guidelines as the minimum qualifying score for a project to qualify for a grant award.

School divisions will apply to the Virginia Department of Education (VDOE) for grant funding during a designated open application period. Awarded funding will be based on 10 to 30 percent of approved project costs, depending on the division composite index and the locality fiscal stress designation. Any unobligated appropriation balance for this program on June 30, 2023, must be reappropriated for expenditure in fiscal year 2024 for the same purpose.

This item aligns with Priority 1 of the Board’s Comprehensive Plan: 2018-2023 to provide high-quality, effective learning environments for all students.

Several changes are proposed to the Guidelines since first review. Those proposed changes include:

1. Expanding the applicability of Criterion 2, regarding the need for access improvements under the Americans with Disabilities Act (ADA) to include buildings being replaced by new construction, and not just for building renovation projects. This change allows this criterion to apply to both new construction and renovation projects.
2. Expanding the applicability of Criterion 3, regarding major building deficiencies to include buildings being replaced by new construction, and not just for building renovation projects. This change allows this criterion to apply to both new construction and renovation projects.
3. Revising Criterion 8, regarding the locality Fiscal Stress designation by eliminating the numeric score ranges from the criterion, and only using the qualitative designations of “High”, “Above Average”, “Below Average”, and “Low.” The numeric fiscal stress scores tied to the qualitative designations are not static and can vary across years due to updates to the source data used in the fiscal stress index calculations.
4. Revising Criterion 10, regarding the condition of other school buildings in the school division by specifying that it’s based on the majority of buildings in the division being in Poor, Fair, or Good condition.

The Superintendent of Public Instruction recommends that the Board of Education approve the *Guidelines for Implementing the School Construction Assistance Program in the 2022-2024 Biennium*.

Dr. Mann made a motion to approve the *Guidelines for Implementing the School Construction Assistance Program in the 2022-2024 Biennium* with the instruction that the department interpret them as being in effect as of July 1 unless after consultation with the attorney general they find they must do it as a date of passage, allowing Mr. Gecker to sign the report that is needed December 1. The motion was seconded by Mr. Hansen. This motion was carried unanimously.

K. First Review of Nomination to Fill Vacancy on the Early Childhood Advisory Committee

The Board’s advisory committees have three-year terms. Some of the Board's advisory committees require specific categories of expertise or geographic representation pursuant to state or federal law or regulation. A vacancy arose on the Early Childhood Advisory Committee after Mrs. Grace Creasey’s appointment to the Virginia Board of Education. Due to her appointment to the Board, she resigned from her position on ECAC as the representative of the Virginia Council on Private Education. The individual recommended for appointment is the recommended representative from the Virginia Council on Private Education.

To fill this vacancy, the nominee recommended for appointment is as follows:

Ms. Wendy Lipscomb
Director of Early Learning
The Blessed Sacrament Huguenot School

Region 1
Representing the Virginia Council on Private Education

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve this appointment to the Early Childhood Advisory Committee.

Dr. Mann made a motion to approve the nomination to Fill Vacancy on the Early Childhood Advisory Committee. The motion was seconded by Dr. Mann and carried unanimously.

L. Final Review of a Proposal to Adopt Special Provisions Regarding the Determination of the Performance Level for the Chronic Absenteeism Indicator in Accreditation Years 2023-2024 and 2024-2025

Amy Siepka, Director of Accountability, presented this item to the Board. The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) at [8VAC20-131-380 F 3](#) states the following:

The board may adopt special provisions related to the measurement and use of a school quality indicator as prescribed by the board. The board may also alter the inclusions and exclusions from the performance level calculations by providing adequate notice to local school boards.

The Virginia Department of Education (VDOE) requests that the Virginia Board of Education (Board) adopt special provisions to temporarily alter the manner in which the performance level assigned to the chronic absenteeism rate for each school is determined in accountability years 2023-2024 and 2024-2025¹. Specifically, the VDOE is asking the Board to-

- remove the 2021-2022 school year chronic absenteeism data from accreditation calculations in accountability year 2023-2024. This will result in the removal of the cumulative three-year rate and the demonstration of adequate improvement from the determination of a school's performance level for chronic absenteeism in accountability year 2023-2024 (the 2022-2023 school year data, therefore, will be the sole determinant of the chronic absenteeism rate), and
- remove the 2021-2022 school year chronic absenteeism data from the cumulative three-year rate in accountability year 2024-2025, such that the cumulative year rate will only include data from the 2022-2023 and 2023-2024 school years.

The current performance levels are described in the current SOA ([8VAC20-131-380.F.1.h](#)), and a summary follows:

- For Level One, the performance level is determined by using the best of the current or cumulative three year rate or, by using the current year rate if it is in the Level Two range, and the school demonstrated at least a 10% improvement in the chronic absenteeism rate from the previous year.

For Level Two, the performance level is determined by using the best of the current or cumulative three year rate or, by using the current year rate if it is in the Level Three range, and the school demonstrated at least a 10% improvement in the chronic absenteeism rate from the previous year.

- For Level Three, the performance level is determined by using the best of the current or cumulative three year rate, or if the school has been a Level Two or Level Three through four consecutive years.

The school year 2021-2022 chronic absenteeism data was negatively impacted by several factors related to the pandemic and was not necessarily a representative indicator of the school's programs and efforts to engage students. Therefore, [the Board adopted special provisions](#) to remove it from the determination of accreditation status in 2022-2023. In doing so, the earned performance level and chronic absenteeism rate was still assigned to, and reported for schools, though it was not considered when assigning an accreditation status (*Accredited* or *Accredited with Conditions*). When the Board approved this special provision, Board members clarified that they were approving a temporary removal of the chronic absenteeism indicator from the determination of accreditation status in 2022-2023, but would later consider how the 2021-2022 school year data would be used in the determination of the performance level for chronic absenteeism in accountability year 2023-2024 and beyond.

Due to the continued impact of the pandemic on chronic absenteeism in the 2021-2022 school year, and the exclusion of this data in the determination of accreditation status in 2022-2023, the VDOE is proposing the exclusion of 2021-2022 school year data from accountability years 2023-2024 and 2024-2025.

This exclusion results in the following:

- Accountability year 2023-2024: The performance level would be based solely on 2022-2023 school year data. Since 2021-2022 data would be excluded, there would not be a previous year to gauge adequate improvement, nor would there be three consecutive years to calculate a three-year rate.
- Accountability year 2024-2025 and beyond: The current SOA regulations will be implemented. Adequate improvement will be calculated using 2022-2023 and 2023-2024 data, and the cumulative "three-year" rate would consist of data from 2022-2023 and 2023-2024 only (2021-2022 would be excluded).

This recommendation is also made with the understanding that the chronic absenteeism indicator may need to be revisited if there are changes to the accreditation system prior to accountability year 2023-2024 that would impact how chronic absenteeism performance is calculated and reported.

It is critical to reiterate the importance of proactively addressing chronic absenteeism at the school level, and to hold schools accountable for this indicator in the accreditation model. To support local school divisions, the Office of School Quality, in conjunction with the Department of Special Education and Student Services, began a year-long collaborative learning cohort for principals and members of their attendance team to engage in a three-part E-learning series facilitated by Attendance Works. Following the E-learning series, principals and attendance team members can participate in in-person sessions and follow-up support webinars. School leaders with level 3 and level 2 performance ratings in Chronic Absenteeism were invited to join the cohort. There was an overwhelming response and we reached capacity for the current cohort. This technical assistance activity is an example of operationalizing the guidance, support and resources provided by the VDOE to promote improved policies and practices around school attendance. These initiatives seek to equip local school divisions with the guidance and interventions via training to positively impact student attendance and performance.

Dr. Seibert made a motion to approve the adoption of the Special Provisions Regarding the Determination of the Performance Level for the Chronic Absenteeism Indicator in Accreditation Years 2023-2024 and 2024-2025. The motion was seconded by Ms. Dutta. The motion was carried unanimously.

M. Final Review of Fast-Track Action to Update 8VAC20-490-30's Length of School Day Requirement

This item was presented by Jim Chapman, Regulatory and Legal Coordinator. Chapter [582](#) of the 2020 Acts of the Assembly (“Chapter [582](#)”) amended § 22.1-79.1 to standardize the minimum instructional time requirement across grades K–12. Whereas kindergarten previously required a minimum of 540 hours of instructional time, Chapter 552 requires a minimum of 990 hours of instructional time. Chapter [582](#) included a delayed enactment clause such that the amendments would become effective on July 1, 2022.

In order to comply with Chapter [582](#), the Board will need to make minor changes to 8VAC20-490-30 in order to change the length of school day requirements for local school boards. The Board has not exercised any discretion in making the required changes.

This item was previously presented to the Board and approved as an exempt action at its meeting on June 16, 2022. However, the action was not certified in time by the Office of the Attorney General and so is no longer eligible as an exempt action. The item is being represented here as a fast-track regulatory action in the same form as it was presented at the June 2022 meeting.

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve this fast-track regulatory action.

Dr. Mann made a motion to approve the Fast-Track Action to Update 8VAC20-490-30's Length of School Day Requirement. The motion was seconded by Dr. Hansen and carried unanimously.

PRESENTATIONS AND WRITTEN REPORTS

N. Discussion on Considerations to Revise Cut Scores on Grades 3-8 Math and Reading Standards of Learning

The State Superintendent recommended that the Board engage in a discussion about raising cut scores and formally commit to raising cut scores. Further, the State Superintendent recommended that the Board formally direct the VDOE to develop a plan and timeline for raising cut scores. The Superintendent and staff discussed the content and history of the setting of cut scores and raised concerns about the process and suggested that there is a divergence between SOL test results and NAEP test results that should be addressed.

Ms. Creasey made a motion that moving this forward, the superintendent examines a rationale, methodology, and assessments and communicate a plan for raising those expectations, specifically the cut scores, looking at how this will be done the future, especially the grades 3-8 areas. The motion was seconded by Mr. Rotherham. The motion carried unanimously.

O. Annual Education Preparation Program Profiles – Demonstration on the New Data Sets

This item will be moved to the February meeting.

P. Update on the Implementation of the Memorandum of Understanding between the Board of Education and Identified Divisions

This item will be moved to the February meeting.

DISCUSSION OF CURRENT ISSUES – by Board of Education Members and Superintendent of Public Instruction

The Board discussed appropriate timing for asking the Governor for authority to issue emergency regulations to address accountability and accreditation. The Board asked the Superintendent to study options for reforming accountability and return to the Board with more specific proposals and a rationale at a future meeting before asking for such emergency authorization.

Superintendent's Update

The written Superintendent's Update was provided to members in advance of the meeting and posted online.

WORK SESSION

The Board convened in a work session on Wednesday, November 16, 2022. The agenda and meeting materials can be found on the Board webpage at <https://doe.virginia.gov/boe/meetings/index.shtml#business>. The topics discussed included and update on implementation of the Virginia Literacy Act, discussion on the second draft of the Board's 2022 Annual Report on the Condition and Needs of the Public Schools in Virginia, components of strong accountability systems, components of strong accountability systems, a timeline for the revision of Virginia's accreditation and accountability systems and an overview of the Virginia's National Assessment of Educational Progress (NAEP) results. No votes were taken.

CLOSED SESSION

Dr. Mann made a motion to enter into a Closed Session in accordance with Sections § 2.2-3711 and/or 2.2-3712 of the Code of Virginia, the Virginia Freedom of Information Act, and specifically under the following enumerated subsection, the following item: Subsection 7 and 8:

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter
8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

And that Deb Love, legal counsel to the Virginia Board of Education, as well as staff members Superintendent Jillian Balow, and Tim Nuthall, whose presence would aid in this matter, participate in the closed meeting. The motion was seconded by Mr. Hansen and carried unanimously. The Board went into closed session at 7:30 pm. Dr. Mann made a motion that the Board reconvened in open session at 7:50 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**
- **Ms. Holton-aye**
- **Dr. Mann-aye**

DINNER MEETING

The Board met for a public dinner on Wednesday, November 16, 2022, 6:15 p.m. at the The Hard Shell restaurant with the following members present: Ms. Dutta, Dr. Seibert, Ms. Holton, and Mr. Rotherham attended. The following department staff attended Mrs. Jillian Balow, Superintendent of Public Instruction and Ms. Emily Webb, Director of Board Relations. No votes were taken, and the dinner event ended at 8:30p.m.

ADJOURNMENT OF THE BUSINESS SESSION

There being no further business of the Board, President Gecker adjourned the business meeting at 7:55 pm.

A handwritten signature in cursive script, appearing to read "Dan A. Gecker".

Mr. Dan Gecker, President