

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA
July 23, 2020

Pursuant to Chapter 1283 of the 2020 Acts of Assembly, the Virginia Board of Education convened in a virtual meeting on Thursday, July 23, 2020 at 10 a.m.

The meeting was open to the public for listening and viewing and livestreamed on the VDOE YouTube webpage. Oral public comment was not accepted; however, written public comment was accepted on the Board's email account at BOE@doe.virginia.gov and posted on the Board's website at <http://www.doe.virginia.gov/boe/meetings/index.shtml#business>.

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

Board Roll Call:

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

APPROVAL OF MINUTES

Dr. Durán made a motion to approve the meeting minutes of June 17, 2020 and June 18, 2020. The motion was seconded by Ms. Davis-Vaught and carried unanimously by Board roll call.

Board Roll Call:

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

Mr. Gecker welcomed the Board members, staff and the public to the Board of Education virtual meeting. He stated that the meeting is open to the public via livestream on the department's webpage and YouTube channel. Oral public comment would not be accepted due to the limitations of the platform, however written comments as of 5 p.m. the day before were accepted and posted on the meeting webpage for viewing.

ELECTION OF VICE PRESIDENT FOR THE UNEXPIRED TERM THROUGH JULY 2021

Mr. Gecker asked for nominations for the Vice President of the Board. Ms. Davis-Vaught made a motion to nominate Dr. Jamelle Wilson to serve in the role as Vice President for the Virginia Board of Education. The motion to nominate Dr. Wilson was seconded by Dr. Pexton.

Mr. Gecker asked if there was motion to close nominations. Dr. Durán made a motion to close nominations. The motion was seconded by Dr. Mann and carried unanimously by Board roll call vote.

Board Roll Call:

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

The motion to elect Dr. Jamelle Wilson as Vice President was carried unanimously by Board roll call vote.

Board Roll Call:

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

Congratulations to Dr. Wilson as Vice President of Virginia Board of Education.

CONSENT AGENDA

A. Final Review of Financial Report on Literary Fund

B. Final Review of Recommendations Concerning Literary Fund Applications Approved for Release of Funds or Placement on a Waiting List

Ms. Davis-Vaught made a motion to approve the consent agenda as presented. The motion was seconded by Dr. Durán and carried unanimously by Board roll call vote.

Board Roll Call:

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

ACTION/DISCUSSION ITEMS

C. First Review of Proposed Amendments to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8VAC20-131) to Comport with 2020 Legislation Passed by the General Assembly (Fast-Track Action)

Holly Coy, assistant superintendent of policy, equity, and communications, presented this item to the Board for first review.

Mrs. Coy reported that during the 2020 Session, the General Assembly passed legislation requiring amendments to the Board of Education’s *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (8VAC20-131). This fast-track regulatory action addresses the following legislation, which took effect on July 1, 2020:

- HB 516 and SB 112 requires the Board of Education, in establishing high school graduation requirements, to include the options for students to complete a dual enrollment course or high-quality work-based learning experience; currently, students must complete an Advanced Placement Course or International Baccalaureate course or earn a career and technical education credential.
- SB 323 requires the Board of Education, in establishing high school graduation requirements, to permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. The bill provides that for any student electing to substitute a credit in computer science for credit in world language, his school counselor shall provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

The proposed amendments to the Standards of Accreditation incorporate these legislative changes and follow the fast-track rulemaking requirements of the Administrative Process Act (APA). Section 2.2-4012.1 of the *Code of Virginia* provides that the fast-track rulemaking process may be followed for rules that are expected to be noncontroversial.

The Superintendent of Public Instruction recommended the Board of Education waive first review and approve the proposed revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Fast-track) to comport with legislation passed by the 2020 General Assembly.

Dr. Wilson made a motion to waive first review and approved the proposed revisions. The motion was seconded by Dr. Durán and carried unanimously by Board roll call vote.

Board Roll Call:

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

D. First Review of Resolution Prescribing the Standards of Quality for Public Schools in Virginia

Holly Coy, assistant superintendent of policy, equity, and communications, presented this item to the Board for first review.

The *Constitution of Virginia* ([Article VIII, § 2](#)) sets out the Board of Education’s responsibility to determine and prescribe the standards of quality for the public schools of Virginia, subject to revision only by the General Assembly. These standards, found in the *Code of Virginia* at § [22.1-253.13:1](#) through [22.1-253.13:10](#), are known as the *Standards of Quality* (SOQ) and provide the foundational program for public education in Virginia as well as serve as a primary driver of state educational funding. Section [22.1-18.01](#) of the *Code* further requires the Board of Education to biennially review the SOQ and proposes amendments as necessary.

Following a two-year process of research, feedback, and discussion, the Board of Education concluded a significant review of the SOQ in the fall of 2019. The Board prescribed eight new items, reinforced three of its recommendations from the 2016 SOQ review process, and provided two suggestions for legislative action in support of the SOQ. Each of these prescriptions were aligned with the Board’s three priorities as provided in the [Virginia Board of Education Comprehensive Plan: 2018-2023](#). In prescribing the SOQ at its October 17, 2019 business meeting, the Board of Education also resolved to execute its constitutional and statutory authority to prescribe standards of quality rather than adopt recommendations. The resolution as well as the substance of the prescriptions were transmitted to the Governor’s office and General Assembly on November 25, 2019 and included in the Board’s *Annual Report on the Condition and Needs of Public Schools in Virginia*.

Mr. Gecker noted that two bills, one in the House and another in the Senate, were introduced during the 2020 General Assembly session that would have codified the Board’s full prescription of the SOQ. While both bills passed their respective policy committees, and the Senate version passed the House, neither bill was heard in the House Appropriations Committee. This may not have constituted the mandate of revisions, therefore the need to re-prescribe comes to present, affording the Board the opportunity to review and decide if there are any changes to make and giving an opportunity to speak to more legislatives prior to session.

Dr. Pexton agreed with reviewing and re-prescribing the SOQ.

Ms. Holton stated that she is supportive of the SOQ but may have a few wording changes to the Resolution.

The Superintendent of Public Instruction recommended that the Board of Education receive the Resolution Prescribing the Standards of Quality.

The Board received this item for first review.

E. First Review of Proposed Amendments to the Regulations Governing the Employment of Professional Personnel (8VAC20-441) to Comport with Legislation Passed by the 2020 General Assembly (Exempt Action)

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

Mrs. Pitts reported that House Bill 365 and Senate Bill 98 passed by the 2020 General Assembly amended the Code of Virginia to remove (i) the option for local school boards to extend the three-year probationary term of service for teachers by up to two additional years and (ii) the prohibition against school boards reemploying any teacher whose performance evaluation during the probationary term of service is unsatisfactory.

The Board of Education's *Regulations Governing the Employment of Professional Personnel* need to be amended to comport with legislation passed by the 2020 General Assembly.

The Superintendent of Public Instruction recommended the Board of Education waive first review and approve the proposed amendment to the *Regulations Governing the Employment of Professional Personnel* (8VAC20-441) to comport with legislation passed by the 2020 General Assembly.

Dr. Durán made a motion to waive first review and approve the proposed amendment to the *Regulations Governing the Employment of Professional Personnel*. The motion was seconded by Dr. Wilson and carried unanimously by Board roll call vote.

Board Roll Call:

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

F. First Review of Guidance and Model Policy for the Notification of Protective Orders in

Public Elementary and Secondary Schools

Dr. Samantha Hollins, assistant superintendent for special education and student services, presented this item to the Board for first review.

Dr. Hollins reported that in 2019, the Virginia General Assembly, through House Bill 1997, amended the *Code of Virginia* by adding a section numbered § 22.1-279.3:2 relating to the notification of protective orders in elementary and secondary schools and enacted that: The Board of Education shall establish guidelines and develop model policies to aid local school boards in the implementation of § 22.1-279.3:2 of the Code of Virginia.

In response to HB1997, the *Guidance and Model Policy for the Notification of Protective orders in Public Elementary and Secondary Schools* was developed with input from stakeholders that included school-based personnel representing diverse Superintendent regions, the Virginia Department of Criminal Justice Services, parent representative, and specialists from the Virginia Department of Education. The *Guidance and Model Policy* offers recommendations, a model local policy, and resources to assist school divisions in responding to the notification of a protective order for a student. Recommendations include processes for the notification of essential school personnel of the protective order and a support plan for the protected student as well as sample forms to facilitate these processes. Other considerations relating to confidentiality, the Family Educational Rights and Privacy Act (FERPA), school personnel training, and collaboration with other agencies are also included.

The Superintendent of Public Instruction recommended that the Board of Education receive for first review the *Guidance and Model Policy for the Notification of Protective Orders in Public Elementary and Secondary Schools*.

The Board accepted this item on first review.

G. First Review of Proposed State Approved Textbooks for K-12 Science

Dr. Anne Petersen, science coordinator, office of STEM & innovation, presented this item to the Board for first review.

Dr. Petersen stated that it is the Board's responsibility to approve textbooks for use in Virginia's public schools, supporting the need for alignment of textbooks with the state's academic standards to ensure a solid foundation for student success.

Dr. Petersen reported that the current list of state-approved science textbooks was approved by the Board in 2012 following the adoption of the 2010 *Science Standards of Learning* and Curriculum Framework. In September 2018, the Board approved the 2018 *Science Standards of Learning* and Curriculum Framework. Local school divisions are expected to fully implement the 2018 *Science Standards of Learning* during the 2021-2022 school year and are awaiting the Board approved list in order to adopt and purchase necessary textbooks.

The Virginia Department of Education (VDOE) began the process to review science textbooks following the Board's review on July 25, 2019. The Department followed the Timeline for State Approval Process for Science and the Textbook Criteria for Science to conduct the textbook

review. In November 2019, publishers of the reviewed science textbooks submitted a Publisher's Certification and Agreement form for each textbook being considered for approval by the Board. VDOE staff members reviewed the information included in each submitted Publisher's Certification and Agreement form.

In January 2020, committees of Virginia educators received the science textbook samples along with K-12 Science Standards of Learning textbook correlations from publishers. Between January 2020 and March 2020, members of these committees conducted individual analyses of the materials using evaluation criteria for *Standards of Learning* (SOL) correlation, content, bias, and design for instructional planning and support. In March 2020, VDOE staff aggregated the analyses of committee members and shared consensus evaluations with publishers. Publishers were given an opportunity to respond to the committees' reviews and recommendations in June 2020. Changes publishers made to any documents aligned to the guidelines set out in VDOE's textbook policy. One such change was evidenced in an elementary text to address the lack of diversity cited by one of the review committee. The textbook provider revised to ensure different races were reflected in images within the books. During June and early July, consensus meetings were held with the various review committees to make the final recommendations. Based on the committee's reviews, two publishers withdrew a total of 8 textbooks from consideration. Requests by publishers for reconsideration were examined carefully by VDOE staff, and staff members began preparing the list of proposed approved science textbooks for presentation to the Board.

A list of 51 proposed recommended science textbooks, including the status of the Publisher's Certification and Agreement forms for each, can be viewed at <http://www.doe.virginia.gov/boe/meetings/2020/07-jul/item-g.docx>

A checkmark under the "YES" column indicates that the publisher of each textbook being proposed for approval has satisfactorily completed a Publisher's Certification and Agreement form. All of the textbooks have digital versions although some also offer print versions of the textbooks as well. Some publishers offer kits of materials with teacher ancillary documents to support instruction; these kits were not reviewed as part of the textbook review process. Access information has been included for those books.

Upon the Board of Education's acceptance of this proposed list of textbooks for first review, a 30-day public comment period will be announced. Public review will be conducted using a virtual platform and all student versions of texts can be accessed through the VDOE website. In addition, the public review will be announced through a Superintendent's Memo and through other VDOE communication platforms.

The Department of Education will review all public comment and report findings to the Board as they consider the list of textbooks for final review in September 2020.

The Superintendent of Public Instruction recommended that the Board of Education receive for first review the attached list of proposed recommended textbooks for K-12 science.

Dr. Wilson thanked Dr. Petersen and her team for the overview and their hard work in reviewing the textbooks making sure that they are appropriate and align to the Standards.

Dr. Durán also thanked Dr. Petersen and her team for their work especially the equity view and looks forward to receiving feedback from the public.

Ms. Holton stated that she appreciates the work the department put forth in reviewing the textbooks. She also raised a concern that there is no criteria in the rubric to judge the textbooks through an equity and inclusion lens. She feels that equity and diverse representation is incredibly important, especially in the lower grades when looking to inspire children from all backgrounds to STEM careers.

Ms. Holton recommended that the department help initiate a process to review the rubric for revisions to ensure equity and inclusion are a part of the rubric and formal review process. Ms. Holton also asked the department, when this item is returned to the Board in September, to document that the textbooks have been reviewed with an equity and inclusive lens and is satisfied with the results of that review. She also invited the public to review the textbooks and report back to the department and the Board if any concerns arise in their review.

Dr. Petersen responded that in August, department staff will conduct a review through an equity and inclusion lens and bring those results back to the Board for consideration in September.

The Superintendent of Public Instruction recommended that the Board receive for first review the list of proposed recommended textbooks for K-12 science. Lastly, Ms. Holton stated that she would like the Board to take the opportunity to review the textbooks before voting for approval.

The Board accepted this item on first review.

WRITTEN REPORT

H. Update on Early Childhood Education

Ms. Jenna Conway, chief school readiness officer, provided the Board with a written update on early childhood education in Virginia. The report can be viewed <http://www.doe.virginia.gov/boe/meetings/2020/07-jul/item-h-attachment.pptx>

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

Dr. Lane shared a brief overview of Virginia's Return to School Plan and the Reopening Guidance. The guidance has been updated once since the Governor released it in June. The change has updated the recommendations from 6ft physical distancing in the classroom to 3ft physical distancing and allowing face covering for students. Local school divisions have had this updated guidance since the end of June to allow for their planning. The Governor created metrics which allowed Virginia to move along the phases, at this time, Virginia is in phase three of economic and school reopening. Phase three recommends in-person instruction for all students as long as the mitigation strategies outlined in the guidance are met. Dr. Lane also mentioned that local school divisions can put stricter measures in place if health conditions for their locality/region demand it. Since the release of the guidance, many local school divisions are choosing a full-time virtual for the fall reopening. Some of the smaller divisions are choosing an

in-person or hybrid model approach for reopening. Ultimately, each local school division must decide what works best for their division and develop a reopening plan. The department will continue to support local school divisions in their decisions and provide technical or other assistance.

Mr. Gecker asked what role the Board would play, if any, in the reopening of schools. Dr. Lane responded that the Board will need to collaborate with the department on regulatory decisions. Dr. Lane shared some decisions will require feedback and others, approval from the Board, such as waiving accreditation, SOL testing and waivers of the 180 days/990 clock hours requirements.

Dr. Lane asked the Board what their minimum expectation of time and clock hours would be if the majority of school divisions are to open in a virtual setting.

Dr. Durán thanked Dr. Lane for his leadership, guidance and support to local school divisions and superintendents. He also shared that it has been a difficult decision for his division and those across the Northern Virginia region.

Dr. Mann agreed that more discussion was needed on the clock hours requirements in a virtual setting.

Dr. Wilson added that the focus on equity must remain consistent and persistent throughout the reopening of schools. All students must have the opportunity to progress and advance in whatever learning environment they may be in. She mentioned that in the Recover, Redesign, Restart Task Force Report, there is a section that explains return to school equity planning with recommendations. Dr. Wilson inquired about the reporting plans and requirements for local school divisions and how the Board and the department will receive information and provide support to divisions, when necessary.

Dr. Lane shared the document Guidance for Virginia Schools, Instructional Plan Under Virginia's Phase Reopening Plan. Outlined in this document, local school divisions must provide new instruction to all students.

Ms. Davis-Vaught stated that she is interested in hearing and learning how divisions handle and address equity for the coming year.

Mr. Gecker asked Dr. Lane if the department could follow up with more information about what virtual learning looks across the Commonwealth at the September Board meeting. He stated that he'd like to know how it's going overall and what guidance the Board can provide to local school divisions. Dr. Lane responded that the department will have the information available at the September meeting.

Ms. Holton spoke about the waiver of clock hours and the possibility that all classrooms or students may not have a licensed educator but rather someone that can help with learning and ensure their safety.

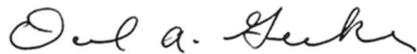
Dr. Lane stated that the department is reviewing and providing feedback and technical assistance on all of the reopening plans that divisions submit. Dr. Wilson asked that the department remain flexible with resources.

Dr. Durán thanked Dr. Pexton for chairing the Special Committee to Review the Standards of Accreditation and bringing forward the charge as we understand the positive and negative outcomes and the unintended consequences of the 2017 revisions to the SOA. Dr. Pexton thanked Dr. Durán for his comments and shared her excitement in working with Board members and staff on the review and possible revisions to the SOA.

Ms. Davis-Vaught thanked all the parents and stakeholders for sending their public comments to the Board and encouraged them to continue sending their messages and letters of concern.

ADJOURNMENT

There being no further business of the Board of Education, Mr. Gecker adjourned the business meeting call at 11:34 a.m.

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

Mr. Daniel Gecker, President