

**COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA
April 2, 2020**

Pursuant to § 2.2-3708.2 of the *Code of Virginia*, the Virginia Board of Education convened in a virtual webinar on Thursday, April 2 at 1 p.m. The purpose of this meeting was to take action on items related to the governor's declared state of emergency and items that if not acted upon could result in irrevocable public harm.

The meeting was open to the public for listening and viewing. Oral public comment was not accepted, however, written public comment was accepted on the Board's email account at BOE@doe.virginia.gov.

Board Roll Call:

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

Mr. Gecker welcomed the Board members and extended his appreciation to all for being available for the meeting. He also noted that discussions for this meeting would only pertain to issues related to COVID-19 and the declared state of emergency.

A. Final Review of Virginia's Perkins V State Plan - The Perkins V Plan submission date was extended to June 15, 2020; therefore, this item was stricken from the agenda.

B. Final Review of Emergency Guidelines for Local Alternatives to Awarding Standard Units of Credit (140-Clock Hours Requirement) Due to COVID-19

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

Dr. Sale discussed the Board's authority to promulgate guidelines for waiving the 140-clock-hour requirement per § 22.1-253.13.4 (15) in the *Code of Virginia* as well as in the *Regulations Establishing Standards for the Accreditation of Public Schools*, or *Standards of Accreditation*. Section 22.1-253.13.4 (15) of the *Code* further provide that a school division may waive the

requirement that a student receive 140 clock hours of instruction to earn a standard credit, effective with students enrolled in the 2015-2016 school year, consistent with the Standards of Quality and Board guidelines. The emergency guidelines are meant to supplement the *Guidelines for Graduation Requirements: Local Alternative Paths to Standard Units of Credit (Alternatives to the 140- Clock-hour Requirement)*, which was adopted by the Board of Education on October 22, 2015. The *Guidelines for Graduation Requirements* remain in effect for the purpose of awarding standard units of credit before or beyond the spring of 2020.

A copy of the proposed emergency guidelines is available on the Board's webpage at <http://www.doe.virginia.gov/boe/meetings/2020/04-apr/040230/item-b.docx>.

Mrs. Atkinson raised concern about the language pertaining to students who plan to enroll in a source before the end of the summer term. Was this language added to address a future situation? Dr. Sale stated that the guidelines acknowledge students who will both graduate in the spring and summer of 2020. Mrs. Atkinson requested that language be added to clarify that a student must be enrolled in the course, not just expected to enroll in the course.

Mrs. Atkinson discussed using the term "majority of the standards," which is not defined in the first section but is defined in the second section. She asked if the term should be defined. Dr. Sale responded that the second section refers to students who are not graduating in 2020 and that additional flexibility was in place for graduating seniors. Mrs. Atkinson expressed concern for consistency across the Commonwealth while still acknowledging the need to be flexible.

Mr. Gecker asked for an explanation about the differences in phrasing "completed majority" and "demonstrated mastery." He asked if one is a greater standard. Dr. Sale stated using the term "completed majority" for the students graduating this year was a very intentional language decision. For those students not graduating this year, they would have additional opportunities to demonstrate mastery of the content.

Ms. Holton thanked staff for their hard work in giving local divisions flexibility during this difficult circumstance. She asked what VDOE had done to engage with the public and education associations for their input on these documents. Dr. Lane stated that he holds briefing calls with division superintendents twice a week and this document was reviewed with them on the call. No major concerns were expressed by division superintendents. Additionally, a call was held early in the process with education associations but no specific feedback had been solicited on this document. Ms. Emily Webb, director of board relations, stated that no public comment had been received on either document.

Dr. Wilson asked how many schools or the percentage of school where this flexibility may not meet their needs or where their schedules would be a challenge to meet this flexibility. Dr. Lane responded that he was not sure of how many schools use a 4x4 block or alternate day schedule but that the language should be flexible enough to meet their needs.

Dr. Mann asked how quickly seniors and their families could be notified of these changes and flexibility to graduation requirements to help manage any anxiety they may have. Dr. Lane responded that a parent guide has been created and posted on the VDOE COVID-19 webpage.

Additionally, all of these changes have been and will continue to be communicated to division superintendents to share with their students and families, as appropriate.

Dr. Durán asked about the guidance and support being provided to students with disabilities. Dr. Sale responded that flexibility for all students, including students with disabilities, was considered and included in the document.

Dr. Hollins followed up stating that VDOE has been working closely with school divisions to ensure that students with disabilities are not being overlooked in any of the guidance or during the school closure.

Board Members discussed including language to clarify the guidelines. There was consensus among Board members to change the language to “demonstrate mastery” for both graduating seniors and underclassmen. Additionally, there was consensus that mastery could be determined by the student’s grade as of March 13, 2020.

Dr. Durán made a motion to approve the *Emergency Guidelines for Local Alternatives to Awarding Standard Units of Credit (140-Clock Hours Requirement) Due to COVID-19* with clarifying and technical edits to be made by staff based on Board consensus and allow the president and vice-president to approve the final document. The motion was seconded by Ms. Davis-Vaught and carried unanimously.

C. Final Review of Emergency Guidelines for Locally Awarded Verified Credits Due to COVID-19

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

Dr. Sale provided an overview of the Board’s authority to promulgate requirements for graduation per § [22.1-253.13:4](#) in the *Code of Virginia* as well as its *Regulations Establishing Standards for the Accreditation of Public Schools*, or Standards of Accreditation. Additionally, she discussed students currently enrolled in certain high school credit-bearing courses may be unable to earn the associated verified credit, due to the school closure and COVID-19.

The Board of Education’s *Regulations Establishing Standards for the Accreditation of Public Schools* - or *Standards of Accreditation* - establish multiple pathways for earning a verified credit, including a passing score on the associated *Standards of Learning* (SOL) assessment. Alternatively, students may use the locally-awarded verified credit process. Local school boards determine the process for administering locally-awarded verified credits, which allows students to demonstrate achievement by alternate measures such as work samples, portfolios, etc. As established in the *Standards of Accreditation*, a prerequisite for a locally-awarded verified credit is that the student must have attempted, unsuccessfully, to pass the corresponding SOL. Additionally, students are only able to apply a certain number of locally-awarded verified credits towards their graduation requirements, based on the year he or she entered high school.

The Board and VDOE pursued waivers from certain federal and state accountability requirements for the 2019-2020 year, part of which is the administration of SOL and alternative

assessments. Assuming these waivers are granted by the federal government and General Assembly, students will not be able to test in the spring of 2020 for the purpose of earning a verified credit. VDOE intends to extend the spring 2020 testing administration window to give students the opportunity to use the SOL as a pathway to a verified credit. However, interrupted instruction may undermine a student's ability to perform as well as he she might with a normal assessment timeline. If broadened, the locally-awarded verified credit process may provide needed reprieve and flexibility to these students.

By adopting the *Emergency Guidelines: Locally-Awarded Verified Credits*, the Board seeks to provide relief to those students whose ability to earn a verified credit by passing an SOL is hindered by interrupted instruction and delayed testing as a result of the extended closure. The proposed guidelines were meant to supplement the *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards For Accrediting Public Schools in Virginia*. The latter document as well as the Standards of Accreditation remain in effect for the purpose of awarding locally-awarded verified credits for students enrolled in high school credit-bearing courses prior to or following spring of 2020.

Dr. Wilson asked if the teacher would determine if a student should receive a locally-awarded verified credit followed by approval by a local panel. Dr. Lane responded that the local school division would set-up their process based on the Board's guidelines.

Dr. Durán made a motion to approve *Emergency Guidelines for Locally Awarded Verified Credits Due to COVID-19*. The motion was seconded by Mrs. Atkinson and carried unanimously.

Discussion of COVID-19 Topics

USED Provides Initial Approval to Cancel 2019-2020 Reading, Math and Science Tests

Mrs. Shelley Loving-Ryder presented to the Board information from The U.S. Department of Education giving Virginia permission to waive cancel federally mandated assessments for the 2019-2020 school year.

Dr. Lane submitted the Commonwealth's waiver application on Friday March 27, 2020, after the federal agency informed the Virginia Department of Education (VDOE) that the application did not require prior approval from the state Board of Education.

On Saturday March 28, 2020, the federal department gave VDOE the green light to implement the waiver pending formal approval later this spring.

The federal *Every Student Succeeds Act of 2015* requires states to administer annual assessments in reading and mathematics in grades 3-8 and at least once in high school. The law also requires testing in science at least once in elementary, middle and high school. On March 20, 2020, in the wake of extended school closures due to the COVID-19 pandemic, U.S. Secretary of Education Betsy DeVos announced an expedited process for approving statewide waivers of ESSA testing mandates. The commonwealth's assessment system also includes tests in writing and social

studies and history that are not required by the federal law. VDOE is exploring options for cancelling the administration of state-required SOL tests during the reconvened session of the General Assembly in April. An opportunity for public comment on this waiver will begin on Friday, April 3, 2020.

Guidance from the Department of Special Education and Student Services

Dr. Samantha Hollins, assistant superintendent, department of special education and student services, provided information to the Board regarding students with disabilities.

The VDOE created a webpage of frequently asked questions to assist local school divisions on special education and student services matters. The full FAQ can be view at the following link:

http://www.doe.virginia.gov/support/health_medical/office/covid-19-sess-faq.shtml

Guidance on Graduation Requirements, Awarding Credits, and Continuity of Learning

Mr. Michael Bolling, assistant superintendent, department of learning and innovation, provided information concerning the *Guidance on Graduation Requirements, Awarding Credits and the Continuity of Learning*. The goal of this document is to provide school divisions with information and solutions around graduation requirements, promotion, new instruction, and ease of process. The intent is not to over burden or restrict local school divisions but to provide hope, engagement, and a measure of normalcy during this period of unprecedented uncertainty. School divisions are not being asked to replicate the existing school day or year, but provide opportunities for students to make academic progress and continue to learn and grow.

This document does not address seat time, SOL testing and other assessments, and accreditation and will issue separate communications on those items once state and federal waiver processes have been completed.

School divisions are encouraged to track and collect data on the expenses related to COVID-19 that are projected to be incurred above and beyond anticipated expenditures. This data could be used to support funding to be detailed at a later date. Mr. Bolling referred the Board to the resources currently on the department's website

http://www.doe.virginia.gov/support/health_medical/office/covid-19-grad-credits.shtml

Guidance on Licensure of Instructional Personnel

Dr. Lane discussed that VDOE has been fielding questions and concerns related to the impact of closings on the licensing of instructional personnel and candidates completing approved educator preparation programs at Virginia colleges and universities. When possible, modifications to regulations will be made regarding the issuance of licenses and requirements for candidates completing programs at our institutions of higher education. A page has been created to answer the most important questions teachers have asked. A list of questions, answers and resources can

be found on VDOE website at the following link:

http://www.doe.virginia.gov/administrators/superintendents_memos/2020/083-20.docx.

Joint Guidance for Emergency Child Care during Statewide School Closure

Ms. Jenna Conway, chief school readiness officer, division of school readiness, provided information to the Board with regards to early childhood education.

Recognizing the significant impact of this school closure on families around the Commonwealth, the Governor simultaneously called on communities to provide emergency child care to young and school-aged children of essential personnel during this unprecedented pandemic. Within the healthcare industry alone, this includes approximately 80,000 children under age 12 in Virginia.

This potential child care crisis necessitates an urgent public-private response. This joint guidance document outlines a variety of options and waivers which different public and private entities and communities should consider in order to provide safe child care alternatives for essential personnel while maintaining stringent health protocols to minimize the risk of additional COVID19 spread. For purposes of this document only, essential personnel are defined at the bottom of this document.

Ms. Conway and VDOE is working closely together with the Department of Social Services (VDSS) in this effort to support critical members of the workforce and provide safe child care alternatives for their families.

As a reminder, each school, whether public or private, should consult legal counsel to ensure compliance with applicable federal or state laws and local ordinances. In addition, public schools should consult legal counsel to ensure compliance with the requirements for (1) the operation of child care programs outside of the regular school hours and (2) the authority to charge fees. The Commonwealth may have some discretionary funding to pay for children to attend emergency child care. However, federal, state and local funds appropriated to establish, support and maintain public schools shall not be used to run emergency childcare.

Joint Guidance for Student Placements Reimbursed by the Children's Services Act (Word)

Dr. Hollins provided information to the Board in reference to the collaboration with VDOE and the Office of Children Services (OCS).

Dr. Hollins explained the role of each agency in providing guidance and services to students with disabilities and local school divisions. The VDOE licenses private day facilities and the Office of Children Services oversees the reimbursement of services provided in the Children's Services Act. The agencies issued joint guidance to clarify their roles and provide information to local school divisions. VDOE has advised local school divisions to work with their local Community Policy and Management Teams (CPMT), local CSA office and partnering private day schools to discuss this matter. The VDOE has also provided guidance to school divisions to carefully consider the provision of equitable access, services, and support for a variety of students

including students who may be served by private providers. OCS has also been clear in communication that funds are able to reimburse localities for services as agreed to by the local CSA program, local school division, and private providers. There is no issued guidance from VDOE or OCS that would serve as a barrier for providing services to students served in private settings.

Ms. Holton shared that the Board has received a lot of public comment related to private day school and services for students with disabilities. She continued that she understands the complex nature of this topic with VDOE, OCS, local school divisions and private day schools. She asked where local school divisions are with this process. Dr. Hollins responded that the Office of Children Services funding mechanisms have continued despite the school closure and that the pathway to provide funding for services still exists. The continuity of learning is provided to these students by the local school division.

Ms. Holton asked that this topic be revisited for further discussion at a later Board meeting as further information may be needed.

COVID-19 Parent Guide for School-Age Children

Dr. Hollins provided information to the Board regarding a guide for parents with school-age children. This guide can be found on VDOE's website at http://www.doe.virginia.gov/support/health_medical/office/covid-19-parent-guide.shtml

The department will continuously update resources as they become available.

Dr. Wilson stated that this webpage is very well done and suspect it would be very helpful to families.

#GoOpenVA: COVID-19 Extended Closing Resources

Mr. Bolling shared with the Board the curated collection resources provided by Virginia school divisions to support educational activities when schools have extended periods of closure. The school divisions upload the resources to a database. Parents and teachers have access to use the resources. Information is communicated through superintendent's emails and notifications from the department. The complete list of school division's resources can be found on VDOE's website at <https://goopenva.org/curated-collections/22>

COVID-19 Briefing

Dr. Lane informed the Board of the frequently asked questions website page. This page answers the many questions school divisions and parents have in reference to the school closure. The page has questions and answers pertaining to all departments and is frequently updated. The staff has done an incredible job managing the page and providing information and support to the

schools and communities. The list of the frequently asked questions can be viewed at http://www.doe.virginia.gov/support/health_medical/office/covid-19-faq.shtml.

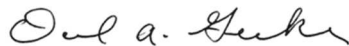
Ms. Webb also added that all of the documents presented today are listed on VDOE website. A resource page was created to get to this information quickly and can be viewed at www.doe.virginia.gov/covid19.

Dr. Durán thanked Dr. Lane for his leadership, approach and demeanor in supporting school divisions and families in human aspect and to VDOE staff for their hard work during this difficult time.

Mr. Gecker acknowledged the work and attendance of Susan Williams, assistant attorney general, and Holly Coy, deputy secretary of education.

In closing, Mr. Gecker also thanked staff for their countless hours in providing support and guidance to local school divisions and the Board for their participation in the meeting. .

There being no further business of the Board of Education, Mr. Gecker adjourned the virtual webinar meeting at 3:13 p.m.



Daniel Gecker
President