

**DRAFT MINUTES
COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA
July 24, 2019**

The Board of Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, with the following members present:

Mr. Daniel A. Gecker, President
Ms. Kim Adkins
Dr. Francisco Durán
Dr. Jamelle Wilson

Mrs. Diane Atkinson, Vice President
Ms. Pamela Davis-Vaught
Dr. Keisha Pexton
Dr. James F. Lane,
Superintendent of Public Instruction

Mr. Gecker called the meeting to order at 9:30 a.m.

EXECUTIVE SESSION

Mrs. Atkinson made a motion to go into executive session under *Virginia Code §2.2-3711(A) (40)*, for the purpose of discussion and consideration of records relating to denial, suspension, or revocation of teacher licenses, and that Susan Williams, legal counsel to the Virginia Board of Education; as well as staff members Dr. James Lane, Patty Pitts, Nancy Walsh, Tonya Kish and Kevin Foster whose presence will aid in this matter, participate in the closed meeting. The motion was seconded by Dr. Wilson and was carried unanimously. The Board went into executive session at 9:33 a.m. Mrs. Atkinson made a motion that the Board reconvened in open session at 12:05 p.m. The motion was seconded by Dr. Wilson and carried unanimously.

Mr. 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 this chapter 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. Any member who believes there was a departure from these requirements shall so state prior to the vote, indicating the substance of the departure that, in his or her judgement, has taken place. The statement of the departure will be recorded in the minutes.

Board roll call:

- Dr. Durán – yes

- Mrs. Atkinson - yes
- Mr. Gecker - yes
- Dr. Wilson - yes
- Ms. Adkins - yes
- Dr. Pexton – yes
- Ms. Davis-Vaught - yes

The Board made the following motions:

Dr. Durán made a motion to issue a license (reinstatement) with the following endorsements: Emotional Disturbance K-12 and Specific Learning Disabilities K-12 in Case 1. The motion was seconded by Mrs. Atkinson and carried unanimously.

Dr. Wilson made a motion to deny an endorsement in Administration and Supervision to Yvette Amberet Disnew. The motioned was seconded by Mrs. Atkinson and carried unanimously.

Ms. Atkins made a motion to suspend the license of Eve Minter through July 31, 2020. The motion was seconded by Mrs. Atkinson and it carried unanimously.

Dr. Wilson made a motion to revoke the license of Robyn Manning Skidmore. The motion was seconded by Mrs. Atkinson. Ms. Atkins voted no.

Mrs. Atkinson made a motion to revoke the license of Robert Keith Rowe. The motion was seconded by Dr. Wilson and Dr. Durán recused himself.

Dr. Durán made a motion to issue a license (extension of Provisional License) in Case 6. The motion was seconded by Mrs. Atkinson and carried unanimously.

ADJOURNMENT

There being no further business of the Board of Education, Mr. Gecker adjourned the executive session at 12:09 p.m.

Daniel Gecker
President

**DRAFT MINUTES
COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA
July 25, 2019**

The Board of Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, with the following members present:

Mr. Daniel A. Gecker, President
Ms. Kim Adkins
Dr. Francisco Durán
Dr. Jamelle Wilson

Mrs. Diane Atkinson, Vice President
Ms. Pamela Davis-Vaught
Dr. Keisha Pexton
Dr. James F. Lane,
Superintendent of Public Instruction

Dr. Lane called the meeting to order at 9:00 a.m.

MOMENT OF SILENCE

Dr. Lane asked for a moment of silence.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance followed the moment of silence.

ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE BOARD OF EDUCATION, 2019-2021

Dr. Lane asked for nominations for the President of the Board. Mrs. Atkinson nominated Mr. Daniel Gecker, highlighting Mr. Gecker's strong leadership over the past two years as president and continued work towards the priorities and goals of the comprehensive plan. The nomination for Mr. Gecker was seconded by Dr. Durán. There were no other nominations for President of the Board. All members were in favor of Mr. Gecker as President of the Board and the motion carried. Congratulations to President Gecker.

Mr. Gecker asked for nominations for the Vice President of the Board. Dr. Wilson nominated Mrs. Diane Atkinson to serve in the role as Vice President. The nomination was seconded by Ms. Adkins. There were no other nominations for Vice President of the Board. All

members were in favor of Mrs. Atkinson as Vice President of the Board and the motion carried. Congratulations to Vice President Atkinson.

APPROVAL OF MINUTES

Dr. Durán made a motion to approve the minutes of June 19-20, 2019, meeting of the Board. The motion was seconded by Dr. Pexton. Six members were in favor. Ms. Adkins abstained. Copies of the minutes had been distributed in advance of the meeting.

Introduction of New Board Member

President Gecker introduced newly appointed member to the Board, Ms. Pamela Davis-Vaught. Ms. Davis-Vaught is an elementary school principal in Bristol, Virginia.

During Executive Session on Wednesday, Ms. Davis-Vaught participated in voting prior to taking the oath, therefore, the Board took time to revote on the following licensure cases:

Board roll call:

- Dr. Durán – yes
- Mrs. Atkinson - yes
- Mr. Gecker - yes
- Dr. Wilson - yes
- Ms. Adkins - yes
- Dr. Pexton – yes

Dr. Durán made a motion to issue a license (reinstatement) with the following endorsements: Emotional Disturbance K-12 and Specific Learning Disabilities K-12 in Case 1; the motion was seconded by Mrs. Atkinson and carried unanimously.

Dr. Wilson made a motion to deny an endorsement in Administration and Supervision to Yvette Amberet Disnew; the motion was seconded by Mrs. Atkinson and carried unanimously.

Dr. Wilson made a motion to suspend the license of Eve Minter through July 31, 2020; the motion was seconded by Mrs. Atkinson and Dr. Durán voted no.

Mrs. Atkinson made a motion to revoke the license of Robyn Manning Skidmore; the motion was seconded by Dr. Pexton and carried unanimously.

Mrs. Atkinson made a motion to revoke the license of Robert Keith Rowe; the motion was seconded by Ms. Adkins. Dr. Durán recused himself.

Dr. Durán made a motion to issue a license (extension of Provisional License) in Case 6; the motion was seconded by Mrs. Atkinson and carried unanimously.

PUBLIC COMMENT

- Sean Campbell spoke on the proposed *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*.
- Alex Campbell spoke on the proposed *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*.
- Cornelia H. Long spoke on the caseload maximums for speech pathologists in the public schools.
- Beth Tolley spoke on proposed *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*.
- Teresa Champion, on behalf of the Virginia Autism Project, spoke on the proposed *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*.
- Jim Livingston, on behalf of the VEA, spoke on the Board's proposed revisions to the Standards of Quality.

CONSENT AGENDA

- A. Final Review of Quarterly Financial Report on Literary Fund; Update to the First Priority Waiting List**
- B. Final Review of Guidelines for Providing Loan Interest Rate Subsidy Grant Payments for the Virginia Public School Authority Pooled Bond Program**
- C. Final Review of Revisions to the Regulations Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Hours to Conform to 2019 General Assembly Legislation (Exempt Action)**
- D. Final Review of Proposed Revisions to the Guidelines for Considering and Approving Requests for Pre-Labor Day Openings to Comport with 2019 Legislation**
- E. Final Review of Proposed Amendments to Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131) to Comport with 2019 Legislation Passed by the General Assembly (Exempt Action)**
- F. Final Review of the Notice of Intent for Regulatory Action to the Regulations Governing Secondary School Transcripts**

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

ACTION/DISCUSSION ITEMS

G. Final Review of Proposed Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia (Final Stage)

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

§22.1-279.1:1 of the *Code of Virginia* was enacted by the Virginia General Assembly in 2014, requiring the Virginia Board of Education to adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth that (i) are consistent with its Guidelines for the Development of Policies and Procedures for Managing Student Behavior in Emergency Situations and the Fifteen Principles contained in the U.S. Department of Education's Restraint and Seclusion Resource Document.

The Virginia Department of Education sought extensive stakeholder input, involving at least five separate meetings prior to drafting the proposed regulations, and received extensive public comment. Stakeholders held sharply divided views on the proposed regulations, and, as a result, the Board considered the proposed regulations at length in five meetings and a Board work session. The Board's final review of the proposed stage of these regulations was approved on March 23, 2017. Additionally, the 2019 Virginia General Assembly passed House Bill 2599, requiring the Board to specifically, "(1) identify and prohibit the use of any method of restraint or seclusion that it determines poses a significant danger to the student, and (2) establish safety standards for seclusion." VDOE staff believes that the proposed regulations currently express the Board's determinations on these matters.

Dr. Hollins informed the Board of two edits since the June Board meeting (highlighted below):

(1) 8 VAC 20-750-5. Application.

A. This chapter is applicable to all students and school personnel in the public elementary and secondary schools of the Commonwealth of Virginia, as defined in 8 VAC 20-750-20. These regulations govern the use of seclusion and restraint utilized for the purpose of behavioral intervention. **This chapter does not apply to any secure facility or detention home as defined in §16.1-288 of the Code of Virginia, or to any facility operated by the Virginia Department of Behavioral Health and Developmental Services.**

(2) 8 VAC 20-750-10. Definitions related to permitted and prohibited actions.

2. As used in this chapter, “student” or “students” shall not include children meeting compulsory attendance requirements of § 22.1-254 of the Code of Virginia by: (i) enrollment in private, denominational, or parochial schools; (ii) receipt of instruction by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the relevant division superintendent; (iii) receipt of home instruction pursuant to § 22.1-254 of the Code of Virginia or (iv) receipt of instruction in a secure facility or detention home as defined in §16.1-288 of the Code of Virginia or in a facility operated by the Virginia Department of Behavioral Health and Developmental Services. With regard to restraint and seclusion, students placed through public or private means in a private day or residential school for students with disabilities shall be afforded the protections set forth in 8 VAC 20-671.

Dr. Hollins spoke on the specific wording of “prone restraints” and stated that although a great many local school division programs would be unaffected by a ban on prone restraints, the same could not be said for programs that operate within the public school system. She stated that banning prone restraints would be prohibiting local school divisions from using carefully designed and trained emergency procedures that allow them to provide support to individuals with significant behavioral support needs.

Dr. Hollins reported that citing multiple sources of information, data and research; it is premature to ban an entire category of procedures that share only a generic descriptor (prone) when incidents fall into three main categories 1. Evidence of the implementation of a poorly designed procedure (which the proposed regulations have addressed through the use of only evidence based practices) 2. Vague descriptions of the improvised holds 3. A lack of information about the hold except for the face up face down distinction. In the collection of the Hartford Courant on Deadly Restraint, it documents that all instances that resulted in fatalities in which no system of crisis management was ever listed (VA proposed regulations combat this issue by requiring all school divisions to adopt a crisis management system that is evidence based and requires a staff training component for all staff who may come into contact with students).

While this discussion has not specifically centered around supine positions there is no empirical evidence that suggests that supine holding is safer than prone holding. Research from the Journal of Clinical Outcomes Management found that more injuries occurred to both staff and clients in a supine position than in a prone position (Henderson et al. 2005).

A complete ban on prone holding can easily end up doing far more harm than good because it will remove valuable tools from the hands of trained and qualified teachers. Such a ban could increase

the risk of injury for a group of students who may have otherwise been manageable, allowing them to remain in a more inclusive/ less restrictive environment.

Dr. Hollins provided examples, outlined below, of prone restraints that do not restrict breathing.

Restraint Reduction Network

- It is often cited that there is a need to ban prone restraint because it causes positional asphyxia. Positional asphyxia is a multifactorial event with body position being one of a range of causative factors
- Restraint related deaths have occurred in standing, seated prone and supine positions
- The real issue of concern is whether or not any form of manual restraint compresses the chest, compromises breathing along with additional risk factors
- Staff should plan interventions around the specific needs of students taking into account any risk factors that might place the students in a more vulnerable position
- As with any emergency procedure staff should be competent in the use of manual restraint in a way that provides the safety and dignity of all students

Handle with Care

- Primary Restraint Technique (PRT) is the only physical technique or method ever granted a patent in the history of the U. S. Patent Office for its safeguards to prevent chest compression and the possibility of positional asphyxiation. The “tripod modification” is a weight bearing bridge that enable staff to perform a safe prone floor hold without placing any weight on an individual back or chest.
- Used by regional programs in the Commonwealth of Virginia working in collaboration with the U. S. Department of Education’s Office of Civil Rights.

The Premature Call for a Ban on Prone Restraint: A Detailed Analysis of the Issues and Evidence, April 2009, The Professional Crisis Management Association

- Misconception that all prone holding causes chest compression and/or cardiac arrhythmias
 - Many advocates contend that prone holding irrespective of other factors results in chest compression and that this compression (directly/indirectly) produces cardiac events
 - It is clear that applying full weight of an adult to the back or front of a person lying on the ground can greatly compress the chest
- Professional Crisis Management (PCM) prone hold avoids all contact with the torso therefore eliminating any additional weight compress to the chest

- Scientific evidence (Masters and Wandless, *Psychiatric Services Journal* in 2005) did a pulse oximeter study on individuals in prone and standing restraints and noted no instances of respiratory distress

The Superintendent of Public Instruction recommended that the Board approve the proposed *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia* (Final Stage).

After much discussion, the Board determined that on page 15, 8 VAC 20-750-30 Prohibited actions, number four, needed to be reworded. The proposed language is as follows:

Use of seclusion or prone (i.e. lying “facedown”) restraint or any other restraints that would restrict breathing or harm the student.

Ms. Adkins made a motion to change the language as stated above. The motion was seconded by Mrs. Atkinson and carried unanimously.

After careful discussion, the Board recommended to amend the language on page 24, 8 VAC 20-750-100. Training as follows:

1. Ensure that all school personnel receive initial training that focuses on skills related to positive behavior support, conflict prevention, de-escalation, and in crisis response including follow-up support and social and emotional strategy support for students, staff and families.

Dr. Durán made a motion to amend number one on page 24, 8 VAC 20-750-100. Training as stated above. The motion was seconded by Dr. Pexton. Dr. Wilson requested to strike the word “initial” from the recommended language. All members agreed with Dr. Wilson’s suggestion and the motion carried unanimously.

Dr. Durán made a motion to approve the proposed *Regulations Governing the use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia* (Final Stage). The motion was seconded by Mrs. Atkinson and carried unanimously.

Dr. Wilson thanked Dr. Hollins and her team for providing leadership during this long process. Dr. Hollins followed up by thanking her staff and John Eisenberg, former assistant superintendent for special education and student services, for their work on these regulations.

After the Assistant Attorney General reviewed the language, additional clarification was needed for 8 VAC 20-750-30 Prohibited actions on page 15, number four, therefore, resulting in separating seclusion and prone, moving each item down.

Ms. Adkins made a motion to adopt separating seclusion and prone, making two separate sentences. The motion was seconded by Mrs. Atkinson and carried unanimously.

Dr. Durán made a motion to approve the proposed *Regulations Governing the use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia* (Final Stage). The motion was seconded by Mrs. Atkinson and carried unanimously. The Board-approved language of the proposed *Regulations Governing the use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia* (Final Stage) is provided below.

***REGULATIONS GOVERNING THE USE OF SECLUSION AND RESTRAINT IN PUBLIC
ELEMENTARY AND SECONDARY SCHOOLS IN VIRGINIA***

8VAC20-750-5. Application.

A. This chapter is applicable to all students and school personnel in the public elementary and secondary schools of the Commonwealth of Virginia, as defined in 8VAC20-750-20. This chapter governs the use of seclusion and restraint for the purpose of behavioral intervention. [This chapter does not apply to any secure facility or detention home as defined in §16.1-228 of the Code of Virginia, or to any facility operated by the Virginia Department of Behavioral Health and Developmental Services.]

B. To comply with this chapter, school personnel must first determine whether the action constitutes restraint or seclusion, as defined in 8VAC20-750-10. If the action does not meet the definition, or if the action falls under any of the "does not include" portions of the definitions in 8VAC20-750-10, then school personnel may act within their reasonable discretion. If the action falls within the definition of restraint or seclusion, it may be used, but only under the circumstances described in 8VAC20-750-40 and 8VAC20-750-50, and is subject to the other requirements of this chapter.

C. 8VAC20-750-30 identifies certain practices that constitute restraint or seclusion that may be detrimental to the health, safety, or dignity of the student and that may never be used by school personnel.

8VAC20-750-10. Definitions related to permitted and prohibited actions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Aversive stimuli" means interventions that are intended to induce pain or discomfort to a student for the purposes of punishing the student or eliminating or reducing maladaptive behaviors, such as:

1. *Noxious odors and tastes;*
2. *Water and other mists or sprays;*
3. *Blasts of air;*
4. *Corporal punishment as defined in § 22.1-279.1 of the Code of Virginia;*
5. *Verbal and mental abuse;*
6. *Forced exercise when:*
 - a. *The student's behavior is related to the student's disability;*
 - b. *The exercise would have a harmful effect on the student's health; or*
 - c. *The student's disability prevents participation in such activities.*
7. *Deprivation of necessities, including:*
 - a. *Food and liquid at a time it is customarily served;*
 - b. *Medication; or*
 - c. *Use of the restroom; or*

"Corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline.

"Mechanical restraint" means the use of any material, device, or equipment to restrict a student's freedom of movement. The term "mechanical restraint" does not include the devices implemented by trained school personnel or used by a student that have been prescribed by an appropriate medical or related service professional and are used with parental consent and for the specific and approved purposes for which such devices were designed, such as:

1. *Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;*
2. *Vehicle restraints, including seat belts, when used as intended during the transport of a student in a moving vehicle;*
3. *Restraints for medical immobilization;*
4. *Orthopedically prescribed devices that permit a student to participate in activities without risk of harm; or*
5. *High chairs and feeding stations used for age or developmentally appropriate students.*

"Pharmacological restraint" means a drug or medication used on a student to control behavior or restrict freedom of movement that is not (i) prescribed by a licensed physician or other qualified health professional under the scope of the professional's authority for the standard treatment of a student's medical or psychiatric condition and (ii) administered as prescribed by a licensed physician or other qualified health professional acting under the scope of the professional's authority.

"Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move freely. The term "physical restraint" does not include (i) briefly holding a student to calm or comfort the student; (ii) holding a student's hand or arm to escort the student safely

from one area to another; or (iii) the use of incidental, minor, or reasonable physical contact or other actions designed to maintain order and control.

"Restraint" means mechanical restraint, physical restraint, or pharmacological restraint.

"Seclusion" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Provided that no such room or space is locked, the term "seclusion" does not include (i) time-out, as defined in this chapter; (ii) in-school suspension; (iii) detention; (iv) student-requested breaks in a different location in the room or in a separate room; (v) removal of a student for a short period of time from the room or a separate area of the room to provide the student with an opportunity to regain self-control, so long as the student is in a setting from which the student is not physically prevented from leaving; (vi) removal of a student for disruptive behavior from a classroom by the teacher as provided in § 22.1-276.2 of the Code of Virginia; or (vii) confinement of a student alone in a room or area from which the student is physically prevented from leaving during the investigation and questioning of the student by school personnel regarding the student's knowledge of or participation in events constituting a violation of the code of student conduct, such as a physical altercation, or an incident involving drugs or weapons.

"Time-out" means a behavioral intervention in which the student is temporarily removed from the learning activity but in which the student is not confined.

8VAC20-750-20. General definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Behavioral intervention plan" or "BIP" means a plan that utilizes positive behavioral interventions and supports to address (i) behaviors that interfere with a student's learning or that of others or (ii) behaviors that require disciplinary action.

"Board" means the Virginia Board of Education.

"Business day" means Monday through Friday, 12 months of the year, exclusive of federal and state holidays (unless holidays are specifically included in the designation of business days).

"Chapter" means these regulations, that is, Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia, 8VAC20-750.

"Calendar days" means consecutive days, inclusive of Saturdays and Sundays. Whenever any period of time fixed by this chapter expires on a Saturday, Sunday, federal holiday, or state holiday, the period of time for taking such action shall be extended to the next day that is not a Saturday, Sunday, federal holiday, or state holiday.

"Child with a disability" or "student with a disability" means a public elementary or secondary school student evaluated in accordance with the provisions of 8VAC20-81 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disability (referred to in 8VAC20-81 as an emotional disability), an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities who, by reason thereof, requires special education and related services. This also

includes developmental delay if the school division recognizes this category as a disability under 8VAC20-81-80 M 3. If it is determined through an appropriate evaluation that a child has one of the disabilities identified but only needs related services and not special education, the child is not a child with a disability under 8VAC20-81. If the related service required by the child is considered special education rather than a related service under Virginia standards, the child would be determined to be a child with a disability. As used in this chapter, the disability categories set forth in this definition and the terms "special education" and "related services" shall have the meanings set forth in 8VAC20-81-10.

"Day" means calendar day unless otherwise designated as business day or school day.

"Department" means the Virginia Department of Education.

"Evaluation" means procedures used in accordance with 8VAC20-81 to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.

"Functional behavioral assessment" or "FBA" means a process to determine the underlying cause or functions of a student's behavior that impede the learning of the student or the learning of the student's peers. A functional behavioral assessment may include a review of existing data or new testing data or evaluation as determined as set forth in 8VAC20-750-70.

"Individualized education program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised at least annually in a team meeting in accordance with the Regulations Governing Special Education Programs for Children with Disabilities in Virginia (8VAC20-81). The IEP specifies the individual educational needs of the child and what special education and related services are necessary to meet the child's educational needs.

"Individualized education program team" or "IEP team" means a group of individuals described in 8VAC20-81-110 that is responsible for developing, reviewing, or revising an IEP for a child with a disability.

"School day" means any day, including a partial day, that students are in attendance at school for instructional purposes. The term has the same meaning for all students in school, including students with and without disabilities.

"School personnel" means individuals employed by the school division on a full-time or part-time basis or as independent contractors or subcontractors as instructional, administrative, and support personnel and include individuals serving as a student teacher or intern under the supervision of appropriate school personnel.

"Section 504 plan" means a written plan of modifications and accommodations under Section 504 of the Rehabilitation Act of 1973 (29 USC § 794).

"Student" means any student, with or without a disability, enrolled in a public elementary or secondary school as defined in § 22.1-1 of the Code of Virginia.

- 1. For purposes of this chapter, the term "student" shall also include those students (i) attending a public school on a less-than-full-time basis, such as those students identified in § 22.1-253.13:2 N of the Code of Virginia; (ii) receiving homebound instruction*

pursuant to 8VAC20-131-180 and as defined in 8VAC20-81-10, without regard to special education status; (iii) receiving home-based instruction pursuant to 8VAC20-81-10; and (iv) who are preschool students enrolled in a program operated by a school division or receiving services from school personnel.

2. As used in this chapter, "student" shall not include children meeting compulsory attendance requirements of § 22.1-254 of the Code of Virginia by (i) enrollment in private, denominational, or parochial schools; (ii) receipt of instruction by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the relevant division superintendent; or (iii) receipt of home instruction pursuant to § 22.1-254 of the Code of Virginia [or (iv) receipt of instruction in a secure facility or detention home as defined in §16.1-28 of the Code of Virginia or in a facility operated by the Virginia Department of Behavioral Health and Developmental Services]. With regard to restraint and seclusion, students placed through public or private means in a private day or residential school for students with -disabilities shall be afforded the protections set forth in 8VAC20-671.

8VAC20-750-30. Prohibited actions.

A. The following actions are prohibited in the public elementary and secondary schools in the Commonwealth of Virginia:

1. Use of mechanical restraints.
2. Use of pharmacological restraints.
3. Use of aversive stimuli.
4. Use of [prone restraints (i.e. lying face down) [~~restraint~~] or [any other restraints] [~~seclusion in any manner~~] that [restrict] [~~restricts~~] a student's breathing or [harm] [~~harms~~] the student.
- [5. Use of seclusion that restricts a student's breathing or harms the student.]
- [~~5~~] [6.] . Use of physical restraint or seclusion as (i) punishment or discipline; (ii) a means of coercion or retaliation; (iii) a convenience; (iv) to prevent property damage, or in any manner other than as provided in 8VAC20-750-40 and 8VAC20-750-50.
- [~~6~~] [7.] Use of corporal punishment.
- [7.] [8.] Use of seclusion rooms or freestanding units not meeting the standards set forth in this chapter.
- [~~8~~] [9.] Use of restraint or seclusion when medically or psychologically contraindicated as stated in documentation by the IEP team, the student's Section 504 team, school professionals, or by a licensed physician, psychologist, or other qualified health professional under the scope of the professional's authority.

B. Nothing in this section shall be construed to prohibit physical restraint or seclusion under the conditions outlined in 8VAC20-750-40 and 8VAC20-750-50.

8VAC20-750-40. Use of physical restraint and seclusion.

A. Nothing in this chapter shall be construed to require a school division to employ physical restraint or seclusion in its schools. School divisions electing to use physical restraint and seclusion shall comply with the requirements of this chapter.

B. School personnel may implement physical restraint or seclusion only when other interventions are or would be, in the reasonable judgment of the particular school personnel implementing physical restraint or seclusion in an emergency situation, ineffective and only to:

- 1. Prevent a student from inflicting serious physical harm or injury to self or others;*
- 2. Quell a disturbance or remove a student from the scene of a disturbance in which such student's behavior or damage to property threatens serious physical harm or injury to persons;*
- 3. Defend self or others from serious physical harm or injury;*
- 4. Obtain possession of controlled substances or paraphernalia that are upon the person of the student or within the student's control; or*
- 5. Obtain possession of weapons or other dangerous objects that are upon the person of the student or within the student's control.*

C. Physical restraint and seclusion shall be discontinued as soon as the imminent risk of serious physical harm or injury to self or others presented by the emergency situation has dissipated.

D. Nothing in this section shall be construed to require school personnel to attempt to implement a less restrictive intervention prior to using physical restraint or seclusion when, in the reasonable judgment of the school personnel in an emergency situation, a less restrictive intervention would be ineffective.

E. Unless a student's damage to property creates an imminent risk of serious physical harm or injury to the student or others, the damage of property does not itself indicate an imminent risk of serious physical harm or injury and shall not be the justification for the restraint or seclusion of a student.

F. Any incident involving physical restraint or seclusion in any of the circumstances described in this section shall be subject to the requirements of 8VAC20-750-50 through 8VAC20-750-100.

8VAC20-750-50. Seclusion; standards for use.

A. School divisions electing to use seclusion as permitted by this chapter shall meet the following structural and physical standards for rooms designated by the school to be used for seclusion:

- 1. Any seclusion room or area shall be free of any objects or physical features that may cause injury to the student.*
- 2. Any seclusion room or area shall be of sufficient dimensions and shall have sufficient lighting, heating, cooling, and ventilation to comport with the dignity and safety of the student.*
- 3. Windows in the seclusion room shall be constructed to minimize breakage and otherwise prevent the occupant from harming himself.*
- 4. All space in the seclusion room shall be visible through the door, either directly or by mirrors.*

B. School divisions electing to use seclusion as authorized by this chapter shall provide for the continuous visual monitoring of any seclusion, either by the presence of school personnel in

the seclusion room or area or observation by school personnel through a window, viewing panel, or half-door.

C. School divisions electing to use seclusion as authorized by this chapter shall include within their local policies and procedures provisions that address the appropriate use and duration of seclusion based upon the age and development of the student.

8VAC20-750-60. Notification and reporting.

A. When any student has been physically restrained or secluded:

- 1. The school personnel involved shall report the incident and the use of any related first aid to the school principal or the principal's designee as soon as possible by the end of the school day in which the incident occurred; and*
- 2. The school principal or the principal's designee, or other school personnel shall make a reasonable effort to ensure that direct contact is made with the student's parent, either in person or through telephone conversation, or other means of communication authorized by the parent, such as email, to notify the parent of the incident and any related first aid on the day the incident occurred.*

B. When any student has been physically restrained or secluded after the regular school day, the notifications required by subsection A of this section shall be made as soon as practicable in compliance with the school division's school crisis, emergency management, and medical emergency response plan required by § 22.1-279.8 of the Code of Virginia.

C. As soon as practicable, but no later than two school days after an incident in which physical restraint or seclusion has been implemented, the school personnel involved in the incident or other school personnel, as may be designated by the principal, shall complete and provide to the principal or the principal's designee a written incident report. The school division shall provide the parent with a copy of the incident report within seven calendar days of the incident.

The written incident report shall contain information sufficient to inform the parent about the incident. Such information would typically include the following:

- 1. Student name, age, gender, grade, and ethnicity;*
- 2. Location of the incident;*
- 3. Date, time, and total duration of incident, including documentation of the beginning and ending time of each application of physical restraint or seclusion;*
- 4. Date of report;*
- 5. Name of person completing the report;*
- 6. School personnel involved in the incident, their roles in the use of physical restraint or seclusion, and documentation of their completion of the division's training program;*
- 7. Description of the incident, including the resolution and process of return of the student to the student's educational setting, if appropriate;*
- 8. Detailed description of the physical restraint or seclusion method used;*
- 9. Student behavior that justified the use of physical restraint or seclusion;*

10. Description of prior events and circumstances prompting the student's behavior, to the extent known;

11. Less restrictive interventions attempted prior to the use of physical restraint or seclusion, and an explanation if no such interventions were employed;

12. Whether the student has an IEP, a Section 504 plan, a BIP, or other plan;

13. If a student, school personnel, or any other individual sustained bodily injury, the date and time of nurse or emergency response personnel notification and the treatment administered, if any;

14. Date, time, and method of parental notification of the incident, as required by this section; and

15. Date, time, and method of school personnel debriefing.

D. Following an incident of physical restraint or seclusion, the school division shall ensure that, within two school days, the principal or the principal's designee reviews the incident with all school personnel who implemented the use of physical restraint or seclusion to discuss:

1. Whether the use of restraint or seclusion was implemented in compliance with this chapter and local policies; and

2. How to prevent or reduce the future need for physical restraint or seclusion.

E. As appropriate, depending on the student's age and developmental level, following each incident of physical restraint or seclusion the school division shall ensure that, as soon as practicable, but no later than two school days or upon the student's return to school, the principal or the principal's designee shall review the incident with the student involved to discuss:

1. Details of the incident in an effort to assist the student and school personnel in identifying patterns of behaviors, triggers, or antecedents; and

2. Alternative positive behaviors or coping skills the student may utilize to prevent or reduce behaviors that may result in the application of physical restraint or seclusion.

F. The principal or the principal's designee shall regularly review the use of physical restraint or seclusion to ensure compliance with school division policy and procedures. When there are multiple incidents within the same classroom or by the same individual, the principal or the principal's designee shall take appropriate steps to address the frequency of use.

8VAC20-750-70. School division policies and procedures.

A. Each school division that elects to use physical restraint or seclusion shall develop and implement written policies and procedures that meet or exceed the requirements of this chapter and that include, at a minimum, the following:

1. A statement of intention that the school division will encourage the use of positive behavioral interventions and supports to reduce and prevent the need for the use of physical restraint and seclusion.

2. Examples of the positive behavioral interventions and support strategies consistent with the student's rights to be treated with dignity and to be free from abuse that the school division uses to address student behavior, including the appropriate use of effective alternatives to physical restraint and seclusion.

3. *A description of initial and advanced training for school personnel that addresses (i) appropriate use of effective alternatives to physical restraint and seclusion and (ii) the proper use of restraint and seclusion.*

4. *A statement of the circumstances in which physical restraint and seclusion may be employed, which shall be no less restrictive than that set forth in 8VAC20-750-40 and 8VAC20-750-50.*

5. *Provisions addressing the:*

a. Notification of parents regarding incidents of physical restraint or seclusion, including the manner of such notification;

b. Documentation of the use of physical restraint and seclusion;

c. Continuous visual monitoring of the use of any physical restraint or seclusion to ensure the appropriateness of such use and the safety of the student being physically restrained or secluded, other students, school personnel, and others. These provisions shall include exceptions for emergency situations in which securing visual monitoring before implementing the physical restraint or seclusion would, in the reasonable judgment of the school personnel implementing the physical restraint or seclusion, result in serious physical harm or injury to persons; and

d. Securing of any room in which a student is placed in seclusion. These provisions shall ensure that any seclusion room or area meet specifications for size and viewing panels that ensure the student's safety at all times, including during a fire or other emergency, as required by this chapter.

B. School divisions utilizing school resource officers shall enter into a memorandum of understanding with local law enforcement addressing the use of seclusion and restraint by law enforcement personnel in school settings.

C. Each school division shall review its policies and procedures regarding physical restraint and seclusion at least annually and shall update these policies and procedures as appropriate. In developing, reviewing, and revising its policies, school divisions shall consider the distinctions in emotional and physical development between elementary and secondary students and between students with and without disabilities.

D. Consistent with § 22.1-253.13:7 D of the Code of Virginia, a current copy of a school division's policies and procedures regarding restraint and seclusion shall be posted on the school division's website and shall be available to school personnel and to the public. School boards shall ensure that printed copies of such policies and procedures are available as needed to citizens who do not have online access.

E. In developing their policies and procedures, school divisions shall give due consideration to practices that encourage parent involvement and collaboration with regard to these matters.

8VAC20-750-80. Prevention; multiple uses of restraint or seclusion.

A. In the initial development and subsequent review and revision of a student's IEP or Section 504 plan, the student's IEP or Section 504 team shall consider whether the student displays behaviors that are likely to result in the use of physical restraint or seclusion. If the IEP or Section 504 team determines that future use is likely, the team shall consider, among other things,

the need for (i) an FBA; (ii) a new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; (iii) any new or revised behavioral goals; and (iv) any additional evaluations or reevaluations.

Within 10 school days following the second school day in a single school year on which an incident of physical restraint or seclusion has occurred, the student's IEP or Section 504 team shall meet to discuss the incident and to consider, among other things, the need for (i) an FBA; (ii) a new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; (iii) any new or revised behavioral goals; and (iv) any additional evaluations or reevaluations.

B. For students other than those described in subsection A of this section, within 10 school days of the second school day in a single school year on which an incident of physical restraint or seclusion has occurred, a team consisting of the parent, the principal or the principal's designee, a teacher of the student, school personnel involved in the incident (if not the teacher or administrator already invited), and other appropriate school personnel, such as a school psychologist, school counselor, or school resource officer, as determined by the school division, shall meet to discuss the incident and to consider, among other things, the need for (i) an FBA; (ii) a new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; and (iii) a referral for evaluation.

C. Nothing in this section shall be construed to (i) excuse the team convened under subsection B of this section or its individual members from the obligation to refer the student for evaluation if the team or members have reason to suspect that the student may be a student with a disability; or (ii) prohibit the completion of an FBA or BIP for any student, with or without a disability, who might benefit from these measures but whose behavior has resulted in fewer than two incidents of physical restraint or seclusion in a single school year.

8VAC20-750-90. Annual reporting.

The principal or the principal's designee shall submit to the division superintendent a report on the use of physical restraint and seclusion in the school based on the individual incident reports completed and submitted to the principal or the principal's designee by school personnel pursuant to 8VAC20-750-60 C. The division superintendent shall annually report the frequency of such incidents to the Superintendent of Public Instruction on forms that shall be provided by the Department of Education and shall make such information available to the public.

8VAC20-750-100. Training.

School divisions that employ physical restraint or seclusion shall:

- 1. Ensure that all school personnel receive [~~initial~~] training that focuses on skills related to positive behavior support, conflict prevention, de-escalation, and crisis response [including follow-up support and social-emotional strategy support for students, staff, and families];*
- 2. Ensure that all school personnel receive initial training regarding the regulations, policies, and procedures governing the use of physical restraint and seclusion;*

3. *Provide advanced training in the use of physical restraint and seclusion for at least one administrator in every school building and for school personnel assigned to work with any student whose IEP or Section 504 team determines the student is likely to be physically restrained or secluded; and*
4. *Ensure that any initial or advanced training is evidence-based.*

8VAC20-750-110. Construction and interpretation.

Nothing in this chapter shall be construed to modify or restrict:

1. *The initial authority of teachers to remove students from a classroom pursuant to § 22.1-276.2 of the Code of Virginia;*
2. *The authority and duties of school resource officers and school security officers, as defined in § 9.1-101 of the Code of Virginia, except to the extent governed by a memorandum of understanding between the local law enforcement agency and the school division;*
3. *The authority of the Virginia Department of Juvenile Justice with regard to students in its custody at any of its sites or in any of its programs; or*
4. *The civil immunity afforded teachers employed by local school boards for any acts or omissions resulting from the supervision, care, or discipline of students when such acts or omissions are within such teacher's scope of employment and are taken in good faith in the course of supervision, care, or discipline of students, unless such acts or omissions were the result of gross negligence or willful misconduct, as provided in § 8.01-220.1:2 of the Code of Virginia.*

H. Final Review of an Amendment to Virginia's Consolidated State Plan under the Every Student Succeeds Act of 2015 (ESSA) – Amendment Three

Dr. Lynn Sodat, director, office of ESEA Programs, presented this item to the Board for final review.

Dr. Sodat explained in detail the needed amendments to Virginia's consolidated state plan under the Every Student Succeeds Act of 2015 (ESSA). If approved, accountability changes will be implemented beginning with accountability ratings for the 2019-2020 school year.

Graduation Rate

The Federal Graduation Indicator (FGI) is currently calculated using the previous year's cohort data. Under ESSA, states are no longer required to identify schools for support and improvement prior to the beginning of the school year. This more flexible timeline permits Virginia to use the current year's cohort data to calculate the FGI. The amendment proposes to use current year data for this calculation; no changes to the targets are proposed.

Mathematics Targets

In accordance with Virginia’s standards and assessment review schedule, new Standards of Learning mathematics tests were administered during the 2018-2019 school year. The new targets must be submitted to the U.S. Department of Education (USED) for review and approval. The proposed targets are provided in the table below. As in previous years when new tests were administered, the new baseline for each student group is used as the current year’s target. In instances where the targets have changed, the previous targets are denoted using strikethrough and the new targets are underlined.

Mathematic Targets

	Baseline	Year 2 Targets	Year 3 Targets	Year 4 Targets	Year 5 Targets	Year 6 Targets	Long Term Goal
Assessment Year	2018- 2019	2018- 2019	2019- 2020	2020- 2021	2021- 2022	2022- 2023	2023- 2024
Accountability Year		2019- 2020	2020- 2021	2021- 2022	2022- 2023	2023- 2024	2024- 2025
All Students	75	74* <u>75</u>	74* <u>75*</u>	74* <u>75*</u>	74* <u>75*</u>	74* <u>75*</u>	70
Asian Students	91	89* <u>91</u>	89* <u>91*</u>	89* <u>91*</u>	89* <u>91*</u>	89* <u>91*</u>	70
Black Students	60	62 <u>60</u>	63 <u>62</u>	65 <u>64</u>	66	68	70
Economically Disadvantaged Students	63	64 <u>63</u>	65 <u>64</u>	66	67	68	70
English Learners	61	59 <u>61</u>	61 <u>62</u>	63 <u>64</u>	65 <u>66</u>	67 <u>68</u>	70
Hispanic Students	65	65	66	67	68	69	70
Students with Disabilities	40	47 <u>40</u>	51 <u>46</u>	56 <u>52</u>	60 <u>58</u>	65 <u>64</u>	70
White Students	83	81* <u>83</u>	81* <u>83*</u>	81* <u>83*</u>	81* <u>83*</u>	81* <u>83*</u>	70

Chronic Absenteeism Targets

The chronic absenteeism targets were calculated using the average rate of chronic absenteeism in each student group as the baseline and ten percent or less of students chronically absent as the long term goal. The amendment proposes to use the chronic absenteeism rate of the school at the 20th percentile of enrollment as the baseline and to

update the baseline data by using the 2017-2018 school year as the baseline year. This methodology is aligned with the methodology used to determine other federal targets. The proposed targets are provided in the table below.

Chronic Absenteeism Targets

	Baseline	Year 2 Targets	Year 3 Targets	Year 4 Targets	Year 5 Targets	Year 6 Targets	Long Term Goal
Assessment Year	2017- 2018	2018- 2019	2019- 2020	2020- 2021	2021- 2022	2022- 2023	2023- 2024
Accountability Year		2019- 2020	2020- 2021	2021- 2022	2022- 2023	2023- 2024	2024- 2025
All Students	15	14	13	12	12	11	10
Asian Students	10	10	10	10	10	10	10
Black Students	16	15	14	13	12	11	10
Economically Disadvantaged Students	21	19	17	15	13	11	10
English Learners	14	13	13	12	12	11	10
Hispanic Students	16	15	14	13	12	11	10
Students with Disabilities	22	20	18	16	14	12	10
White Students	16	15	14	13	12	11	10

Title II, Part A, Use of State Set-Aside Funds

In the coming months, the Board of Education will consider revisions to the teacher performance standards and evaluation criteria. The amendment proposes to use Title II, Part A, state level set-aside funds to support training and technical assistance to school divisions on upcoming revisions to the teacher evaluation system. This use of funds is proposed as an addition to initiatives that are currently supported with Title II, Part A, state level set-aside funds.

Additional Description to Support Amendment Two

In late June, USED approved the second amendment to Virginia’s state plan. The amendment provided the definition of ineffective teacher – a teacher who is both out-of-

field and inexperienced – that was approved by the Board to meet federal reporting requirements. The approval letter indicated that by September 15, 2019, Virginia must include in the state plan a description of how low-income and minority students enrolled in Title I schools are not served at disproportionate rates by ineffective teachers. USED has indicated that updating a data table in the plan to include data on the new definition should fulfill this requirement. The proposed additions to the plan are underlined in the plan excerpt below.

The Superintendent of Public Instruction recommended the Board of Education approve the amendments to Virginia’s consolidated state plan. Upon approval, the amendments will be submitted to the U.S. Department of Education for review and approval.

Ms. Adkins made a motion to approve the amendments to Virginia’s consolidated state plan. The motion was seconded by Mrs. Atkinson and carried unanimously.

I. Final Review of Advisory Board on Teacher Education and Licensure Recommendations for the Annual Education Preparation Program Profile Required by the Regulations Governing the Review and Approval of Education Programs in Virginia

Mrs. Patty S. Pitts, assistant superintendent for teacher education and licensure, presented this item to the Board for final review. Mrs. Pitts introduced Dr. Tricia Stohr-Hunt, chair of the Advisory Board on Teacher Education and Licensure (ABTEL) and chair of the education department at the University of Richmond.

The Board of Education’s *Regulations Governing the Review and Approval of Education Program in Virginia* (8VAC20-543), effective August 23, 2018, require an annual Education Preparation Program Profile to be published and posted on the Department of Education’s website.

Mrs. Pitts highlighted the eleven requirements that are the recommendations from ABTEL to be included in the annual reported. The twelfth item is other data required by the Board.

During first review in June, the Board asked if this data and information was duplicative of other collections that the institutions of higher education are already required to submit. Mrs. Pitts explained that the data is not duplicative. During the June meeting, the Board requested that this item be shared with all of the deans and directors of Virginia colleges and schools of education to receive additional feedback.

Mrs. Pitts highlighted the recommendations in red font from ABTEL for the program profile as follows:

1. Institution's accreditation status;
2. Education endorsement program status;
3. Number of candidates admitted in education endorsement programs;
Number of candidates enrolled in education endorsement programs;

Definitions:

Admitted. *Admitted means candidates who have applied and are accepted (admitted) into an education endorsement program during the academic year (September 1 through August 30).*

Enrolled. *Enrolled means all candidates who were admitted in previous academic years continuing in the educator preparation program for the academic year (September 1 through August 30).*

4. Comparison of candidates admitted to education endorsement programs to overall college or university population;
 - The number of non-underrepresented minority candidates compared to underrepresented minority candidates admitted to education endorsement programs in the educator preparation program compared to the overall institution at large.
 - The number of candidates admitted to education endorsement programs in the educator preparation program by gender non-binary and ethnicity compared to the overall institution at large.
 - The number candidates by in-state, out-of-state, or international status admitted to education endorsement programs in the educator preparation program compared to the overall institution at large.
 - The number of part-time and full-time candidates admitted to the educator preparation program compared to the overall institution at large;
 - Candidates' status of financial aid need, based on eligibility for the PELL grant admitted to education endorsement programs in the educator preparation program compared to the overall institution at large; Recommend that this be stricken, most colleges and universities cannot provide this data.
 - The median Grade Point Average (GPA) of candidates upon graduation in the educator preparation program compared to the overall institution at large.
5. Number of program completers for each endorsement program;
6. Number of program noncompleters for each endorsement program;
7. Biennial accountability data results;

8. Satisfaction ratings by school administrators and clinical experience supervisors of student teachers;

Response format: Narrative (1,000 words or less)

Definition

Ratings. Indicators of quality as collected by each educator preparation program. (Examples include surveys, focus groups, sampling, interviews, and observations, etc.)

Recommend to change Satisfaction to Program and include “or” after “and”.

9. Satisfaction ratings by employers of program graduates;

Response format: Narrative (1,000 words or less)

Definition

Ratings. Indicators of quality as collected by each educator preparation program. (Examples include surveys, focus groups, sampling, interviews, and observations, etc.)

Additional clarification will be provided.

10. Satisfaction ratings of program graduates within two years of employment;

Response format: Narrative (1,000 words or less)

Definition

Ratings. Indicators of quality as collected by each educator preparation program. (Examples include surveys, focus groups, sampling, interviews, and observations, etc.)

Additional clarification will be provided.

11. Recognition of other program achievements; and

Response format: Narrative (1,000 words or less)

If so, please list and briefly describe the programs.

12. Other data as required by the Board of Education.

- The percentage of scholarships awarded to non-underrepresented minorities compared to underrepresented minorities and the dollar value of scholarships awarded to non-underrepresented minorities compared to underrepresented minorities in the educator preparation program. Recommend that this be stricken, colleges and universities states that this is not available to report at this time.
- The number of underrepresented minority full-time education faculty members in the educator preparation program.
- Does the educator preparation program offer any specific underrepresented minority pipeline programs working with prek-12 partners? If so, please list the programs.
Response format: Narrative (1,000 words or less)
- Describe efforts to market, recruit, and retain individuals in the educator preparation program.

Response format: Narrative (1,000 words or less)

The Superintendent of Public Instruction recommended the Board of Education approve the Advisory Board on Teacher Education and Licensure's recommendations for the Annual Education Preparation Program Profile.

Dr. Wilson made a motion to approve ABTEL's recommendation for the Annual Education Preparation Program Profile, based on the comments and suggestions from higher institutions. The motion was seconded by Dr. Durán and carried unanimously.

J. First Review of Proposed Revisions to the Standards of Quality

Mr. Zachary Robbins, director of policy, presented this item to the Board for first review.

The *Constitution of Virginia* (Article VIII, § 2) requires the Board of Education to prescribe 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. Every two years, as required by § 22.1-18.01 of the Code, the Board of Education reviews the SOQ and proposes amendments as necessary.

On Wednesday July 24, 2019, during the Committee on the Standards of Quality meeting, Mr. Robbins and Ms. Emily Webb, director of board relations, presented revised SOQ proposals to the Board for their consideration. The three amended proposals that were discussed were:

- Targeted Compensation Adjustments
- At-Risk-Add-On Programs
- Teacher Leaders and Teacher Mentors

Four new proposals were presented based on discussion of previous meetings:

- Reading Specialist
- Work-Based Learning Coordinators
- Expansion of Class Size Reduction
- Principal Mentorship

Mr. Robbins recapped the discussion from Wednesday's SOQ committee meeting. The most substantial change requested by the Board was to consolidate the targeted compensation adjustment proposal with the At-Risk Add-On proposal and class-size reduction proposals. These proposals will be revised to better serve at-risk students and include incentives to attract

experienced teachers to teach in challenged schools or reduce class-sizes for inexperienced teachers.

Other changes discussed on Wednesday include reviewing the metric for reading specialist and other technical edits. Mrs. Atkinson expressed concerns about continuing to keep At-Risk Add-On funds flexible for school divisions to target services to at-risk students.

Additional discussion was based on priorities and the recommendations for revisions. Staff will make additional revisions based on Board discussion and present them at the September board meeting.

The Superintendent of Public Instruction recommended the Board of Education receive for first review the 2019 revisions to the Standards of Quality.

The Board accepted this item for first review.

K. First Review of Proposed Amendments to the Licensure Regulations for School Personnel (8 VAC20-23) to Comport with Legislation Passed by the General Assembly Under the Fast Track Provisions of the Administrative Process Act

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

Mrs. Pitts provided an overview of the process that the Board and staff took for the most recent comprehensive review of the *Licensure Regulations for School Personnel*, which became effective in August 2018. During this time, there were changes to the statute that required regulatory action; however, the Registrar of Regulations asked staff to hold on making the needed regulatory changes while the comprehensive review of the *Licensure Regulations for School Personnel* was in the final stages of the executive review process.

The proposed amendments to the *Licensure Regulations for School Personnel* include changes needed to align with statutory changes from the 2017, 2018 and 2019 General Assembly sessions. The link below illustrates the proposed revisions, which are color-coded by year:

<http://www.doe.virginia.gov/boe/meetings/2019/07-jul/item-k-attachment.docx>

The Superintendent of Public Instruction recommended the Board of Education receive for first review the proposed revisions to the *Licensure Regulations for School Personnel* to comport with legislation passed by the General Assembly and authorize Department of Education staff to make technical edits, if necessary, and continue with the procedures of the Administrative Process Act.

The Board accepted this item for first review.

L. First Review of the Proposed 2017 Computer Science Standards of Learning Curriculum Framework

Mr. Timothy Ellis, computer science specialist, office of science, technology, engineering and math presented this item to the Board for first review. Mr. Ellis introduced Dr. Anne Petersen, science coordinator.

Mr. Ellis reported that the Standards of Learning are a critical communication with the citizens of the Commonwealth, parents, the business community, and higher education because the Standards convey expectations and intended outcomes for K-12 education. Equally as important, the Standards and the frameworks serve as the key guidance for instructional leaders and teachers of computer science curricula and computer science program.

The 2017 Computer Science Standards of Learning was approved by the Board of Education in November 2017. The current standards may be viewed online at http://www.doe.virginia.gov/testing/sol/standards_docs/computer-science/index.shtml .

The Computer Science Curriculum Framework is constructed either to prepare teachers for the integration of computer science content and practices within core content instruction (K-8) or to support the instruction of secondary computer science coursework. School divisions should use the Computer Science Curriculum Framework as a resource for developing sound curricular and instructional programs. This framework should not limit the scope of instructional programs

Mr. Ellis stated that the Computer Science Standards Curriculum Framework writing process was a collaborative effort, which included computer science teachers and leaders. This committee met and reviewed both national and international computer science curricula and provided feedback.

Each topic in the Computer Science Standards of Learning Curriculum Framework was developed around the Standards of Learning. The format of the Curriculum Framework facilitates teacher planning by broadening the context of the standards and identifying essential student skills that should be the focus of instruction.

A sample of the curricula framework is shown below:

Kindergarten

The kindergarten standards place emphasis on developing awareness of computing and computing

devices by gathering and organizing data, by sorting or step-by-step actions. Students will use accurate terminology to identify components and describe their purposes. Students will also be introduced to communication, security, and responsible computing behaviors. The use of technology will be an integral part of successful acquisition of skills in all content areas.

Algorithms and Programming

K.1 The student will construct sets of step-by-step instructions (algorithms) either independently or collaboratively including sequencing, emphasizing the beginning, middle, and end.

Context of the Standard		
<p>At school and at home, students engage in step-by-step activities on a routine basis. These may include such activities as brushing their teeth or preparing to leave school at the end of the school day. When students document these step-by-step instructions, they are creating algorithms. As students learn to construct simple algorithms that reflect a daily activity, they realize that the sequences use have a beginning, middle, and end. Just as people use algorithms to complete daily routines, they can program computers to use algorithms to complete different tasks. Algorithms are commonly implemented using a precise language that computers can interpret.</p>		
Essential Skills	Essential Questions	Essential Vocabulary
<p>Students should <i>demonstrate</i> these skills:</p> <ul style="list-style-type: none"> • Identify daily activities that are completed using a sequence of steps. • Describe the steps taken to accomplish an activity. • As a class, construct a sequence of steps to accomplish an activity. • Identify the beginning, middle and end of a sequence of steps. 	<p>Students should <i>investigate</i> these concepts:</p> <ul style="list-style-type: none"> • What are examples of activities that are part of a daily routine? • What are the steps of an activity that you perform frequently? • How does having a defined sequence of steps make an activity easier? 	<p>Students should be <i>introduced</i> to these concepts:</p> <ul style="list-style-type: none"> • Sequence

Following the Board of Education's acceptance of the proposed 2017 Computer Science Standards of Learning Curriculum Framework for first review, the Department of Education will receive public comment for at least 30 days. During the public comment period, feedback will be solicited from stakeholders through an online comment platform and through webinars hosted by the Department of Education. This feedback will inform changes to be made to the document prior to submitting the Curriculum Framework to the Board of Education for final review. It is anticipated that final review of the 2017 Computer Science Standards of Learning Curriculum Framework will be at the Board's September 19, 2019 meeting.

The Superintendent of Public Instruction recommended the Board of Education accept the proposed 2017 Computer Science Curriculum Framework for first review.

The Board received this item for first review.

REPORTS

M. Report on the Process for State Approval of Textbooks for K-12 Science (written report)

Dr. Anne Peterson provided a written report on the process for state approval of textbooks for K-12 Science.

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

Dr. Wilson acknowledged her participation in the Virginia is for All Learners Education Equity Summer Institute, July 9-10, sponsored by the Department of Education. Dr. Wilson also moderated a panel discussion at the Richmond Chamber of Commerce with Secretary Qarni and Dr. Lane, to talk about how the work of the Board is affecting and supporting the efforts of the Commonwealth to drive the economy and workforce development.

Dr. Durán acknowledged his attendance and panel participation at the Virginia is for All Learners Education Equity Summer Institute, July 9-10.

DINNER MEETING

The Board met for a public dinner on Wednesday, July 24, 2019, 6:00 p.m. at the Berkley Hotel with the following members present: Mrs. Atkinson, Ms. Adkins, Ms. Davis-Vaught, Dr. Durán, Mr. Gecker, Dr. Pexton, and Dr. Wilson. The following department staff attended Dr. James

Lane, superintendent of public instruction and Ms. Emily Webb, director of board relations. Mrs. Teresa Champion, a member of the public, also attended the dinner meeting. The following topics were discussed informally:

- Introductions and welcome to new Board member, Pamela Davis-Vaught;
- Board participation in upcoming Blue Ribbon and Teacher of the Year selection committees;
- Concerns about the volume of cases for executive sessions;
- Selecting the Board representative to ABTEL; and
- Regulations Governing the Use of Seclusion and Restraint on Public Elementary and Secondary Schools in Virginia.

No votes were taken, and the dinner event ended at 7:20 p.m.

ADJOURNMENT OF THE BUSINESS SESSION

There being no further business of the Board of Education, Mr. Gecker adjourned the business meeting at 11:41 a.m.

Mr. Daniel Gecker, President