

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

April 28, 2016

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

Mrs. Joan E. Wodiska, Vice President
Mrs. Diane T. Atkinson
Dr. Oktay Baysal
Mr. Wesley J. Bellamy

Mr. James H. Dillard
Mr. Daniel A. Gecker
Mrs. Elizabeth V. Lodal
Mr. Sal Romero, Jr.

Dr. Steven R. Staples, Superintendent of
Public Instruction

Mrs. Wodiska, presiding, called the meeting to order at 9 a.m. Dr. Cannaday was absent due to a family commitment.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mrs. Wodiska asked for a moment of silence and led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Mrs. Atkinson made a motion to approve the minutes of March 17, 2016, meeting of Board. The motion was seconded by Mr. Gecker and carried with six votes with abstentions from Mrs. Lodal and Mr. Bellamy. Copies of the minutes had been distributed in advance of the meeting.

NEW BOARD MEMBER

Mrs. Wodiska welcomed new Board member, Mr. Wesley J. Bellamy, to the Board. Mr. Bellamy was appointed by Governor McAuliffe to serve a four-year term beginning January 30, 2016 through January 29, 2020.

RESOLUTIONS/RECOGNITION

- Resolutions of Recognition were presented to Milken Family Foundation Educator Award Winners:
 - Lauren Anne Wilson, Teacher, C. D. Hylton High School, Prince William County Public Schools
 - Amber Dortch, Principal, Hugo A. Owens Middle School, Chesapeake City Public Schools
- A Resolution of Recognition to Commemorate the Week of May 2-6, 2016, as Teacher Appreciation Week was presented to Jane Brooks, president of the Virginia PTA and Jeffrey Pennington, vice president of the Virginia Education Association.

PUBLIC COMMENT

The following persons spoke during public comment:

- Meg Heubeck, spoke on 2016 Leadership Initiation National Mock Election
- Michael Kirby, spoke on 2016 Leadership Initiation National Mock Election
- James Batterson, spoke on ABTEL recommendations regarding licensure regulations
- Ravi Myneni, spoke on the advisory committee on gifted education

APPROVAL OF AGENDA

Mrs. Atkinson made a motion that Item G, *First Review of Regulations Governing the Collection and reporting of Truancy Related Data and Student Attendance Policies*, 8 VAC 20-730 (Final Stage), be removed from the agenda until next month. The motion was seconded by Mr. Gecker and carried unanimously.

CONSENT AGENDA

Mrs. Atkinson made a motion to approve the consent agenda. The motion was seconded by Mrs. Lodal and carried unanimously.

Final Review of Financial Report on Literary Fund

With the Board's approval of the consent agenda, the Board of Education approved the financial report (including all statements) on the status of the Literary Fund as of December 31, 2015.

ACTION/DISCUSSION ITEMS

Final Review of Revised Memoranda of Understanding for Petersburg City Public Schools as Required for Divisions under Division Level Review

Mrs. Beverly Rabil presented this item. Mrs. Rabil's presentation included the following:

- The Standards of Quality (SOQ) require local school boards to maintain *Fully Accredited* schools and to take corrective actions for schools that are not *Fully Accredited*.

§ [22.1-253.13.3](#). Standard 3. Accreditation, other standards and evaluation.

...Each local school board shall maintain schools that are fully accredited pursuant to the standards of accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to Section [22.1-253.13.6](#).

- Additionally, Section 8 VAC 20-131-300 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) requires school divisions with Accreditation Denied schools to enter into a Memorandum of Understanding (MOU) with the Virginia Board of Education and implement a corrective action plan to improve student achievement in the identified schools.

Any school rated Accreditation Denied in accordance with [8 VAC 20-131-300](#) shall be subject to actions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school board.

The local board shall submit status reports detailing implementation of actions prescribed by the memorandum of understanding to the Board of Education. The status reports shall be signed by the school principal, division superintendent, and the chair of the local school board. The school principal, division superintendent, and the chair of the local school board may be required to appear before the Board of Education to present status reports.

The memorandum of understanding may also include but not be limited to:

1. *Undergoing an educational service delivery and management review. The Board of Education shall prescribe the content of such review and approve the reviewing authority retained by the school division.*
2. *Employing a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success.*

- In April 2004, Petersburg City Public Schools and the Virginia Board of Education (VBOE) signed an initial division level MOU. Based on the 2005-2006 assessment results, Petersburg City Public Schools entered into a second MOU on November 20, 2006. On November 17, 2009, the Virginia Board of Education revised the MOU for Petersburg City Public Schools. This MOU was to have remained in effect until all schools were *Fully Accredited*. As required by the MOU, Petersburg City Public Schools developed a corrective action plan beginning in the 2009-2010 school year. An updated corrective action plan was approved by the VBOE on October 24, 2013.
- In fall 2015, the superintendent of Petersburg City Schools resigned and the Petersburg School Board appointed Dr. Linda Shifflette as the interim superintendent. Dr. Shifflette began work in Petersburg in early November 2015. In December 2015, teams from the Offices of School Improvement, Special Education Program Improvement, and Student Services conducted an on-site review in Petersburg City Public Schools. One of the purposes of this review was to identify areas of need within Petersburg City schools so that corrective actions could be determined. Once all reports are finalized, the Petersburg Corrective Action Plan required under the MOU will be revised to reflect needs identified in the on-site review.
- In January 2016 the Petersburg City School Board announced its search for a new superintendent with the goal that a new superintendent would be named prior to the start of the 2016-2017 school year. In preparation for the appointment of a new superintendent, a revised MOU has been developed and signed by the Petersburg City School Board Chairperson.

Board discussion:

- Mr. Bellamy said he is confident that Dr. Marcus Newsome will be a positive leader in Petersburg. Mr. Bellamy said the Petersburg community has complete support from the Board of Education.
- Mrs. Lodal said she agreed with Mr. Bellamy and is confident that Dr. Newsome will turn the situation around in Petersburg. Mrs. Lodal said she hopes other educators will follow Dr. Newsome and work with school divisions that are struggling.
- Mr. Gecker noted that this is the twelfth year that Petersburg has operated under the MOU. Mr. Gecker said he would like the Board to start a new agenda looking at data and treating school divisions differently based upon certain characteristics.
- Mr. Bellamy said the precedent set by the Board moving forward should be methodical and strategic in handling the situation in Petersburg.
- Dr. Staples noted the new governance element in the MOU for Petersburg City Public Schools which clarified the roles of the local school board, central office staff, state Board, and Department of Education staff.
- Mrs. Lodal thanked Dr. Staples for the clarification of additional responsibilities in the MOU. Mrs. Lodal asked Dr. Staples to report on the visit that he and Dr. Cannaday made to Petersburg Public Schools.

Mrs. Atkinson made a motion to approve the Memorandum of Understanding with Petersburg City Public Schools as required for divisions under Division Level Review. The motion was seconded by Mr. Bellamy and carried unanimously.

Final Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Accredite the Teacher Education Program at Lynchburg College through a Process Approved by the Board of Education

Mrs. Patty Pitts, assistant superintendent, Division of Teacher Education and Licensure, presented this item. Mrs. Pitts introduced Dr. Roger Jones, dean, School of Education, Leadership Studies and Counseling, Lynchburg College. Mrs. Pitts' presentation included the following:

Regulations Governing the Review and Approval of Education Programs in Virginia

- The *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-542-10 et seq.) set forth the options for the accreditation of "professional education programs" at Virginia institutions of higher education. The regulations define the "professional education program" as the Virginia institution, college, school, department, or other administrative body within a Virginia institution of higher education, or another Virginia entity for a defined educator preparation program that is primarily responsible for the preparation of teachers and other professional school personnel. The regulations, in part, stipulate the following:

8VAC20-542-20. Administering the regulations.

- A. Professional education programs in Virginia shall obtain national accreditation from the National Council for the Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education....

- E. If a professional education program fails to maintain accreditation, enrolled candidates shall be permitted to complete their programs of study. Professional education programs shall not admit new candidates. Candidates shall be notified of program approval status....

8VAC20-542-30. Options for accreditation or a process approved by the Board of Education.

- A. Each professional education program in Virginia shall obtain and maintain national accreditation from the National Council for the Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education.
- B. Each Virginia professional education program seeking accreditation through a process approved by the Board of Education shall be reviewed. A report of the review shall be submitted to the Board of Education in accordance with established timelines and procedures and shall include one of the following recommendations:
1. Accredited. The professional education program meets standards outlined in 8VAC20-542-60.
 2. Accredited with stipulations. The professional education program has met the standards minimally, but significant weaknesses have been identified. Within a two-year period, the professional education program shall fully meet standards as set forth in 8VAC20-542-60.
 3. Accreditation denied. The professional education program has not met standards as set forth in 8VAC20-542-60. The State Council of Higher Education for Virginia (SCHEV) shall be notified of this action by the Department of Education.
- C. Professional education program accreditation that has been denied may be considered by the Board of Education after two years if a written request for review is submitted to the Department of Education.
- D. Professional education programs in Virginia seeking accreditation through NCATE, TEAC, or an accreditation process approved by the Board of Education shall adhere to the following requirements:
1. Accredited professional education programs shall be aligned with standards in 8VAC20-542-60; and
 2. Accredited professional education programs shall be aligned with competencies in 8VAC20-542-70 through 8VAC20-542-600.
- E. Professional education programs in Virginia seeking accreditation through a process approved by the Board of Education shall follow procedures and timelines as prescribed by the Department of Education....
- Section 20-542-60 of the *Regulations Governing the Review and Approval of Education Programs in Virginia* provides the standards and indicators for the Board of Education approved accreditation process. The four standards are as follows:

Standard 1: Program Design. The professional education program shall develop and maintain high quality programs that are collaboratively designed and based on identified needs of the preK-12 community.

Standard 2: Candidate Performance on Competencies for Endorsement Areas. Candidates in education programs shall demonstrate the knowledge, skills, and dispositions to meet professional, state, and institutional standards to ensure student success.

Standard 3: Faculty in Professional Education Programs. Faculty in the professional education program represent well-qualified education scholars who are actively engaged in teaching and learning.

Standard 4: Governance and Capacity. The professional education program demonstrates the governance and capacity to prepare candidates to meet professional, state, and institutional standards.

- Section 207 of Title II of the Higher Education Act (HEA) reporting requirements mandates that the U.S. Secretary of Education collect data on standards for teacher certification and licensure, as well as data on the performance of teacher preparation programs. The law requires the Secretary to use these data in submitting its annual report on the quality of teacher preparation to Congress. In addition, states were required to develop criteria, procedures, and processes from which institutions “at-risk of becoming low-performing” and “low-performing institutions” could be identified. A copy of the Board of Education’s *Definitions for At-Risk of Becoming Low-Performing and Low-Performing Institutions of Higher Education in Virginia as Required by Title II of the Higher Education Act (HEA), revised May 19, 2011*.
- The professional education program is the Virginia institution, college, school, department, or other administrative body within a Virginia institution of higher education or another Virginia entity for a defined educator preparation program that is primarily responsible for the preparation of teachers and other professional school personnel. The professional education program has a designated dean, director, or chair with authority and responsibility for overall administration and operation and is responsible for the alignment between the endorsement program competencies and the licensure regulations.
- The *Implementation Manual for the Regulations Governing Review and Approval of Education Programs in Virginia* (8VAC 20-542-10 et seq.) addresses the standards that govern the review and accreditation of the professional education program; standards for biennial review and approval of education programs; indicators of achievement of each standard; and procedures for overall implementation of the regulations. Professional education programs in Virginia seeking accreditation through a process approved by the Board of Education must follow procedures and timelines as prescribed by the Department of Education.
- Each Virginia professional education program seeking accreditation through a process approved by the Board of Education will be reviewed on a seven-year review cycle. Documents, such as the Institutional Report, annual data reports, On-site Team’s Report of Findings, and Institutional Response (if needed), are part of the review process.
- Lynchburg College currently offers the following Board of Education approved program endorsement areas at the undergraduate and graduate levels:

Approved Program Endorsement Areas	Undergraduate	Graduate
Elementary Education PreK-6	X	
English	X	
Foreign Languages: French PreK-12	X	
Foreign Languages: Spanish PreK-12	X	
Health and Physical Education PreK-12	X	
History and Social Sciences	X	
Mathematics	X	
Mathematics – Algebra I (Add-on endorsement)	X	
Music Education: Instrumental PreK-12	X	
Music Education: Vocal/Choral PreK-12	X	
Science: Biology	X	
Science: Chemistry	X	
Science: Earth Science	X	
Science: Physics	X	
Theatre Arts PreK-12	X	

Approved Program Endorsement Areas	Undergraduate	Graduate
Visual Arts PreK-12	X	
Administration and Supervision PreK-12		X
Reading Specialist		X
School Counselor PreK-12		X
Special Education: Adapted Curriculum K-12		X
Special Education: Early Childhood Special Education (Birth through Age 5)		X
Special Education: General Curriculum K-12	X	X

- Lynchburg College requested accreditation through the Board of Education approved process. The original on-site visit to review the program was conducted on October 26-30, 2013. The overall recommendation of the on-site review team in 2013 was that the professional education program be “accredited with stipulations.” The team made this recommendation based on the information in the 2013 *Institutional Report* and the evidence available during the October 26-30, 2013, on-site visit. The full 2013 Institutional Report and supporting documents leading to the follow-up visit can be found in the June 26, 2014, Board of Education agenda (http://www.doe.virginia.gov/boe/meetings/2014/06_jun/agenda_items/item_d.pdf).
- The 2013 review team’s recommendations for each of the four standards were as follows:

Standards	Review Team Recommendations
Standard 1: Program Design	Met Minimally with Significant Weaknesses
Standard 2: Candidate Performance on Competencies for Endorsement Areas	Met
Standard 3: Faculty in Professional Education Programs	Met
Standard 4: Governance and Capacity	Met Minimally with Significant Weaknesses

- The weaknesses identified by the 2013 review team were as follows:

A. Standard 1: Program Design. *The professional education program shall develop and maintain high quality programs that are collaboratively designed and based on identified needs of the PreK-12 community....*

- Weakness 1: Alignment of the philosophy, mission statement and goals are not clearly articulated and do not reflect the current faculty. Goals have not been aligned with conceptual framework.
- Weakness 2: Goals and an assessment system for the Educational Leadership and School Counseling programs were not evident. No evidence of collaboration between personnel in the School of Education and Human Development and the School of Graduate Studies to establish and ensure consistency among goals and an assessment system.
- Weakness 3: There is no evidence that all education endorsement programs have established a valid and reliable assessment program that aligns with the School of Education and Human Development.
- Weakness 4: Other than at the candidate program completion, no evidence was provided to the on-site review team that evaluation instruments reflecting program goals are used to collect data at various points in the program.

- Weakness 5: There is no evidence that a systematic and ongoing process of gathering, reporting and analyzing program data has been established to report program strength, areas needing improvement, a plan for implementation of identified improvements, and an assessment of outcomes.

B. Standard 2: Candidate Performance on Competencies for Endorsement Areas. *Candidates in education programs shall demonstrate the knowledge, skills, and dispositions to meet professional, state, and institutional standards to ensure student success. Candidates shall demonstrate the competencies specified in 8VAC 20-542-70 through 8VAC 20-542-600....*

- Weakness 1: Candidate competency is demonstrated through the inclusion of a list of courses and projects that candidates complete. No summary data were provided to indicate candidate strengths and weaknesses.
- Weakness 2: Candidates' assessment scores provided by cooperating teachers and supervisors along with the WEAVE online® documents indicate that data are collected. However, with the exception of the program in administration and supervision, it was not clear that these assessments are used to inform faculty of the progress either of the candidates or to identify trends in the program.
- Weakness 3: Although technology support was available through Lynchburg College, during interviews with the on-site team candidates reported they were not prepared to integrate technology into instruction.

C. Standard 3: Faculty in Professional Education Programs. *Faculty in the professional education program represents well-qualified education scholars who are actively engaged in teaching and learning....*

- Weakness 1: An intentional review, analysis, and the reporting of a faculty member's work performance by the supervisor, in addition to faculty self-reflection, are needed to strengthen the dean's ability to track whether or not the evaluation assessment is making a positive impact on course instruction.
- Weakness 2: The on-site review team found no evidence of specific plans to retain qualified and diverse faculty.
- Weakness 3: No evidence of a systematic method for assigning advisees to ensure equitable and effective placements was provided.
- Weakness 4: Funding for off-campus professional development and scholarly activities is limited to the extent that faculty members are unlikely to be able to participate at a national level.

D. Standard 4: Governance and Capacity. *The professional education program demonstrates the governance and capacity to prepare candidates to meet professional, state, and institutional standards.*

- Weakness 1: The professional education program is not clearly defined. The Dean of the School of Education has no authority for the budget and allocation of resources or input regarding the preparation of candidates in the graduate programs leading to endorsements in Administration and Supervision PreK-12 and School Counselor PreK-12. Insufficient information was provided to the on-site review team to determine the adequacy of governance and resources for these programs.
- Weakness 2: Although Lynchburg College has in place a strategic plan and goals, the goals of the School of Education and Human Development do not align with the goals of the College. Based on the information provided, the on-site review team could not determine the

specific goals of the professional education program.

- Weakness 3: No long-range planning for the professional education program was provided.
- Weakness 4: There is no evidence of consistent and regular meeting times for the community partners, faculty and staff, decision making, collaboration, and strategic planning among these groups. Input and feedback are disjointed and lack the cohesiveness necessary to make decisions and recommendations for program improvement.
- Weakness 5: No evidence of collaborative input from faculty, community partners, and students for development and updates that reflect current trends and issues related to the professional education program was provided. No evidence of consistent meetings of faculty to discuss needs and recommendations for professional education program improvement was provided.
- Weakness 6: No definitive evidence (i.e., minutes of meetings) was provided to the on-site review team regarding input from the Board of Advisors and the Teacher Preparation Council to confirm that decisions are made on a regular basis that would impact the effective operation and/or implementation of the professional education program. This is a continued area cited as a recommendation made during the previous on-site visit.
- On April 28, 2014, the Advisory Board on Teacher Education and Licensure (ABTEL) reviewed the 2013 *Professional Education Program Review Team Report of Findings and Lynchburg College's Response*. Dr. Jan Stennette, former dean of the School of Education and Human Development, was available during the meeting to respond to questions from ABTEL members. The Advisory Board on Teacher Education and Licensure recommended to the Board of Education that the Lynchburg College professional education program be “accredited with stipulations.”
 - At the May 22, 2014, Board of Education meeting, the recommendation of the Advisory Board on Teacher Education and Licensure was presented. Dr. Jan Stennette responded to questions regarding the team’s findings. During the discussion, Board members requested that Lynchburg College submit a plan outlining how the College would address the weaknesses cited in the on-site review team’s report.
 - On June 26, 2014, the Board of Education approved the Advisory Board on Teacher Education and Licensure’s recommendation to accept the review team’s recommendation that the professional education program at Lynchburg College be “accredited with stipulations.” This approval was contingent on the quarterly status report due by September 30, 2014, updating the progress of correcting the weaknesses. The professional education program met the standards minimally, but significant weaknesses were identified. Within a two-year period, the professional education program must fully meet standards as set forth in section 8VAC20-542-60 of the *Regulations Governing the Review and Approval of Education Programs in Virginia*.

Lynchburg College Response

- In response to the Board of Education’s request, Lynchburg College submitted a status report on September 30, 2014, providing specific actions and plans proposed to address the weaknesses.
- On April 21, 2015 a final *Follow-Up Institutional Report* was sent by former Dean Stennette to the Director of Teacher Education, Dr. Joan Johnson, summarizing program improvements implemented to address the deficiencies. Upon receipt of the report and review by Dr. Johnson, a follow-up on-site campus review visit was scheduled on April 29-30, 2015.
- Following setting the date for the monitoring visit, Dr. Stennette announced her retirement, and the College Board approved the appointment of Dr. Roger Jones as the new college Dean. As a result of this change in

program leadership and reorganization of unit structure, two monitoring visits were held. The first review visit was held on April 29-30, 2015, to review the extent to which the weaknesses had been addressed, and the second review was held on October 30, 2015, to evaluate the implementation of proposed plans by the new department administration to correct the cited weaknesses.

- The overall recommendation of the follow-up review team was that the professional education program be “Accredited.” The team made this recommendation based on the information available in the 2013 and 2015 *Institutional Reports* and the evidence available during both on-site visits in April and October 2015. Specific details for each standard are identified in the *2015 Professional Education Program Follow-Up Monitoring Review Team Report of Findings* (See Appendix A). Additionally, a letter from Lynchburg College acknowledging the team’s report can be found in Appendix B.
- The 2015 review team’s recommendations for each of the four standards were as follows:

Standards	Review Team Recommendations
Standard 1: Program Design	Met
Standard 2: Candidate Performance on Competencies for Endorsement Areas	Met
Standard 3: Faculty in Professional Education Programs	Met
Standard 4: Governance and Capacity	Met

Board discussion:

- Mrs. Lodal commended Lynchburg and Mrs. Pitts and staff for their work.
- Mrs. Lodal asked Dr. Jones to provide an update.
- Mrs. Wodiska thanked Dr. Jones for attending the meeting and for his leadership.

Mrs. Lodal made a motion to approve the Advisory Board on Teacher Education and Licensure’s recommendation that the professional education program at Lynchburg College be accredited. The motion was seconded by Mrs. Atkinson and carried unanimously.

Final Review of Proposed Revisions to the Procedure for Adjusting Grievances, 8 VAC 20-90-10 et seq. (Final Stage)

Mrs. Pitts presented this item. Her presentation included the following:

- The 2013 Virginia General Assembly approved House Bill [2151](#) and Senate Bill [1223](#) to amend and re-enact §§ [2.2-507](#), [22.1-79](#), [22.1-253.13:5](#), [22.1-293](#), [22.1-294](#), [22.1-295](#), [22.1-298.1](#), [22.1-299](#), [22.1-302](#), [22.1-303](#), [22.1-304](#), [22.1-305](#), [22.1-305.1](#), [22.1-306](#), [22.1-307](#), [22.1-309](#), [22.1-311](#), [22.1-313](#), and [22.1-314](#) of the *Code of Virginia* and to repeal §§ [22.1-299.3](#), [22.1-310](#), and [22.1-312](#) of the *Code of Virginia*. Senate Bill [2151](#) bill is identical to [1223](#).

§ [2.2-507](#). Legal service in civil matters.

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents or employees of the Alcoholic Beverage Control Board;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;
5. Persons employed by the Commonwealth Transportation Board;
6. Persons employed by the Commissioner of Motor Vehicles;
7. Persons appointed by the Commissioner of Marine Resources;
8. Police officers appointed by the Superintendent of State Police;
9. Conservation police officers appointed by the Department of Game and Inland Fisheries;
10. ~~Third impartial panel members~~ *Hearing officers* appointed to hear a teacher's grievance pursuant to § [22.1-312](#) [22.1-311](#);
11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to Article 5 (§ [9.1-151](#) et seq.) of Chapter 1 of Title 9.1;
12. Any emergency medical service agency that is a licensee of the Department of Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors or omissions in the discharge of his court-appointed duties;
13. Conservation officers of the Department of Conservation and Recreation; or
14. A person appointed by written order of a circuit court judge to run an existing corporation or company as the judge's representative, when that person is acting in execution of a lawful order of the court and the order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

Upon request of the affected individual, the Attorney General may represent personally or through one of his assistants any basic or advanced emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity from liability is raised pursuant to § [8.01-225](#).

C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division or department being represented or whose members, officers, inspectors, investigators, or other employees are being represented pursuant to this section. Notwithstanding any provision of this section to the contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any justice, is a party.

§ [22.1-79](#). Powers and duties.

A school board shall:

1. See that the school laws are properly explained, enforced and observed;

2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
 3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
 4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
 5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;
 6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ [22.1-293](#) et seq.) and Article 3 (§ [22.1-306](#) et seq.) of Chapter 15 of this title, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances, ~~except that there shall be no right to a hearing before a fact-finding panel.~~ Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of Education pursuant to § [22.1-308](#) shall apply to all full-time employees of a school board, except supervisory employees;
 7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by law;
 8. Obtain public comment through a public hearing not less than 10 days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting or pupil assignment plan which is to be implemented after the effective date of this provision, an additional public hearing shall not be required;
 9. (Expires July 1, 2015) At least annually, survey the school division to identify critical shortages of teachers and administrative personnel by subject matter, and report such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System; and
 10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration or reregistration of any sex offender within that school division pursuant to § [9.1-914](#).
- § [22.1-305](#). Nonrenewal of contract of probationary teacher.
- A. Before a division superintendent recommends to the school board nonrenewal of the contract of a teacher who has not achieved continuing contract status, the division superintendent shall consider, among other things, the performance evaluations for such teacher required by § [22.1-303](#) and shall notify the teacher of the proposed recommendation. Upon written request of the teacher within five working days after receipt of such notice, the division superintendent or his designee shall orally provide the specific reasons, if any, for such recommendation, along with supporting documentation, including such performance evaluations, to the teacher and, if requested by the teacher, to his or her representative. Within ~~ten-10~~ days after receiving such reasons, the teacher may request, by notification in writing to the division superintendent, a conference before the division superintendent. Upon such request, the division superintendent shall set a date for the conference, which shall be within ~~thirty-30~~ days of the request, and shall give the teacher at least ~~fifteen-15~~ days' notice of the time and place of the conference.
 - B. The conference shall be before the division superintendent or his designee. No such designee shall have recommended to the division superintendent the nonrenewal of the teacher's contract. The teacher and the person or persons who recommended the nonrenewal of the teacher's contract to the division superintendent, or a representative of either or both, shall be allowed to participate in the conference, but no such representative shall be an attorney.
 - C. If the conference is before a designee of the division superintendent, the designee shall communicate his recommendations to the division superintendent and to the teacher.
 - D. The division superintendent shall notify the teacher, in writing, of his intention with respect to the recommendation within ~~ten-10~~ days after the conference.
 - E. In any case in which a teacher requests a conference ~~reasons for the recommendation~~ as provided in this section, written notice of nonrenewal of the contract by the school board must be given *either within 10 days after the time for requesting a conference has expired and the teacher has not made a timely request for a conference or, if a conference is requested, within ~~thirty-30~~ days after the division superintendent notifies the teacher*

of his intention with respect to the recommendation and the provisions of § [22.1-304](#) requiring such notice on or before ~~April~~ June 15 shall not be applicable.

F. The conference shall be confidential and no written or oral communication of such conference shall be made to anyone other than the school board, in executive session, and employees of the school division having an interest therein; however, both the teacher and the division superintendent, upon request, may provide the reasons for the nonrenewal to a potential employer of the teacher.

G. The provisions of this section shall be inapplicable when a decrease in enrollment or the abolition of a particular subject or reduction in the number of classes offered in a particular subject causes a reduction in the number of teachers; however, a statement to that effect shall be placed in the personnel file of each teacher whose contract is nonrenewed for any such reason.

H. The intent of this section is to provide an opportunity for a probationary teacher to discuss the reasons for nonrenewal with the division superintendent or his designee, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause, as defined in § [22.1-307](#), for the nonrenewal of the contract of a teacher who has not achieved continuing contract status nor shall the failure of the school board or the division superintendent to comply with any time requirement herein constitute a basis for continued employment of the teacher.

§ [22.1-306](#). Definitions.

As used in this article:

"Business day" means any day that the relevant school board office is open.

"Day" means calendar days unless a different meaning is clearly expressed in this article. Whenever the last day for performing an act required by this article falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher during the term of such teacher's contract.

"Grievance" means a complaint or dispute by a teacher relating to his ~~or her~~ employment, including, but not necessarily limited to: (i) disciplinary action including dismissal ~~or placing on probation~~; (ii) the application or interpretation of: (a) personnel policies, (b) procedures, (c) rules and regulations, (d) ordinances, and (e) statutes; (iii) acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex. Each school board shall have the exclusive right to manage the affairs and operations of the school division. Accordingly, the term "grievance" shall not include a complaint or dispute by a teacher relating to ~~(i)~~ (1) establishment and revision of wages or salaries, position classifications or general benefits, ~~(ii)~~ (2) suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status, ~~(iii)~~ (3) the establishment or contents of ordinances, statutes or personnel policies, procedures, rules and regulations, ~~(iv)~~ (4) failure to promote, ~~(v)~~ (5) discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject or insufficient funding, ~~(vi)~~ (6) hiring, transfer, assignment, and retention of teachers within the school division, ~~(vii)~~ (7) suspension from duties in emergencies, ~~or (viii)~~ (8) the methods, means, and personnel by which the school division's operations are to be carried on, *or (9) coaching or extracurricular activity sponsorship.*

While these management rights are reserved to the school board, failure to apply, where applicable, the rules, regulations, policies, or procedures as written or established by the school board is grievable.

~~"Dismissal" means the dismissal of any teacher during the term of such teacher's contract and the nonrenewal of the contract of a teacher on continuing contract.~~

§ [22.1-307](#). Dismissal of teacher; grounds.

A. Teachers may be dismissed ~~or placed on probation~~ for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to § [63.2-1505](#), and after all rights to an appeal provided by § [63.2-1526](#) have been exhausted. The fact of such finding, after all rights to an appeal provided by § [63.2-1526](#) have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board.

B. For the purposes of this article, "incompetency" may be construed to include, but shall not be limited to, consistent failure to meet the endorsement requirements for the position ~~or performance that is documented through evaluation to be consistently less than satisfactory~~ *one or more unsatisfactory performance evaluations.*

§ [22.1-309](#). Notice to teacher of recommendation of dismissal; school board not to consider merits during notice; superintendent required to provide reasons for recommendation upon request.

In the event a division superintendent determines to recommend dismissal of any teacher ~~or the placing on probation of a teacher on continuing contract~~, written notice shall be sent to the teacher notifying him of the proposed dismissal ~~or placing on probation~~ and informing him that within ~~fifteen~~ *five business* days after receiving the notice the teacher may request a hearing before the school board *or, at the option of the local school board, a hearing officer appointed by the school board* as provided in § [22.1-311](#) ~~or before a fact-finding panel as provided in § [22.1-312](#)~~. During such ~~fifteen-day~~ *five business day* period and thereafter until a hearing is held in accordance with the provisions ~~herein~~ *of this section*, if one is

requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed or acted upon by the school board except as provided for ~~herein in this section~~. At the request of the teacher, the division superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § ~~22.1-311~~ or § ~~22.1-312~~, the division superintendent shall provide, within ~~ten~~ 10 days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal or probation. Within ~~ten~~ 10 days of the request of the division superintendent, the teacher or his representative shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal or probation. The division superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

For the purposes of this section, "personnel file" ~~shall mean~~ means any and all memoranda, entries, or other documents included in the teacher's file as maintained in the central school administration office or in any file on the teacher maintained within a school in which the teacher serves.

§ ~~22.1-311~~. Hearing before school board or hearing officer.

A. Upon a timely request for a hearing pursuant to § ~~22.1-309~~, the school board or, at the option of the school board, a hearing officer appointed by the school board shall set a hearing within 15 days of the request and the teacher shall be given at least five days' written notice of the time and the place. The hearing ~~before the school board, which shall be private unless the teacher requests a public one, must be set within 30 days of the request, and the teacher must be given at least 15 days' written notice of the time and place the hearing to be public~~. At the hearing the teacher may appear with or without a representative and be heard, presenting testimony of witnesses and other evidence. The school board may hear a recommendation for dismissal and make a determination whether to make a recommendation to the Board of Education regarding the teacher's license at the same hearing or hold a separate hearing for each action.

B. Each school board may appoint an impartial hearing officer from outside the school division to conduct hearings pursuant to this section. A hearing officer shall not have been involved in the recommendation of dismissal as a witness or a representative. A hearing officer shall possess some knowledge and expertise in public education and education law and be capable of presiding over an administrative hearing. The hearing officer shall schedule and preside over such hearings and shall create a record or recording of such proceedings. The hearing officer shall make a written recommendation to the school board, a copy of which shall be provided to the teacher. The hearing officer shall transmit the recommendation and the record or recording of the hearing to the school board as soon as practicable and no more than 10 business days after the hearing. In the event of a hearing before a hearing officer, the school board may make its decision upon the record or recording of such hearing, pursuant to § ~~22.1-313~~, or the school board may elect to conduct a further hearing to receive additional evidence by giving written notice of the time and place to the teacher and the division superintendent within 10 business days after the board receives the record or recording of the initial hearing. Such notice shall also specify each matter to be inquired into by the school board.

C. A record or recording of any hearing conducted pursuant to this section shall be made. The parties shall share the cost of the recording equally. In proceedings concerning grievances not related to dismissal, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation. In cases of dismissal, the record or recording shall be preserved for a period of six months. If the school board requests that a transcript be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the cost of the transcription.

D. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

§ ~~22.1-313~~. Decision of school board; generally.

A. The school board shall retain its exclusive final authority over matters concerning employment and supervision of its personnel, including dismissals; ~~and suspensions and placing on probation~~.

B. In the case of a hearing before the school board, the school board shall give the teacher its written decision ~~within as soon as practicable and no more than 30 days after the hearing~~. ~~A record of the proceedings shall be taken and made available as provided in subsection I of § 22.1-312~~. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

C. In the case of a hearing before a ~~fact-finding panel~~ hearing officer appointed by the school board, the school board shall give the teacher its written decision ~~within as soon as practicable and no more than 30 days after the school board receives both the transcript of such hearing, if any, and the panel's findings of fact and recommendations receiving the record or recording of the hearing~~; however, should there be a further hearing before the school board, ~~as hereafter provided~~, such decision shall be furnished the teacher ~~within as soon as practicable and no more than 30 days after such further hearing~~. ~~The decision of the school board shall be reached after considering the transcript, if any, and the findings of fact and recommendations of the panel and such further evidence as the school board may receive at any further hearing~~.

~~C-D.~~ A teacher may be dismissed, or suspended or placed on probation by a majority of a quorum of the school board. ~~In the event the school board's decision is at variance with the recommendations of the fact-finding panel, the school board shall be required to conduct an additional hearing which shall be public unless the teacher requests a private one. However, if the fact-finding hearing was held in private, the additional hearing shall be held in private. The hearing shall be conducted by the school board pursuant to subsection D of this section, except that the grievant and the division superintendent shall be allowed to appear, to be represented, and to give testimony. However, the additional hearing shall not include examination and cross-examination of any other witnesses. The school board's written decision shall include the rationale for the decision.~~

D. In any case in which a further hearing by a school board is held after a hearing before a fact-finding panel, the school board shall consider at such further hearing the transcript, if any, the findings and recommendations of the fact-finding panel and such further evidence, including that of witnesses having testified before the panel, as the school board deems appropriate or as may be offered on behalf of the grievant or the respondent. A school board may initiate any such hearing upon written notice to the teacher and the division superintendent within 10 business days after the board receives the findings of fact and recommendations of the panel and any transcript of any panel hearing. Such notice shall specify each matter to be inquired into by the school board. In any case in which a teacher may initiate any such hearing, the teacher shall request such hearing in writing within 10 business days after receiving the findings of fact and recommendations of the panel and any transcript of the panel hearing. Any decision by the school board shall be based solely on the transcript, if any, the findings of fact and recommendations of the panel, and any evidence relevant to the issues of the original grievance adduced at the hearing in the presence of each party. Such hearing shall be conducted as a hearing by the school board as provided in [§ 22.1-311](#).

E. The school board's attorney, assistants, or representative, if he or they represented a participant in the prior proceedings, the grievant, the grievant's attorney or representative, and, notwithstanding the provisions of [§ 22.1-69](#), the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

F. In those instances when licensed personnel are dismissed or resign due to a conviction of any felony, any offense involving the sexual molestation, physical or sexual abuse or rape of a child, any offense involving drugs, or due to having become the subject of a founded case of child abuse or neglect, the local school board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

[§ 22.1-314](#). Decision of school board; issue of grievability; appeal.

Decisions regarding whether or not a matter is grievable shall be made by the school board at the request of the school division administration or grievant and such decision shall be made within 10 business days of such request. The school board shall reach its decision only after allowing the school division administration and the grievant opportunity to present written or oral arguments regarding grievability. The decision as to whether the arguments shall be written or oral shall be in the discretion of the school board. Decisions of the school board may be appealed to the circuit court having jurisdiction in the school division for a hearing on the issue of grievability.

Proceedings for review of the decision of the school board shall be instituted by filing a notice of appeal with the school board within 10 business days after the date of the decision and giving a copy thereof to all other parties. Within 10 business days thereafter, the school board shall transmit to the clerk of the court to which the appeal is taken a copy of its decision, a copy of the notice of appeal, and the exhibits. The failure of the school board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the school board to transmit the record on or before a certain date. Within 10 business days of receipt by the clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the school board and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the school board or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any panel or school board hearing or the right to such determination shall be deemed to have been waived.

The *Constitution of Virginia* grants the Board of Education authority for the general supervision of the public school system, and Section 22.1-16 of the *Code of Virginia* authorizes the Board to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

Constitution of Virginia ([Article VIII, Section 4](#)): "The general supervision of the public school system shall be vested in a Board of Education...."

Code of Virginia, Section [22.1-16](#). Bylaws and regulations generally.

The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

- On June 27, 2013, the Board of Education approved the Notice of Intended Regulatory Action (NOIRA), which is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA) and Executive Order 14 (2010). The NOIRA was filed with the Virginia Registrar.
- The Board of Education approved the *Procedure for Adjusting Grievances* (Proposed Stage) on February 27, 2014. A public hearing was held on January 28, 2016. No public comment was received.

- The Virginia Board of Education regulations, *Procedure for Adjusting Grievances*, were last amended effective May 2, 2005. The 2013 General Assembly approved legislation resulting in the need to make revisions to the regulations. Other than changing the *Procedure for Adjusting Grievances* to comport with the 2013 legislation, no additional substantive revisions were made. The major revisions to the regulations are as follows:
 - ✓ Changes the grievance procedure for teachers by giving local school boards the option to assign a grievance hearing to be heard by an impartial hearing officer designated by the local school board;
 - ✓ Removes the option for a grievance to be heard before a fact-finding panel;
 - ✓ Removes “placing on probation” from the definition of a Grievance; and
 - ✓ Revises the Board of Education forms prescribed by the *Code of Virginia*.

Board discussion:

- Mr. Dillard said he will abstain because of the removal of the fact finding panel from the grievance procedures for teachers. Mr. Dillard said he thinks this is an injustice to the teachers of the Commonwealth and he will not be a part of the procedure.
- Mrs. Atkinson said the work of the Board with this set of regulations is to bring it into comportment with the *Code*. Mrs. Atkinson said the hearing officer versus the three-member panel is required by the legislation and the Board has no flexibility in that regard.
- Mrs. Lodal said she will also abstain from voting because she thinks it is ill-advised legislation.
- Mr. Gecker asked what happens if the regulations are not approved by the Board. Mr. Gecker said as Mrs. Atkinson stated that it is the duty of the Board to conform regulations to state law and if everybody took that path the Board would not be able to perform its function. Dr. Staples said the law will always trump the Board’s regulations. Dr. Staples said the outcome would be that the public will be confused because if they used the Board’s regulations for guidance they will see a process that is not reflected in the *Code*.
- Mr. Gecker said he respected Mr. Dillard and Mrs. Lodal’s decision to abstain, but having an existing set of regulations that does not accurately reflect the law does the public a disservice. Mr. Gecker said the Board does not have any option except to move forward and approve the regulations.
- Mrs. Pitts said she receives communications from local school boards, attorneys, or licensees asking when the regulations will be available. Mrs. Pitts said there is confusion because state law trumps regulations so attorneys have been advising local school boards that they must use the law because the regulations do not conform. Mrs. Pitts said another issue is that there are forms attached to the regulations which have been changed to conform to the current statute.
- Mr. Gecker asked that the minutes reflect the reluctance of the Board with regard to the subject matter with the understanding that the process must continue.
- Mrs. Lodal said she appreciated Mr. Gecker’s point of view and withdrew her abstention. Mrs. Lodal said she hopes future legislation will be more enlightened in keeping with the best interest of students and teachers.

Dr. Baysal made a motion to approve the proposed revisions to the *Procedure for Adjusting Grievances*, 8 VAC 20-90-10 et seq. (Final Stage) and authorized the Department of Education to make technical edits. The motion was seconded by Mrs. Atkinson and carried with seven votes. Mr. Dillard abstained from voting.

First Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Revise the Regulations Governing the Review and Approval of Education Programs in Virginia, 8 VAC 20-543-10 et seq. (Final Stage)

Mrs. Pitts presented this item. Her presentation included the following:

- The Board of Education has the statutory authority to prescribe requirements for the approval of education preparation programs. Section [22.1-298.2](#) of the *Code of Virginia*, states, in part, the following:

...Education preparation programs shall meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations....

- The *Code of Virginia* sections below provide authority for the Board of Education to promulgate the *Regulations Governing the Review and Approval of Education Programs in Virginia*:

Code of Virginia, Section [22.1-16](#). Bylaws and regulations generally.

Code of Virginia, Section [22.1-305.2](#). Advisory Board on Teacher Education and Licensure.
- On October 25, 2012, the Board of Education approved the Notice of Intended Regulatory Action (NOIRA), which is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA) and Executive Order 14 (2010). The NOIRA was filed with the Virginia Registrar, and the public comment period for the NOIRA concluded on January 16, 2013.
- The Advisory Board on Teacher Education and Licensure received the proposed revisions to the *Regulations Governing the Review and Approval of Education Programs* on April 22, 2013. The Advisory Board unanimously recommended that the Board of Education accept the proposed revisions to the regulations in the proposed stage of the Administrative Process Act process.
- On June 27, 2013, the Board of Education approved proposed revisions to the *Regulations Governing the Review and Approval of Education Programs*. Due to the significant number of revisions, the Board recommended repealing the current regulations (8VAC20-542-10 et seq.) and promulgating new, revised regulations (8VAC20-543-10 et seq.).
- Highlighted below are the major proposed revisions to the *Regulations Governing the Review and Approval of Education Programs* (Proposed Stage) recommended in 2013.

8VAC20-543-20 Accreditation and administering this chapter. (page 7)

- Required professional education accreditation by the Council for the Accreditation of Educator Preparation (CAEP) and discontinued the Board of Education accreditation process.
- Eliminated the professional studies coursework cap for undergraduate programs.
- Required education programs to ensure candidates have completed training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators

8VAC20-543-90 Professional studies requirements for early/primary education, elementary education, and middle education and 8VAC20-543-140 Professional studies requirements for preK-12 endorsements, special education, secondary grades 6-12 endorsements, and adult education (pages 21 and 65)

- Revised professional studies requirements. Competencies in “Assessment of and for Learning” must be addressed in programs, and “Foundations of Education” was proposed to be changed to “The Teaching Profession.” *[Note: In the final stage, ABTEL has recommended that that “Foundations of Education” be changed to “Foundations of Education and the Teaching Profession” and “Reading” be changed to “Language and Literacy” based on public comment.]*

8VAC20-543-30 Application for new education endorsement programs (page 10)

- Set forth documents to be submitted for new education endorsement programs.

8VAC20-543-40 Standards for biennial approval of education endorsement programs (page 11)

- Revised the biennial standard for candidate progress and performance on Board of Education licensure assessments.
- Stipulated 10 weeks of a summative clinical student teaching experience under the supervision of a cooperating teacher with demonstrated effectiveness in the classroom.
- Added an indicator for biennial reporting: “Employer job satisfaction documentation must address teachers’ performance, including student academic progress.”

8VAC20-543-70 Annual report card (page 18)

- Required an Annual Report Card

8VAC20-543-80 Competencies and requirements for endorsement areas (page 19)

- Added a requirement of six semester hours of reading coursework for elementary education and special education endorsements.
- Provided a testing option to reduce hours required for elementary endorsements and added elementary methods for mathematics and science.

8VAC20-543-280. Engineering. (page 102)

- Established a new endorsement.

8VAC20-543-510. Special education – general curriculum K-6 (add-on endorsement); 8VAC20-543-520. Special education – general curriculum middle grades 6-8 (add-on endorsement); 8VAC20-543-530. Special education – general curriculum secondary grades 6-12 (add-on endorsement). (pages 183, 188, and 192)

- Established new add-on endorsements.

8VAC20-543-580. Mathematics specialist for elementary education. (page 206)

8VAC20-543-590. Mathematics specialist for middle education. (page 208)

- Established separate endorsements specific to the population of students being served. *[In the final stage, ABTEL is recommending the establishment of the mathematics specialist for elementary education endorsement and maintaining the mathematics specialist for elementary and middle education endorsement.]*

Special education: speech language pathologist preK-12.

- Discontinued issuing an initial license with an endorsement in speech/language pathology. Individuals will seek a license from the Virginia Board of Examiners for Audiology and Speech Pathology.

The proposed regulations were published in the *Virginia Register of Regulations* VOL. 31, ISS.26, on August 24, 2015. An online comment period was opened on the Virginia Register’s Town Hall. Public comments were accepted through Saturday, October 32, 2015. A public hearing on the proposed regulations was held on Thursday, October 22, 2015.

On November 16, 2015, the Advisory Board on Teacher Education and Licensure reviewed public comments on the proposed *Regulations Governing the Review and Approval of Education Programs*. On February 29, 2016, the Advisory Board continued review of public comments and proposed revisions to the *Regulations Governing the Review and Approval of Education Programs*. On March 21, 2016, the Advisory Board on Teacher Education and Licensure reviewed and discussed proposed revisions. The Advisory Board recommended that the proposed revisions to the *Regulations Governing the Review and Approval of Education Programs* be submitted to the Board of Education; authorized the Department Education staff to make technical edits to the regulations; and recommended a transition period for the implementation of the regulations. The following transition period from the effective date of the regulations was recommended by the Advisory Board:

- Colleges and universities be granted two years to align their programs with the new regulations.
- Colleges and universities accredited by the Board of Education process be granted four years to become accredited by the Council for the Accreditation of Educator Preparation (CAEP) with the option of submitting a progress report to the Superintendent of Public Instruction to request an additional year, if needed.

Board discussion:

- Mr. Dillard asked Mrs. Pitts about the licensure assessments. Mrs. Pitts responded that the license assessments vary according to endorsements but primarily they are the Virginia Communications and Literacy Assessments of Reading and Writing. Mrs. Pitts said a PRAXIS assessment is required which assesses the content area. Mrs. Pitts said other examples of assessments which are specific to endorsements are the Reading for Virginia Educator's Test for reading specialist and the school leaders' license assessment which is required for individuals seeking an administration and supervision endorsement.
- Mrs. Lodal asked for clarification of how the definition of program noncompleters will change in the 2016 regulations.
- Mr. Dillard asked why the number of graduates in the critical shortage areas was eliminated.
- Mrs. Atkinson suggested that a different term is used instead of report card for assessing colleges/universities to eliminate confusion with the report card for public schools.
- Mr. Bellamy asked for clarification of additional competencies needed for Computer Science.
- Mrs. Atkinson asked about the number of colleges/universities that will be required to have professional education accreditation by the Council for the Accreditation of Educator Preparation (CAEP) and discontinue the Board of Education accreditation process. Mr. Bellamy asked Mrs. Pitts to identify the eight colleges/universities included. Mrs. Pitts responded that the colleges/universities included: Lynchburg College, Ferrum College, Averett University, Christopher Newport University, Virginia Wesleyan College, University of Mary Washington, Sweet Briar College, and Bridgewater College.
- Mr. Romero asked if the regulations require data to track graduates. Mrs. Pitts responded that it is a requirement of CAEP in the current regulations.
- Mr. Bellamy asked about the timeline for colleges/universities to reconfigure their program with the new standards. Mrs. Pitts responded that the department has never required an individual to start a new program. Mrs. Pitts said once an individual is

admitted into the teacher education program, it is like having a contract with the college/university.

- Mrs. Lodal commended Mrs. Pitts on her leadership of the ABTEL committee.
- Mr. Dillard referred to pages 122-123 of the regulations and asked the difference between Marxism and communism and why they are both included. Dr. Staples said staff will check and get a response to him.
- Mr. Dillard also referred to page 123, item 13—the *structure of the federal judiciary*, and suggested changing to read as follows: “*The structure and goals of local, state, and federal judiciary.*”

The Board of Education accepted for first review the recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to revise the *Regulations Governing the Review and Approval of Education Programs in Virginia* (Final Stage).

First Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Revise the Licensure Regulations for School Personnel, 9 VAC 20-23-10 et seq. (Final Stage)

Mrs. Pitts presented this item. Her presentation included the following:

The *Constitution of Virginia* and the *Code of Virginia* provide authority for the Board of Education to promulgate *Licensure Regulations for School Personnel*:

[Article VIII, Section 4](#) of the *Constitution of Virginia* states, in part, the following:

“The general supervision of the public school system shall be vested in a Board of Education...”

The Board of Education has the statutory authority to prescribe licensure requirements. Section [22.1-298.1](#) of the *Code of Virginia*, states:

§ [22.1-298.1](#). **Regulations governing licensure.**

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time,

not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

A. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure.

The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;
2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;
3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;
4. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;
5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;
6. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall

demonstrate proficiency in reading and writing Braille; and

7. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential.

E. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

F. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

G. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 7 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law.

H. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;
2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals; however, other licensing assessments, as prescribed by the Board of Education, shall be required; and
3. The Board may include other provisions for reciprocity in its regulations.

Code of Virginia, Section [22.1-16](#). Bylaws and regulations generally.

Code of Virginia, Section [22.1-299](#). License required of teachers.

Code of Virginia, Section [22.1-305.2](#). Advisory Board on Teacher Education and Licensure.

On October 25, 2012, the Board of Education approved the Notice of Intended Regulatory Action (NOIRA), which is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA) and Executive Order 14 (2010). The NOIRA was filed with the Virginia Registrar, and the public comment period for the NOIRA concluded on January 16, 2013.

The Advisory Board on Teacher Education and Licensure received the proposed revisions to the *Licensure Regulations for School Personnel* on April 22, 2013. The Advisory Board unanimously recommended that the Board of Education accept the proposed revisions to the regulations in the proposed stage of the Administrative Process Act process.

On June 27, 2013, the Board of Education approved proposed revisions to the *Licensure Regulations for School Personnel*. Due to the significant number of revisions, the Board recommended repealing the current regulations (8VAC20-22-10 et seq.) and promulgating new, revised regulations (8VAC20-23-10 et seq.).

Highlighted below are the major proposed revisions to the *Licensure Regulations for School Personnel* (Proposed Stage) recommended in 2013.

8VAC20-23-10. Definitions. (page 4)

The amendments revised the definitions section of these regulations to align with proposed revisions throughout the *Licensure Regulations for School Personnel*.

8VAC20-23-40. Conditions for licensure. (page 9)

The amendments included the following:

Added the requirement that individuals seeking initial licensure provide evidence of training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators (Required by the 2013 General Assembly).

Added “The teacher of record for verified credit courses for high school graduation must hold a Virginia license with the appropriate content endorsement.”

8VAC20-23-50. Types of licenses; dating licenses. (page 12)

The amendments revised this section to include the following:

Issue a Provisional License for two years (with the exception of the Provisional Career Switcher License). Individuals may apply for a third year on the Provisional License by submitting documentation indicating that all licensure assessments prescribed by the Virginia Board of Education have been taken. *[Note: In the final stage, ABTEL has recommended that this amendment be stricken based on public comment.]*

Issue the International Educator License for a five-year, instead of a three-year, exchange program.

Discontinue the Local Eligibility License (Required by the 2013 General Assembly).

Add the Online Teacher License as a five-year, renewable license valid only for teaching online courses.

Add the Teach for America License (Required by the 2013 General Assembly).

8VAC20-23-90. Alternate routes to licensure. (page 24)

The amendments increased the requirements from three semester hours to nine semester hours of specified coursework prior to issuance of a Provisional (Special Education) License to individuals without a five-year Virginia teaching license. *[Note: In the final stage, ABTEL has recommended that this amendment be stricken based on public comment.]*

8VAC20-23-110. Requirements for renewing a license. (page 33)

The amendments revised this section to include the following:

Added the requirement that any individual licensed and endorsed to teach a) middle school civics or economics or b) high school government or history who is seeking renewal of such license demonstrate knowledge of Virginia history or state and local government by completing a module or professional development course specifically related to Virginia history or state and local government (Required by the 2013 General Assembly).

Added the requirement that individuals seeking initial licensure or renewing a license, effective July 1, 2013, provide evidence of training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators (Required by the 2013 General Assembly)

8VAC20-22-130. Professional studies requirements. (page 39)

The amendments included changing professional study coursework titles and course content. An additional course requirement, Assessment of and for Learning is proposed. *[Note: In the final stage, ABTEL has recommended that*

that “Foundations of Education” be changed to “Foundations of Education and the Teaching Profession” and “Reading” be changed to “Language and Literacy” based on public comment.]

8VAC20-23-140 – 8VAC20-22-670

The amendments revised the following endorsement areas:

8VAC20-23-140. Early childhood for three- and four-year-olds (add-on endorsement). Amended the regulations to allow individuals who hold the early childhood special education endorsement to add this endorsement. (page 47)

8VAC20-23-150. Early/primary education preK-3. Increased the coursework requirements in mathematics and science and provided an option for specified requirements and testing. (page 47)

8VAC20-23-160. Elementary education preK-6. Increased the coursework requirements in mathematics and science and provided an option for specified requirements and testing. (page 49)

8VAC20-23-170. Middle education 6-8. Increased the coursework requirements in mathematics. (page 50)

Career and technical education – industrial cooperative training (add-on endorsement). Discontinued the endorsement.

8VAC20-23-130. Engineering. Established a new endorsement. (page 79)

8VAC20-23-560. Special education – general curriculum K-6 (add-on endorsement); 8VAC20-23-570. Special education – general curriculum middle grades 6-8 (add-on endorsement); 8VAC20-23-580. Special education – general curriculum secondary grades 6-12 (add-on endorsement). Established new add-on endorsements. (pages 113-121)

8VAC20-23-620. Administration and supervision preK-12. Revised the alternate route to add an option of a combination of graduate-level coursework and a research-based program approved by the Department of Education and added “Principal of Distinction” to the name of the Level II endorsement in administration and supervision preK-12. (page 127)

8VAC20-23-640. Mathematics specialist for elementary education.

8VAC20-23-650. Mathematics specialist for middle education.

Established separate endorsements specific to the population of students being served. *[In the final stage, ABTEL is recommending the establishment of the mathematics specialist for elementary education endorsement and maintaining the mathematics specialist for elementary and middle education endorsement.]* (page 137)

Special education: speech language pathologist preK-12. Discontinued issuing an initial license with an endorsement in speech/language pathology. Individuals will seek a license from the Virginia Board of Examiners for Audiology and Speech Pathology.

8VAC20-23-720 – 8VAC-22-800: Part VII-Revocation, Cancellation, Suspension, Denial, and Reinstatement of Teaching Licenses

Amendments were proposed for Part VII-Revocation, Cancellation, Suspension, Denial, and Reinstatement of Licenses. *[In the final stage, ABTEL supports recommended revisions by the Attorney General’s Office.]* (page 143)

The proposed regulations were published in the *Virginia Register of Regulations* VOL. 32, ISS.1, on September 7, 2015. An online comment period was opened on the Virginia Register’s Town Hall. Public comments were accepted through Friday, November 6, 2015. A public hearing on the proposed regulations was held on Thursday, October 22, 2015. Advisory Board on Teacher Education and Licensure members received a written summary of all comments received.

On November 16, 2015, the Advisory Board on Teacher Education and Licensure reviewed public comments on the proposed *Licensure Regulations for School Personnel*. On February 29, 2016, the Advisory Board continued review of public comments and proposed revisions to the *Licensure Regulations for School Personnel*. On March 21, 2016, the Advisory Board on Teacher Education and Licensure reviewed and discussed proposed revisions. The Advisory Board recommended that the proposed revisions to the *Licensure Regulations for School Personnel* be submitted to the Board of Education; authorized the Department Education staff to make technical edits to the regulation; approved any edits from the Attorney General's Office for Part VII: Revocation, Cancellation, Suspension, Denial, and Reinstatement of Teaching Licenses; and recommended a one-year transition period for the implementation of the regulations.

Board discussion:

- Mrs. Atkinson asked Dr. Staples if the department will send out a communication to inform the public that teachers currently teaching engineering may continue to do so under the new regulations.
- Mr. Bellamy said one of the things that concern him when the Board makes revisions to teacher licensure is that this sometimes results in teachers in classrooms that should not be teaching. Mrs. Pitts said licensure regulations allows one the authority to serve in a particular area in a school; however, the employment of instructional personnel rests with local school divisions. Mrs. Pitts said local school divisions have to make decisions on who is the best qualified individual that can do the job in the classroom. Mrs. Pitts said local school divisions should use the evaluation system approved by the Board to ensure that individuals are performing satisfactorily and if they are not to assist them in becoming better teachers. Mrs. Pitts said getting a license provides the public with an assurance that certain requirements have been met.
- Mr. Bellamy said he would like the Board to have an active role in sending a clear message to school divisions that want new and innovative programs—that they must have highly qualified teachers.
- Dr. Staples said as the department creates flexibility and gives folks from the field the opportunity to teach, the department has not lost sight of the fact that there are some professional studies areas that people from the field may not have. Dr. Staples said the department will build professional development capacity for people coming from the field but have had no experience in crafting a lesson plan, assessing a student for performance and making instructional adjustments, classroom management in appropriate discipline of students, and personal interactions.
- Mrs. Wodiska said having spoken with educators across the state, one of the things teachers wanted was to be able to demonstrate mastery of their competency and knowledge in an ongoing career pathway. Mrs. Wodiska said other states offer add on competencies for teachers to continue their career pathways. Mrs. Wodiska said this particular add on allows educators to demonstrate their competency, commitment, knowledge, and expertise to work with students of different capabilities.
- Mrs. Atkinson referred to a discussion in the Accountability Committee meeting which referenced the struggle with integrated or blended classes which require two teachers in the classroom. Mrs. Atkinson suggested the Board create flexibility in the regulations and not limit the opportunity for local school divisions that want to do this.
- Mrs. Lodal suggested changing the wording from “*challenged populations*” to “*all students*”.

- Mrs. Wodiska asked ABTEL’s initial intent on the use of “*challenged populations.*” Mrs. Pitts said she cannot speak for ABTEL but she thinks it came about during the discussion of individuals working at “*challenged schools*” and the language was changed to “*challenged populations.*” Mrs. Pitts said she does not think ABTEL will be too concerned if the Board changed the language to “*professional development activities prescribed by the Board*” because it is already in the language.
- Mr. Dillard asked if this wording is necessary because the way it is worded will be required of all teachers.
- Mrs. Atkinson suggested looking at activities prescribed by the Board because it will give the Board an opportunity to look ahead and identify teacher needs as they seek license renewal.
- Mrs. Wodiska asked Mrs. Pitts to clarify the endorsement added for ESOL. Mrs. Pitts said ABTEL is recommending an ESOL assessment and individuals that pass the assessment will not have to take any coursework.
- Mr. Romero asked for clarification of the third bullet under requirements for renewing a license—training in instructional methods tailored to promote academic progress and effective preparation for the SOL tests and end-of grade assessments. Mrs. Pitts said the language is in the *Code of Virginia*.
- Mrs. Lodal said she agreed with the third bullet and asked if the Board should give further emphasis in the regulations. Mrs. Lodal asked if they are unfunded mandates. Mrs. Pitts responded that the training in emergency first aid, CPR, and the use of an automated external defibrillator is unfunded and is the responsibility of the license holder to meet the requirements. Mrs. Pitts said the study in child abuse and neglect recognition and intervention is a tutorial that the department provides free of charge through the Department of Social Services.
- Mr. Bellamy asked for the definition of senior leadership. Mrs. Pitts described it as the top leadership within an organization.
- Mrs. Atkinson asked if the Board will make changes on the application form for licensure. Mrs. Pitts said this would be administrative and not included in the regulations.
- Mrs. Lodal noted that an article in “The National Council for Teachers of Quality” rating Virginia and asked staff to enlighten the Board on this at the next meeting.
- Mrs. Atkinson acknowledged the work of Mrs. Pitts and her staff on the licensure regulations and expressed her appreciation.

The Board of Education accepted for first review the Advisory Board on Teacher Education and Licensure recommendation to revise the *Licensure Regulations for School Personnel* (Final Stage).

First Review of Regulations Governing the Collection and Reporting of Truancy Related Data and Student Attendance Policies 8-VAC 20-730 (Final Stage)

This item was removed from the agenda.

First Review of Proposed Revisions to the Regulations Governing the Secondary School Transcript, 8 VAC 20-160 (Fast Track)

Mr. Joseph Wharff, student assistant systems coordinator and school counselor specialist, Office of Special Education and Student Services, presented this item. His presentation included the following:

Changes in professional practice in postsecondary institutions have necessitated a change to one item in the *Regulations Governing Secondary School Transcripts* (8 VAC 20-160-30). It is recommended that the regulations be revised to allow for flexibility in the mandate regarding sending standardized test scores to postsecondary institutions. The Virginia Board of Education is proposing an amendment to the wording of 8 VAC 20-160-30, Item #25, of the *Regulations Governing Secondary School Transcripts* to add an Opt-Out policy to allow flexibility to certain students who do not want standardized test scores sent to postsecondary institutions.

The amendment to add the Opt-Out policy is a result of numerous educator and constituent calls expressing concern with the mandate to send standardized test scores as a part of the official transcript. Parents and students want the ability to choose whether the standardized test scores are sent by the school or through the College Board, or at all, based on college admission requirements.

The last revisions to the *Regulations Governing Secondary School Transcripts* were made by the Board of Education in 2007. The *Regulations Governing Secondary School Transcripts* are composed of the following sections: Definitions, Effective date, Format options, Profile data sheet, Advanced-level courses, and Elements for weighting.

The Board's overall regulatory authority may be found in § 22.1-16. In the *Code of Virginia*: "The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title

It is recommended that the regulations be revised to allow for flexibility in the mandate regarding sending standardized test scores to postsecondary institutions. The Virginia Board of Education is proposing an amendment to the wording of 8 VAC 20-160-30, Item #25, of the *Regulations Governing Secondary School Transcripts* to add an Opt-Out policy to allow flexibility to certain students who do not want standardized test scores sent to postsecondary institutions.

Currently, the required information for transcripts includes:

"25. Test record, to include at least the highest score earned, if available, on college performance-related standardized tests such as SAT and ACT, excluding *Standards of Learning* (SOL) test scores;"

The proposed change to this required item is as follows:

"25. Test record, to include at least the highest score earned, if available, on college performance-related standardized tests such as SAT and ACT, excluding *Standards of Learning* (SOL) test scores; except that each local school board shall adopt a policy setting forth the procedure by which parents can elect in writing to have their child's test record excluded from the student transcript ("opt-out").

Board discussion:

- Mr. Bellamy asked about the process of opting out, how it will be executed, and requested a copy of the plan of action for communicating this change with school divisions. Mrs. Atkinson noted that the new requirement will require local school boards to first adopt an Opt-Out policy which then has to be communicated to students, teachers, counselors, and parents.

- Mrs. Wodiska asked staff to look at the word “parent” used in the regulations and to be sure the language supports all family members of a student who are engaged in their lives.

The Board of Education received the proposed amendment to the *Regulations Governing the Secondary School Transcript* for first review.

First Review of Revisions to the List of 2016-2017 Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Professional Licenses

Ms. Lolita Hall, director, Office of Career and Technical Education, presented this item. Her presentation included the following:

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-50.H.3, provide students who demonstrate academic excellence and/or outstanding achievement the opportunity to earn the Board of Education’s Career and Technical Education Seal.

8 VAC 20-131-50.H.3 – “The Board of Education’s Career and Technical Education Seal will be awarded to students who earn a Standard Diploma or Advanced Studies Diploma and complete a prescribed sequence of courses in a career and technical education concentration or specialization that they choose and maintain a “B” or better average in those courses; or (i) pass an examination or occupational competency assessment in a career and technical education concentration or specialization that confers certification or an occupational competency credential from a recognized industry, trade or professional association or (ii) acquire a professional license in that career and technical education field from the Commonwealth of Virginia. The Board of Education shall approve all professional licenses and examinations used to satisfy these requirements.”

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-50.H.4, provide students who demonstrate academic excellence and/or outstanding achievement the opportunity to earn the Board of Education’s Seal of Advanced Mathematics and Technology.

8 VAC 20-131-50.H.4 – “The Board of Education’s Seal of Advanced Mathematics and Technology will be awarded to students who earn either a Standard Diploma or Advanced Studies Diploma and (i) satisfy all of the mathematics requirements for the Advanced Studies Diploma (four units of credit including Algebra II; two verified units of credit) with a “B” average or better; and (ii) either (a) pass an examination in a career and technical education field that confers certification from a recognized industry, or trade or professional association; (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia; or (c) pass an examination approved by the board that confers college-level credit in a technology or computer science area. The Board of Education shall approve all professional licenses and examinations used to satisfy these requirements.”

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* make the following provisions relative to students earning verified units of credit:

8 VAC 20-131-110.C – Standard and verified units of credit
“The Board may from time to time approve additional tests for the purpose of awarding verified credit. Such additional tests, which enable students to earn verified units of credit, must, at a minimum, meet the following criteria:

1. The test must be standardized and graded independently of the school or school division in which the test is given;
2. The test must be knowledge-based;
3. The test must be administered on a multistate or international basis, or administered as part of another state’s accountability assessment program; and
4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the course for which verified credit is given.”

8 VAC 20-131-50.B.2 – (Requirements for a Standard Diploma - Footnotes 5, 6 and 8)

5 “A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education, economics, or other areas as prescribed by the board in 8VAC 20-131-110.”

6 “Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association, or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for (i) the student selected verified credit and (ii) either a science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the Board of Education as an additional test to verify student achievement.”

8 “Students shall earn a career and technical education credential approved by the Board of Education, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the standard diploma requirements. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment.”

8 VAC 20-131-50.C.2 – (Requirements for an Advanced Studies Diploma - Footnote 5)

5 “A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education, economics, or other areas as prescribed by the board in 8VAC 20-131-110.”

The process for reviewing and validating industry credentials for the purpose of awarding verified credit is based on the following criteria: 1) the test must be standardized and graded independently of the school or school division in which the test is given; 2) the test must be knowledge based; 3) the test must be administered on a multistate or international basis, or administered as part of another state’s accountability assessment program; and 4) to be counted in a specific academic area, the test must measure content that incorporates or exceeds the Standards of Learning content in the course for which verified credit is given. Important to this process is ensuring that the credential is relevant and recognized in the workplace.

Industry or trade association certification examinations, professional licenses, and occupational competency assessments are continually being revised or discontinued to stay current with technology and new techniques. These changes may be such that individual certifications are no longer available or no longer meet the Board of Education’s criteria for diploma seals or student-selected verified credit, or require additional criteria. Technical changes have been made to the credential name or issuing organization of 24 certifications that were previously approved by the Board. In addition, 6 certification examinations are recommended for deletion from the Board-approved list.

The Board of Education received for first review the revised list of industry certification examinations, occupational competency assessments, and licenses to meet the requirements for the Board of Education’s Career and Technical Education and Advanced Mathematics and Technology Seals, student-selected verified credit, and the Standard Diploma graduation requirement.

First Review of Recommendation to Discontinue State Review of Health Education, Physical Education, and Driver Education Textbooks

Mrs. Vanessa Wigand, principal specialist for Health, Physical Education, and Driver Education, presented this item. Her presentation included the following:

The Board of Education’s authority for approving textbooks and other instructional materials is prescribed in the Virginia Constitution and the *Code of Virginia*.

Virginia Constitution, Article VIII, § 5 (d)

It [the Board of Education] shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth.

Code of Virginia, § 22.1-238

- A. The Board of Education shall have the authority to approve textbooks suitable for use in the public schools and shall have authority to approve instructional aids and materials for use in the public schools. The Board shall publish a list of all approved textbooks on its website and shall list the publisher and the current lowest wholesale price of such textbooks.
- B. Any school board may use textbooks not approved by the Board provided the school board selects such books in accordance with regulations promulgated by the Board.
- C. For the purposes of this chapter, the term "textbooks" means print or electronic media for student use that serve as the primary curriculum basis for a grade-level subject or course.

The Board of Education's current textbook regulations state the following:

Regulations Governing Textbook Adoption, 8 VAC 20-220-30

Only those materials which are designed to provide basic support for the instructional program of a particular content area at an appropriate level will be adopted.

Virginia's Textbook Review Process was revised and approved by the Virginia Board of Education on March 24, 2011. The current document states in *Section II: Initiating the Textbook Review Process*:
The Board will approve textbooks for, but not limited to, the four core subjects of English, mathematics, science, and history and social science.

Prior to this change, the last adoption process for health education, physical education, and driver education textbooks occurred in 2001 following revisions to the *Standards of Learning* for these areas. The Board of Education approves the textbook review process and determines the schedule for approval of specific content area textbooks. The Virginia Department of Education administers the review process on behalf of the Board of Education.

Local school boards may approve textbooks that are not on the Board-approved list. In accordance with the *Code of Virginia*, §22.1-238, any school board may use textbooks not approved by the Board provided the school board selects such books in accordance with regulations promulgated by the Board. Local school boards that choose to approve textbooks that are not on the Board-approved list are required to engage in a process similar to the Board's new process, where they request certifications of accuracy from publishers.

The revised *Virginia's Textbook Review Process* does not include health education, physical education and driver education as designated content areas for textbook approval, and the Department has limited staff available to oversee a statewide textbook review process. In addition, given the scope and pace of digital content changes, the current seven to eight year review cycle renders books on the approved list as obsolete well before the next review is scheduled. New technology-based platforms and other digital resources provide local school divisions with innovative instructional materials that support 21st Century teaching and learning. Local school divisions will still have the option of approving health education, physical education, and driver education textbooks, but would not be required to do so.

Board discussion:

- Dr. Staples said the Board may want to look at how to engage in the notion of approving resources that likely will change the day after approval. Dr. Staples said this will be a recurring theme for the Board and to think about how the process can be revised to better align with the current practice.

The Board of Education received for first review the recommendation to discontinue the state review of health education, physical education, and driver education textbooks for the current review cycle.

Report on K-12 Legislation Passed by the 2016 General Assembly

Dr. Cynthia Cave, assistant superintendent for Policy and Communications, presented this item. Her presentation included the following:

The report lists the major K-12 bills passed by the 2016 General Assembly, most of which will require action by the Board of Education or the Department of Education, or otherwise relate to the work of the Board or impact local school divisions.

**Report on K-12 Legislation and Budget Amendments
Approved by the
2016 General Assembly**

Note: All legislation becomes effective on July 1, 2016, unless otherwise indicated.

Accreditation and school improvement

SB 368 Public schools; standards for accreditation, corrective action plan.

Chief patron: McDougle

Summary: Authorizes the Board of Education (the Board) to review once every two years or once every three years the accreditation status of any school that is not on a triennial review cycle, provided that any school that receives a multiyear accreditation status other than full accreditation is to be covered by a Board-approved multiyear corrective action plan for the duration of the period of accreditation. The bill requires the Board to review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. The bill also provides that when the Board of Education determines that a corrective action plan submitted by a local school board is not sufficient to enable all schools within the division to achieve full accreditation, the Board may return the plan to the local school board with directions to submit an amended plan pursuant to Board guidance. Finally, the bill requires the Superintendent of Public Instruction to report to the Board on the accreditation status of all school divisions and schools. Currently the Superintendent is required to identify to the Board schools or divisions that do not meet certain criteria.

Item 139 C.9.e.4 of the 2016 Appropriation Act (Language).

If the Board of Education has required a local school board to submit a corrective action plan pursuant to § 22.1-253.13:3, Code of Virginia, either for the school division pursuant to a division level review, or for any schools within its division that have been designated as not meeting the standards as approved by the Board of Education, the Superintendent of Public Instruction shall determine and report to the Board of Education whether each such local school board has met its obligation to develop and submit such corrective action plan(s) and is making adequate and timely progress in implementing the plan(s). Additionally, if an academic review process undertaken pursuant to § 22.1-253.13:3, Code of Virginia, has identified actions for a local school board to implement, the Superintendent of Public Instruction shall determine and report to the Board of Education whether the local school board has implemented required actions. If the Superintendent certifies that a local school board has failed or refused to meet any of those obligations, the Board of Education shall withhold payment of some or all At-Risk Add-On funds otherwise allocated to the affected division pursuant to this allocation for the pending fiscal year. In determining the amount of At-Risk Add-On funds to be withheld, the Board of Education shall take into consideration the extent to which such funds have already been expended or contractually obligated. The local school board shall be given an opportunity to correct its failure and, if successful in a timely manner, may have some or all of its At-Risk Add-On funds restored at the Board of Education's discretion.

Board of Education

HB 196 Public elementary and secondary schools and local school divisions; information and forms.

Chief patron: Lingamfelter

Summary: Requires the Board of Education to adopt policies to ensure that the Department of Education (the Department) does not require public elementary or secondary schools or local school divisions to provide certain duplicate information or certain information that is not necessary or required pursuant to state or federal law. The bill requires the Department to study the transition to electronic submission of all information and forms to the Department by public elementary and secondary schools and local school divisions and to submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2016. In addition, the bill requires the Department to annually evaluate and determine the continued need for the information that it collects from public elementary and secondary schools and local school divisions and requires the Board to annually report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such annual evaluation and determination and other matters related to collected information and forms.

HB 521 Education, Board of; annual report includes reporting requirements of local school divisions.

Chief patron: LeMunyon

Summary: Requires the annual Board of Education report to the Governor and the General Assembly to include a complete listing of each report: (i) that school divisions are required to submit to the Board or any other state agency, including name, frequency, and an indication of whether the report contains information that the local school division is also required to submit to the federal government; and (ii) that pertains to public education that local school divisions are required to submit to the federal government, including name and frequency.

Charter Schools

SB 734 Public charter schools.

Chief patron: Obenshain

Summary: Makes several changes to the provisions for the establishment and operation of public charter schools, including making changes and providing greater specificity regarding: (i) the applicability of various laws, regulations, policies, and procedures to public charter schools; (ii) the contents of charter applications; and (iii) the procedure for executing charter contracts and the contents of such contracts.

Civics

HB 36 Government courses at public high schools; civics portion of the U.S. Naturalization Test.

Chief patron: Bell, Richard P.

Summary: Requires each local school board to implement a program of instruction in each Virginia and U.S. Government course in the school division on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

HB 205 Election day program; permitted activities of participants.

Chief patron: Webert

Summary: Allows election pages participating in the election day program for high school students to assist in the arrangement of voting equipment, furniture, and any other materials for the conduct of the election. The bill also allows election pages to assist in the counting of unmarked ballots prior to the opening of the polls, at the direction and under the direct supervision of the chief officer of election, but prohibits election pages from handling or touching ballots in any other circumstance. Currently, participants in the election day program are prohibited from handling or touching ballots, voting machines, and other official election materials. The bill requires the election pages to receive, from a person designated by the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages. This bill is identical to **SB 381** (Vogel).

CTE, dual enrollment, workforce development and STEM

HB 66 New Economy Workforce Credential Grant Fund & Program; established.

Chief patron: Byron

Summary: Establishes the New Economy Workforce Credential Grant Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of disbursing funds to certain public institutions of

higher education and other educational institutions in the Commonwealth to provide grants to Virginia students who complete certain noncredit workforce training programs at the institution and subsequently attain a relevant noncredit workforce credential. The bill also includes provisions relating to the amount and terms of such grants, academic credit for the attainment of noncredit workforce credentials, and reporting on completion of noncredit workforce training programs and attainment of noncredit workforce credentials. This bill is identical to **SB 576** (Ruff).

HB 834 Virginia Growth and Opportunity Board and Fund; established, report.

Chief patron: Cox

Summary as passed: The bill provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their regions that enhance private-sector growth, competitiveness, and workforce development. An enactment clause adopted by the General Assembly during the Reconvened Session provides that no funds shall be awarded as grants to qualifying regions based on each region's share of population or as grants to regional councils on a competitive basis unless authorized by a subsequent enactment of the General Assembly on or after July 1, 2016. This bill is identical to **SB 449** (Norment and Howell).

SB 245 Comprehensive community colleges; dual enrollment of students into Career Pathways program.

Chief patron: Stanley

Summary: Requires each comprehensive community college to enter into agreements with the local school divisions it serves to facilitate dual enrollment of eligible students into a Career Pathways program preparing students to pass a high school equivalency examination offered by the local school division and a postsecondary credential, certification, or license attainment program offered by the comprehensive community college.

SB 246 STEM Competition Team Grant Program and Fund; established, created.

Chief patron: Stanley

Summary: Establishes a grant program administered by the Board of Education beginning in 2017 to establish STEM competition teams at qualified schools. The bill defines qualified schools as those public secondary schools at which at least 40 percent of the students qualify for free or reduced lunch. Grants are capped at \$10,000 per school per year. The bill has an expiration date of July 1, 2018.

Driver education

HB 748 Driver education; certification of online courses.

Chief patron: Greason

Summary: Allows driver training schools to provide computer-based driver education courses for the classroom portion of driver education. The Commissioner of the Department of Motor Vehicles is authorized to license such driver training schools as computer-based driver education providers.

HB 1287 Behind-the-wheel and knowledge examinations; retake of examinations.

Chief patron: Carr

Summary: Allows a person less than 19 years of age who has failed the behind-the-wheel examination for a driver's license three times to take a course of instruction based on the Virginia Driver's Manual before taking the examination a fourth time if such person has previously completed the classroom component of driver instruction at a driver training school.

Early childhood

HB 46 School Readiness Committee; Secretary of Education, et al., shall establish, increases membership.

Chief patron: Greason

Summary: Directs the Secretary of Education to establish a School Readiness Committee with the first goal of addressing the development and alignment of an effective professional development and credentialing system for the early childhood education workforce in the Commonwealth, including: (i) the development of a competency-based professional development pathway for practitioners who teach children birth to age five in both public and private early childhood education programs; (ii) consideration of articulation agreements between associate and

baccalaureate degree programs; (iii) refinement of teacher licensure and education programs to address competencies specific to early childhood development; (iv) alignment of existing professional development funding streams; and (v) development of innovative approaches to increasing accessibility, availability, affordability, and accountability of the Commonwealth's workforce development system for early childhood education teachers and providers.

HB 47 Mixed-Delivery Preschool Fund and Grant Program; established, report, sunset provision.

Chief patron: Greason

Summary: Establishes the Mixed-Delivery Preschool Fund and Grant Program for the purpose of awarding grants on a competitive basis to urban, suburban, and rural community applicants to field-test innovative strategies and evidence-based practices that support a robust system of mixed-delivery preschool services in the Commonwealth. The bill requires the Virginia Early Childhood Foundation (the Foundation) to administer a request for proposal process to invite community applicants to respond with localized innovations and approaches to a mixed-delivery preschool services system. Grants are awarded by the Foundation and priority is given to applicants who: (i) commit to pursuing models of local governance that promote the successful mixed delivery of preschool services; (ii) compare classroom and child outcomes among teachers with different credentials and qualifications; (iii) use incentives to encourage participation; and (iv) use strategic assessment to discern outcomes. In addition, a Governor's recommendation, which was agreed to by the General Assembly during the Reconvened Session, requires the Board of Education to waive teacher licensure requirements upon the request of any grant recipient so long as the teachers for whom such licensure requirements have been waived meet certain basic conditions for licensure prescribed by the Board. Such basic conditions for licensure shall include education and experience qualifications that do not exceed the education and experience qualifications for program leaders of licensed child day centers as set forth in 22VAC40-185-210. The bill requires the award of six two-year grants during each year of the 2016-2018 biennium. Finally, the bill has an expiration date of July 1, 2019.

SB 467 Child day programs; exemptions from licensure.

Chief patron: Wagner

Summary: Clarifies that instructional programs offered by public schools that serve preschool-age children are exempt from licensure by the Department of Social Services. The bill further provides that education and care programs provided by public schools that are not exempt shall be regulated by the Department of Social Services instead of the State Board of Education.

English language learners

HB 241 Students who are English language learners; BOE to consider certain assessment.

Chief patron: Lingamfelter

Summary: Requires the Board of Education to consider assessments aligned to the Standards of Learning that are structured and formatted in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as Board of Education-approved alternatives to Standards of Learning end-of-course English reading assessments. This bill is identical to **SB 538** (Surovell).

Enrollment

SB 776 Public schools; residency of children in kinship care.

Chief patron: Barker

Summary: Allows a child receiving kinship care from an adult relative to enroll in the school division where the kinship care provider resides. The bill also allows local school divisions to require one legal parent and the kinship care provider to sign affidavits detailing the kinship care arrangement, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the child.

General laws: FOIA, whistle blower protection, procurement and attorney fees

HB 817 Virginia Freedom of Information Act; record exclusions, rule of redaction, etc.

Chief patron: LeMunyon

Summary: Reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill defines the term "information" and provides that it is declaratory of the law as it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments. This bill is identical to **SB 494** (Surovell).

HB 818 Virginia Freedom of Information Act; designation of officer, posting of rights and responsibilities.

Chief patron: LeMunyon

Summary: Requires certain local public bodies to post a FOIA rights and responsibilities document on their respective public government Web site. The bill also requires all state public bodies, including state authorities, and all local public bodies that are subject to FOIA, to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. The bill requires that any such FOIA officer shall possess specific knowledge of the provisions of FOIA and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council.

HB 821 Fraud and Abuse Whistle Blower Protection Act; applicability to local governmental entities.

Chief patron: LeMunyon

Summary: Includes local government and public school divisions under the Fraud and Abuse Whistle Blower Protection Act. Currently this Act is limited to state government and citizen whistle blowers. The bill reduces from \$10,000 to \$5,000 the threshold where the disclosure results in a savings for which a whistle blower disclosing information of wrongdoing or abuse may file a claim for reward. The bill contains technical amendments.

HB 1013 Threat assessment teams; dissemination of certain records and information.

Chief patron: Massie

Summary: Excludes from the Virginia Freedom of Information Act any records received by the Department of Criminal Justice Services pursuant to the operation of or for the purposes of evaluating threat assessment teams and oversight committees, school safety audits, and school crisis, emergency management, and medical emergency response plans of public schools and threat assessment teams of public institutions of higher education, to the extent that such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components. The bill allows criminal record, juvenile record, and health record information to be disseminated to members of a threat assessment team established by a local school board. Current law allows only threat assessment teams established by an institution of higher education to access such information. The bill provides that no member of a threat assessment team shall redisclose any such information or use the information beyond the purpose for which the disclosure was made.

HB 1117 Immunity of persons at public hearing; awarding of reasonable attorney fees and costs.

Chief patron: Loupassi

Summary: Allows the award of reasonable attorney fees and costs to any person who has a suit against him dismissed pursuant to immunity provided to him when appearing at a public hearing before the governing body of a locality or other local governmental entity.

SB 418 Virginia Public Procurement Act; installation of artificial turf or other athletic surfaces.

Chief patron: Vogel

Summary: Excludes the purchase of installation of artificial turf and track surfaces and all associated and necessary construction from the prohibition on using cooperative procurement to purchase construction.

SB 493 FOIA; closed meeting not authorized for discussion of pay increases.

Chief patron: Surovell

Summary: Clarifies that nothing in the personnel exemption in the open meetings law of FOIA shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

SB 564 Virginia Freedom of Information Act; exclusions for school personnel licensure applications.

Chief patron: Norment

Summary: Excludes records of an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, from the provisions of the Freedom of Information Act.

Graduation requirements

HB 895 High school graduation; graduation requirements.

Chief patron: Greason

Summary: Removes existing provisions related to standard and advanced studies diplomas and standard and verified units of credit and requires the Board of Education, in establishing high school graduation requirements, to: (i) develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship; (ii) emphasize the development of core skill sets in the early years of high school; and (iii) establish multiple paths toward college and career readiness for students to follow in the later years of high school that include internships, externships, and credentialing. The bill also sets forth the procedure for the establishment of such graduation requirements. The bill specifies that such graduation requirements shall apply to each student who enrolls in high school as (a) a freshman after July 1, 2018; (b) a sophomore after July 1, 2019; (c) a junior after July 1, 2020; or (d) a senior after July 1, 2021. This bill is similar to **SB 336** (Miller). The third, fourth and fifth enactment clauses regarding the Board's process differ. SB 336 was signed by the Governor on April 6, 2016. The Governor's recommendation to replace the third, fourth and fifth enactment clauses in HB 895 was agreed to during the Reconvened Session on April 20, 2016.

Home instruction

SB 780 Home instruction or religious exemption; information disclosure.

Chief patron: Black

Summary: Provides that a division superintendent or local school board may disclose, to the extent provided by the written consent of a student's parent, certain information that is provided by a parent or student regarding the parent's election to provide home instruction in lieu of school attendance or the parent's claim of a religious exemption.

Literary Fund

HB 577 Interpleader; funds held in escrow.

Chief patron: Robinson

Summary as passed: Allows the general district court, in an interpleader case involving an earnest money deposit held in escrow by a real estate broker, to escheat the funds to the Commonwealth to be credited to the Virginia Housing Trust Fund upon default of the stakeholders, provided that such funds have been abandoned for more than one year from the date of written notice to all stakeholders and claimants and the plaintiff and defendants are in default in the interpleader action.

GOVERNOR'S RECOMMENDATION: Replace "Virginia Housing Trust Fund" with "Literary Fund."

Status: 04/20/16: House rejected Governor's recommendation (29-Y 70-N 1-A). **NOTE:** The Governor will still have the option to veto this legislation.

Local school boards

HB 557 School efficiency reviews; scope and costs.

Chief patron: Orrock

Summary: Eliminates the 25 percent match required of local school divisions that request an efficiency review from the Department of Planning and Budget. This provision was in conflict with the current appropriation act, which requires the school division to pay the entire cost of the review. The bill also revises the operational areas examined by the efficiency review and provides that an efficiency review does not constitute an academic review that may be required by the Standards of Quality. This bill is identical to **SB 502** (Locke).

HB 942 School boards; reasonable access by certain youth groups.

Chief patron: Wilt

Summary: Requires school boards to provide reasonable and appropriate access to school property to youth-oriented community organizations, such as the Boy Scouts of America and the Girl Scouts of the United States of America, and their volunteers and staff, to distribute and provide materials to encourage participation in such organizations. The bill prohibits such access from interfering with instructional time and provides that such access may also include after-school sponsored activities.

HB 1377 School boards; assignment of teachers.

Chief patron: LeMunyon

Summary: Provides that, after September 30 of any school year, anytime the number of students in a class exceeds the statutorily prescribed class size limit, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limits. The bill requires such notification to state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with the limit.

SB 664 Ballots; order of names of candidates for school boards.

Chief patron: Surovell

Summary: Provides that the names of candidates for school boards shall be listed on the ballot in an order determined by the order of the priority of time of filing for that office. In the event that two or more candidates file simultaneously, the order of filing is determined by lot by the electoral board. Currently, all candidates not nominated by a political party or a recognized political party are listed on the ballot in alphabetical order. The bill contains technical amendments.

Private schools

HB 314 Drugs; administration by certain school employees.

Chief patron: Orrock

Summary: Provides that a prescriber may authorize an employee of a school for students with disabilities licensed by the Board of Education, or a private school accredited pursuant to § 22.1-19 of the Code of Virginia as administered by the Virginia Council for Private Education, who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day, or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia pursuant to a written order or standing protocol. This bill provides immunity from civil damages to such employees for ordinary negligence in acts or omissions resulting from the rendering of such treatment, provided that the insulin is administered in accordance with the child's medication schedule, or the employee has reason to believe the individual receiving the glucagon is suffering or about to suffer life-threatening hypoglycemia. The bill also allows nurse practitioners and physician assistants to provide training programs on the administration of drugs to students of private schools accredited pursuant to § 22.1-19 of the *Code of Virginia* as administered by the Virginia Council for Private Education.

SOL Innovation Committee

HB 525 Standards of Learning Innovation Committee; review of standardized testing in public high schools.

Chief patron: LeMunyon

Summary: Requires the Standards of Learning Innovation Committee to review and, no later than November 1, 2016, make recommendations to the Board of Education and the General Assembly on the number, subjects, and question composition of standardized tests administered to public high school students in the Commonwealth.

HB 894 Standards of Learning Innovation Committee; change in membership.

Chief patron: Greason

Summary: Requires that the membership of the Standards of Learning Innovation Committee include at least one representative of a four-year public institution of higher education and at least one representative of a two-year public institution of higher education and specifies that the business representative or representatives on the Committee shall represent the business community in the Commonwealth. The bill requires an affirmative vote of a majority of the legislative members in attendance and a majority of the nonlegislative citizen members in attendance to adopt any recommendations. The bill also staggers the terms of legislative members and nonlegislative citizen members.

Note: This bill contains an emergency clause, and it became effective on April 1, 2016 when it was signed by the Governor.

SOL instruction

HB 831 Standards of Learning; curriculum shall include computer science and computational thinking.

Chief patron: Greason

Summary: Requires the Standards of Learning established by the Board of Education and the program of instruction for grades kindergarten through 12 developed and implemented by each local school board to include computer science and computational thinking, including computer coding.

SOL tests

HB 241 Students who are English language learners; BOE to consider certain assessment.

Chief patron: Lingamfelter

Summary: Requires the Board of Education to consider assessments aligned to the Standards of Learning that are structured and formatted in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as Board of Education-approved alternatives to Standards of Learning end-of-course English reading assessments. This bill is identical to **SB 538** (Surovell).

HB 436 Standards of Learning assessments in English reading and mathematics; retake, recovery credit.

Chief patron: Austin

Summary: Requires the Department of Education to award recovery credit to any student in grades three through eight who fails a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and passes such an assessment, including any such student who subsequently retakes such an assessment on an expedited basis.

SB 427 Standards of Learning assessments; Board of Education's calculation of passage rate.

Chief patron: Miller

Summary: Prohibits the Board of Education from including in its calculation of the passage rate of a Standards of Learning assessment for the purposes of state accountability any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusion would result in the school's not meeting any required state or federal participation rate.

Special education

HB 381 Standards of Learning; alternative means for children with disabilities to demonstrate achievement.

Chief patron: Greason

Summary: Requires the Board of Education to prescribe alternative methods of assessment administration for children with disabilities who meet criteria established by the Board to demonstrate achievement of the Standards of Learning. The bill provides that an eligible student's Individual Education Program team shall make the final determination as to whether an alternative method of administration is appropriate for the student.

HB 252 Assistant speech-language pathologists; duties, report.

Chief patron: Kory

Summary: Allows a person who has met the qualifications prescribed by the Board of Audiology and Speech-Language Pathology (the Board) to practice as an assistant speech-language pathologist in accordance with regulations of the Board and to perform limited duties that are otherwise restricted to the practice of a speech-language pathologist under the supervision and direction of a licensed speech-language pathologist. The bill also requires the Board to review the need for and impact of licensure or certification of assistant speech-language pathologists and report its findings to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2016.

SB 225 Autism Advisory Council; extends sunset provision.

Chief patron: Hanger

Summary: Extends from July 1, 2016, to July 1, 2018, the expiration of the Autism Advisory Council.

Student discipline

HB 487 School resource officers; those employed pursuant to School Resource Officer Grants Program.

Chief patron: McClellan

Summary: Relieves school resource officers employed pursuant to the School Resource Officer Grants Program from the obligation to enforce school board rules and codes of student conduct as a condition of their employment.

HB 1213 Minors; certain education records as evidence.

Chief patron: Albo

Summary: Provides that in any proceeding where a juvenile is alleged to have committed a delinquent act that would be a misdemeanor if committed by an adult on school property, property solely being used for a school-related or school-sponsored activity, or a school bus, the juvenile may introduce into evidence as relevant to whether he acted intentionally or willfully any document created prior to the commission of the delinquent act that relates to certain educational plans or behavioral assessments. The bill provides that such documents shall be admitted as evidence of the facts stated therein, provided that the minor gives notice of his intent to introduce such evidence and copies of such evidence to the attorney for the Commonwealth at least ten days before trial. The bill allows such reports or documents to be placed under seal by the court.

Student health and nutrition

HB 357 Public schools; physical activity requirement for students in grades kindergarten through five.

Chief patron: Loupassi

Summary: Requires at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2018-2019 school year. The current requirement for a program of physical activity available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year is not changed. This bill is identical to **SB 211** (Miller).

HB 475 Students who have been treated for pediatric cancer; return to learn protocol.

Chief patron: Filler-Corn

Summary: Requires the Department of Education to review relevant federal regulations and suggest revisions to Department guidance documents on such federal regulations relating to a return to learn protocol for students who have been treated for pediatric cancer.

HB 954 Concussions; local school division policy to include Return to Learn Protocol for student-athletes.

Chief patron: Keam

Summary: Requires each local school division's policies and procedures regarding the identification and handling of suspected concussions in student-athletes to include a "Return to Learn Protocol" that requires school personnel to be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including: (i) difficulty with concentration, organization, and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning, and problem solving. The school division's policies must accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom. The bill also broadens the scope of the "Return to Learn Protocol" in the Board of Education's guidelines for school division policies and procedures on concussions in student-athletes to require school personnel to: (a) be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury; and (b) accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury. Under current law, the "Return to Learn Protocol" only imposes such requirements on school personnel with respect to student-athletes.

HB 1135 Virginia-grown food products; purchase by state agencies & institutions & local school divisions.

Chief patron: Kory

Summary: Requires that the Department of General Services to include a link to the Virginia Department of Agriculture and Consumer Services Virginia Grown Web site on the Department of General Services' central electronic procurement system to facilitate purchases of Virginia-grown food products. The bill also exempts purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000.

SB 665 Middle school student-athletes, public; pre-participation physical examination.

Chief patron: Marsden

Summary: Prohibits a public middle school student from participating on or trying out for any school athletic team or squad with a predetermined roster, regular practices, and scheduled competitions with other middle schools unless such student has submitted to the school principal a signed report from a licensed physician, a licensed nurse practitioner practicing in accordance with his practice agreement, or a licensed physician assistant acting under the supervision of a licensed physician attesting that such student has been examined within the preceding 12 months and found to be physically fit for athletic competition. The bill is a recommendation of the Commission on Youth.

Student safety

HB 659 High school family life education curriculum; programs on prevention of dating violence, etc.

Chief patron: Filler-Corn

Summary: Requires any high school family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence.

HB 1279 Public schools; fire drills and lock-down drills.

Chief patron: Anderson

Summary: Requires every public school to hold a fire drill at least twice during the first 20 school days of each school session and at least two additional fire drills during the remainder of the school session. Under current law, every public school is required to hold a fire drill at least once every week during the first 20 school days of each school session and at least once every month during the remainder of the school session. The bill also requires every public school to hold a lock-down drill at least twice during the first 20 school days of each school session and at least two additional lock-down drills during the remainder of the school session. Under current law, every public school is required to hold at least two lock-down drills every school year.

SB 479 Law-enforcement officers, retired; authority to carry concealed handguns.

Chief patron: Carrico

Summary: Clarifies provisions relating to the authority of retired law-enforcement officers, special agents of the State Corporation Commission and Virginia Alcoholic Beverage Control Board, members of the enforcement division of the Department of Motor Vehicles, and investigators of the security division of the Virginia Lottery to carry concealed handguns. Such officers, agents, members, and investigators who resigned after 20 years of service to accept a position covered by a retirement system authorized under Title 51.1 of the Code of Virginia fall under the same provisions as retired law-enforcement officers, agents, members, and investigators. Such retired officers, agents, members, and investigators who annually meet the training and qualification standards for active law-enforcement officers are authorized to carry concealed handguns in airports and schools and are deemed to have been issued a concealed handgun permit.

Student privacy

HB 519 School-affiliated entities; definition, providing protection for student personal information.

Chief patron: LeMunyon

Summary: Extends various protections for student information that is collected and maintained, used, or shared on certain websites, mobile applications, or online services used by school-affiliated entities. The bill defines "school-affiliated entity" as any private entity that provides support to a local school division or a public elementary or secondary school in the Commonwealth, including alumni associations, booster clubs, parent-teacher associations, parent-teacher-student associations, parent-teacher organizations, public education foundations, public education funds, and scholarship organizations.

HB 749 School service providers; protection of student personal information.

Chief patron: Greason

Summary: Makes several changes to the provisions relating to the protection of student personal information by school service providers, including (i) defining "targeted advertising" as advertising that is presented to a student and selected on the basis of information obtained or inferred over time from such student's online behavior, use of applications, or sharing of student personal information, which does not include advertising that is presented to a student at an online location on the basis of such student's online behavior, use of applications, or sharing of student personal information during his current visit to that online location or in response to that student's request for information or feedback and for which a student's online activities or requests are not retained over time for the purpose of subsequent advertising, and (ii) clarifying that other provisions of law do not prohibit school service providers from performing certain acts, including disclosing student personal information to ensure legal or regulatory compliance, protect against liability, or protect the security or integrity of its school service.

HB 750 Student personal information; definition of school services, college & career readiness assessment.

Chief patron: Greason

Summary: Excludes any Web site, mobile application, or online service that is used for the purposes of college and career readiness assessment from the definition of "school service," thus relieving providers of such Web sites, mobile applications, and online services from the obligation to provide various protections for student personal information collected through such websites, mobile applications, and online services.

Tax credits

HB 1017 Education improvement scholarships; tax credit, reporting and other requirements.

Chief patron: Massie

Summary: Education improvement scholarships tax credit; reporting and other requirements. Modifies the tax credit by: (i) making the current required report based upon donations qualifying for the credit and scholarships awarded from such donations as of June 30 of the prior calendar year; (ii) increasing from 20 to 40 the number of days by which a scholarship foundation is required to return a preauthorization notice to the Department of Education to certify that a donor has completed his donation to the foundation; (iii) increasing from 14 to 21 the number of days by which a scholarship foundation must convert a donation of marketable securities into cash; and (iv) making clarifying and technical amendments.

Under current law, a scholarship foundation must provide a report each year by September 30 to the Department of Education showing the total number and value of donations it received in its most recent fiscal year ended. Under the bill, every scholarship foundation will report on donations received in the 12-month period ending on June 30 of each year. This change will enable the Department of Education to determine whether a scholarship foundation has complied with the statutory requirement to disburse at least 90 percent of its tax-credit-derived funds received during each 12-month period ending on June 30 by the following June 30 for educational scholarships.

The bill clarifies that the annual audit, review, or compilation required of a scholarship foundation receiving tax-credit-derived funds is for the foundation's most recent fiscal year ended. Finally, the bill eliminates: (a) redundant reporting requirements relating to the total number and dollar value of donations received by a foundation; and the total number and dollar amount of educational scholarships awarded by a foundation; and (b) the requirement that a scholarship foundation report the percentage of first-time recipients to whom educational scholarships are awarded. This bill is identical to **SB 589** (Obenshain).

Teacher preparation, licensure and evaluation

HB 261 Armed Forces of U.S. or Va. National Guard, former members; provisional teaching licenses.

Chief patron: Yancey

Summary: Requires the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable teacher license.

HB 279 Career and technical education; three-year licenses.

Chief patron: Byron

Summary: Directs the Board of Education to provide for the issuance of three-year licenses to qualified individuals to teach high school career and technical education courses in specific subject areas for no more than 50 percent of the instructional day or year, on average. This bill is identical to **SB 573** (Ruff).

HB 524 Data on teacher performance and quality; confidentiality.

Chief patron: LeMunyon

Summary: Requires data collected by or for the Department of Education or the local school board or made available to and able to be used by the local school board to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, to be confidential in most instances. Current law requires such data to be confidential only if it is used by a local school board to make such a judgment. The bill provides that if such data is disclosed pursuant to court order, for the purposes of a grievance proceeding involving the teacher, or as otherwise required by state or federal law, such disclosure shall be made in a form that does not personally identify any student or other teacher.

HB 682 Teacher licensure; waiver of requirements, trade and industrial education programs.

Chief patron: Peace

Summary: Permits any division superintendent to apply to the Department of Education for an annual waiver of the teacher licensure requirements for any individual whom the local school board hires or seeks to hire to teach in a trade and industrial education program who has obtained or is working toward an industry credential relating to the program area and who has at least 4,000 hours of recent and relevant employment experience, as defined by the Board pursuant to regulation. The bill requires the Department to establish a procedure for submitting, receiving, and acting upon such annual waiver applications.

HB 842 Teachers; preparation and licensure, professional development in indicators of dyslexia.

Chief patron: Cline

Summary: Requires Board of Education regulations governing teacher licensure to require every person seeking initial licensure or renewal of a license to complete awareness training, provided by the Department of Education, on the indicators of dyslexia and the evidence-based interventions and accommodations for dyslexia. The bill requires the Department of Education to collaborate with the State Council of Higher Education for Virginia to ensure that all teacher preparation programs offered at public institutions of higher education in the Commonwealth or otherwise

available convey information on the identification of students at risk for learning disabilities, including dyslexia, other language-based learning disabilities, and attention deficit disorder. The bill has a delayed effective date of July 1, 2017.

SB 360 Teachers; Superintendent of Public Instruction to provide a model exit questionnaire.

Chief patron: Howell

Summary: Requires the Superintendent of Public Instruction to develop and provide to local school divisions a model exit questionnaire for teachers.

Transportation

HB 168 Passing stopped school buses; rebutting presumption, mailing of summons.

Chief patron: LaRock

Summary: Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. The bill also provides a means by which the existing presumption that the registered owner of the vehicle was the vehicle operator at the time of the violation can be rebutted and requires that this information be included with the mailing of the summons. The bill gives the summoned person 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation. This bill is identical to **SB 120** (Carrico).

HB 353 School boards, local; transportation agreements with nonpublic schools.

Chief patron: Greason

Summary: Authorizes local school boards to enter into agreements with nonpublic schools to provide student transportation to and from school field trips. Current law authorizes such agreements for transportation to and from school. This bill is identical to **SB 250** (Black).

Standards of Quality (SOQ)

Numerous bills have been approved by the 2016 General Assembly (and are listed in the chart below with hyperlinks) that amend the *SOQ*. Additional information regarding amendments to the *SOQ* will be provided in a separate Superintendent’s memorandum.

§ 22.1-253.13:1 (Standard One)	§ 22.1-253.13:2 (Standard Two)	§ 22.1-253.13:3 (Standard Three)	§ 22.1-253.13:4 (Standard Four)	§ 22.1-253.13:10
HB 36 HB 357 HB 831 SB 211	HB 8 HB 1377	HB 241 HB 381 HB 436 HB 895 SB 336 SB 368 SB 427 SB 538	HB 831 HB 895 SB 336	HB 894

Studies

Resolutions

HJ 97 Commonwealth's aerospace industry; Joint Commission on Technology and Science to study.

Chief patron: Yancey

Summary: Directs the Joint Commission on Technology and Science (JCOTS) to (i) identify strategies to grow Denbigh High School's Aviation Academy and encourage its transformation into a statewide program, to be named the Virginia Aviation Academy; (ii) research and identify federally funded research and development activities in the Commonwealth and recommend strategies to create additional opportunities for such activities; (iii) collect information regarding practices and efforts used successfully in other states to grow their aerospace industries; (iv) analyze the potential advantages and disadvantages of eliminating taxation on aerospace and aviation parts and labor; (v) gather information regarding opportunities in the Commonwealth related to maintenance and rehabilitation of aerospace equipment; (vi) explore any other topics related to growing the Commonwealth's aerospace industry; (vii) request the Virginia Economic Development Partnership to develop strategies to grow the Commonwealth's aerospace industry and (viii) consult with representatives of all relevant stakeholders, including but not limited to public and private institutions of higher education, the Virginia Academy of Science, Engineering, and Medicine, the NASA Langley Research Center, the NASA Wallops Flight Facility, and the Mid-Atlantic Regional Spaceport. The final report of JCOTS, due no later than the first day of the 2017 Session of the General Assembly, shall be entitled "A Blueprint for Growth of the Virginia Aviation and Aerospace Industry." This resolution is identical to [SJ 97](#) (Newman).

HJ 112 Public elementary & secondary education; report.

Chief patron: Landes

Summary: Establishes a two-year joint committee consisting of seven members of the House Committee on Education and six members of the Senate to study the future of public elementary and secondary education in the Commonwealth. This resolution is identical to [SJ 85](#) (Deeds).

HJ 157 Virginia Community College System; Joint Legislative Audit and Review Commission to review.

Chief patron: Jones

Summary: Directs the Joint Legislative Audit and Review Commission to review the Virginia Community College System. This is a two-year study.

SJ 63 Child day programs; Department of Social Services to study programs exempt from licensure.

Chief patron: Hanger

Summary: Requests the Department of Social Services to (i) review all categories of child day programs exempt from licensure under § 63.2-1715, (ii) formulate recommendations regarding whether such programs should remain exempt from licensure or whether any modifications are necessary to protect the health and well-being of the children receiving care in such programs, and (iii) consult with all relevant stakeholders.

SJ 88 Early childhood development programs; JLARC to study specific programs.

Chief patron: Norment

Summary: Directs the Joint Legislative Audit and Review Commission to study specific early childhood development programs, prenatal to age five, in the Commonwealth in order for the General Assembly to determine the best strategy for future early childhood development investments. The Commission shall report to the 2018 Session of the General Assembly.

2016 Appropriation Act

Item 132.E

The Department shall convene an interagency workgroup to assess the barriers to serving students with disabilities in their local public schools. The workgroup shall assess existing policies and funding formulas including school divisions' program requirements, localities' composite indices, local Children's Services Act (CSA) match rate allocations, local CSA rate setting practices, the impact of caps on support positions, policies for transitioning

students back to the public school, and funding for local educational programming based on models which are collaborative and create savings for both local and state government while providing youth an educational option within their communities. Membership shall include a balance of local and state representatives, all impacted state agencies, Local Education Agency (LEA) representatives, local CSA representatives, local government officials, local special education administrators, stakeholder organizations, parent representatives, the Arc of Virginia, the Coalition for Students with Disabilities, and members of the Virginia General Assembly. The workgroup shall make recommendations to the Virginia Commission on Youth prior to the 2017 General Assembly Session.

Item 139.C.28.f.5

The Department of Education shall review the distribution methodology used to determine the Governor's School tuition payments by November 4, 2016, and submit the findings of the review to the Chairmen of House Appropriations and Senate Finance Committees. The review shall include, but not be limited to, consideration of the length of the academic program day with the intent to determine and provide an equitable distribution of tuition payments based on the actual length of academic program day, the appropriate state and local shares, and the academic model used by Governor's Schools in the configuration of the funding formula.

Item 139.C.28.i

The Department of Education is directed to develop, in collaboration with the school divisions and community colleges in the Roanoke Valley region, a model proposal that establishes a Regional Career and Technical Governor's School Center. The 2016 Appropriation Act includes \$100,000 the first year for this purpose.

Item 137.G

By November 1 each year, school divisions shall report to the Department of Education the status of broadband connectivity capability of schools in the division on a form to be provided by the Department. Such report shall include school-level information on the method of Internet service delivery, the level of bandwidth capacity and the degree such capacity is sufficient for delivery of school-wide digital resources and instruction, degree of internet connectivity via Wi-Fi, cost information related to Internet connectivity, data security, and such other pertinent information as determined by the Department of Education. The Department shall provide a summary of the division responses in a report to be made available on its agency Web site.

Item 137.H

The Department of Education is directed to holistically review the statewide use of technology in the classroom and all sources of digital content development, and online learning such as virtual courses and innovative blended learning language and literacy technology options. The review shall include, but not be limited to, various types of technology currently used in the classroom such as personal computers, tablets, laptops, or other hand held devices, and how any such technology are used and coordinated with the various types of digital content or on-line options that support student academic improvement. The Department of Education shall report its preliminary findings to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2017.

Letter

Governor McAuliffe to Dr. Staples (dated April 5, 2016): Establish a working group to look at virtual learning options, to include the advocates for and patron of HB 8 (2016, vetoed). Please report back to me on your plans to further enhance virtual learning in the Commonwealth by November 15, 2016.

Legislation Vetoed by the Governor

HB 8 Virginia Virtual School; Board established.

Chief patron: Bell, Richard P.

Summary: Establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. Beginning with the 2018-2019 school year, the bill requires the School to be open to any school-age person in the Commonwealth and

provide an educational program meeting the Standards of Quality for grades kindergarten through 12, with a maximum enrollment of 5,000 students statewide. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School.

Governor McAuliffe to Dr. Staples in letter dated April 5, 2016: ...”I would like you to establish a working group to look at these issues [virtual learning options], to include the advocates for and patron of HB 8. Please report back to me on your plans to further enhance virtual learning in the Commonwealth by November 15, 2016.”

HB 259 SOL; Bd. of Education prohibited from adopting revisions that implement Common Core State Standards.

Chief patron: LaRock

Summary as introduced: Prohibits the Board of Education from replacing the educational objectives known as the Standards of Learning with Common Core State Standards without the prior statutory approval of the General Assembly but permits the Board to continue or create an educational standard or assessment that coincidentally is included in the standards referred to as the Common Core State Standards.

HB 389 Virginia Parental Choice Education Savings Accounts; established, report, effective clause.

Chief patron: LaRock

Summary: Permits the parents of certain students with disabilities to apply to their resident school division for a Parental Choice Education Savings Account, to consist of the student's Standards of Quality per pupil funds and to be used for certain expenses of the student, including: (i) tuition, fees, or required textbooks at a private elementary or secondary school or preschool that is located in the Commonwealth and does not discriminate on the basis of race, color, or national origin; (ii) educational therapies or services for the student from a practitioner or provider, including paraprofessionals or educational aides; (iii) tutoring services; (iv) curriculum; (v) tuition or fees for a private online learning program; (vi) fees for a nationally standardized norm-referenced achievement test, an Advanced Placement examination, or any examination taken to gain admission to an institution of higher education; or (vii) tuition fees or required textbooks at a public two-year or four-year institution of higher education in the Commonwealth or at an accredited private institution of higher education in the Commonwealth. The bill also contains provisions for the audit and revocation of such accounts. The bill contains a reenactment clause.

HB 516 Education, Board of; policy on sexually explicit instructional material.

Chief patron: Landes

Summary: Requires the Board of Education to establish a policy to require each public elementary or secondary school to: (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, as defined by the Board; (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request; and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests.

HB 518 School boards, local; to provide students with option to transfer to another school division.

Chief patron: LeMunyon

Summary as passed House: Requires, notwithstanding any agreement, waiver from the federal government, or provision of law to the contrary, the Board of Education, effective starting with the 2017-2018 school year, to select 12 schools identified for comprehensive support and improvement and require such schools to provide all enrolled students with the option to transfer to another public school in the school division in accordance with relevant federal law and subject to certain conditions and limitations established by the relevant local school board. The bill will not become effective unless reenacted by the 2017 Session of the General Assembly, except that the Board of Education is directed to report on the costs of implementation of the bill to the relevant General Assembly committees.

HB 1234 School security officers; carrying a firearm.

Chief patron: Lingamfelter

Summary as passed: Authorizes a school security officer to carry a firearm in the performance of his duties if he is a retired law-enforcement officer who meets the firearms training standards for active law-enforcement officers, the local school board grants him the authority to carry a firearm in the performance of his duties, and he is not otherwise prohibited by state or federal law from possessing a firearm.

SB 612 Students who receive home instruction; participation in interscholastic programs.

Chief patron: Garrett

Summary as introduced: Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who: (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2021, and is identical to **HB 131** (Bell, Robert B.)

Board discussion:

- Mrs. Atkinson asked if HB 46 referred specifically to early childhood programs provided by public schools. Dr. Cave said the waivers are for recipients of grants that are looking for partnership between public and private early childhood programs.
- Mrs. Atkinson said based on legislation involving teacher licensure, is the plan to incorporate them in this current revision of regulations or at a later date. Dr. Cave said the some will be accomplished but not all.
- Mrs. Lodal asked the plan for sexually explicit materials that has been deferred to the Board. Dr. Staples said that is part of the Board's overall review of the *Standards of Accreditation*.
- Mrs. Atkinson said the *Standards of Accreditation* that was withdrawn had language that required local school boards to identify materials that included sexually explicit materials.

The Board of Education received the report.

DISCUSSION OF CURRENT ISSUES

Mrs. Atkinson provided a brief update from the Board of Education's Accountability Committee meeting, April 27, 2016.

Mrs. Wodiska reminded the Board and public that the Board's schedule for May will include a committee meeting on May 24, Board Retreat on May 25, and business meeting on May 26.

The Board discussed the possibilities of the Board's future agendas including additional discussion on urban education, school turn-around and accountability, and leadership in schools. Mr. Bellamy requested the following be added to a future agenda: professional development in regards to multicultural diversity and cultural competency. Mrs. Lodal requested the following be added to a future agenda: assessing the Board's agenda and how the Board works, to provide more opportunity for discussion, more time in deliberations, how the Board responds to public comment.

DINNER MEETING

The Board met for a public dinner on Wednesday, April 27, 2016, at 6:00 p.m., at the Berkley Hotel with the following members present: Mrs. Atkinson, Mr. Bellamy, Dr. Cannaday, Mr. Dillard, Mr. Gecker, Mrs. Lodal, Mr. Romero, and Mrs. Wodiska. The following department staff also attended: Dr. Steven Staples, superintendent of public instruction, and Melissa Luchau, director of board relations. Members discussed pending Board agenda items. No votes were taken, and the dinner meeting ended at 8:45 p.m.

PUBLIC HEARING ON REGULATIONS GOVERNING NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS AVAILABLE FOR SALE IN PUBLIC SCHOOLS, 8 VAC 20-740 (RE-PROPOSED STAGE)

The following person spoke during public comment:

- Amy Seibert represented The School Nutrition Association of Virginia.

ADJOURNMENT OF THE BUSINESS SESSION

There being no further business of the Board of Education, Mrs. Wodiska adjourned the meeting at 12:55 p.m.



President