

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA

**MINUTES**

November 17, 2016

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

Dr. Billy K. Cannaday, Jr., President  
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

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

***MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE***

Dr. Cannaday 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 the October 27, 2016, meeting of the Board. The motion was seconded by Dr. Baysal and carried unanimously. Mr. Bellamy and Mr. Dillard were not present for the vote. Copies of the minutes had been distributed in advance of the meeting.

***RESOLUTIONS/RECOGNITIONS***

A Resolution of Recognition for Outstanding Service to Public Education was presented to Melissa L. Luchau for her service as director for board relations from 2012-2016.

Dr. Cannaday acknowledged several division superintendents who were in the audience and who planned to speak during the public comment period.

***PUBLIC COMMENT***

The following persons spoke during public comment:

- Dr. Samuel Bartle, president of the Virginia chapter of the American Academy of Pediatrics, spoke on the importance of student access to health and physical education.
- Dr. Scott Kizner, superintendent, Harrisonburg City Public Schools, spoke about Virginia's school accountability system as it relates to school divisions with high levels of poverty and diversity.

- Dr. Linda Reviea, superintendent, Staunton City Public Schools, spoke about Virginia's accountability and school improvement system.
- Dr. Jeff Cassell, superintendent, Waynesboro City Public Schools, encouraged the Board of Education to implement a school accreditation system that acknowledges growth and accomplishment.
- Dr. Catherine Magouyrk, superintendent, Manassas City Public Schools, encouraged the Board of Education to move slowly in implementing revisions to the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* and the Standards of Learning.
- Dr. Scott Braband, superintendent, Lynchburg City Public Schools, spoke about Virginia's school accreditation system.
- Dr. Stanley Jones, superintendent, Danville City Public Schools, spoke about the difficulty of maintaining high quality instruction while losing resources, especially in communities with under-resourced students.
- Dr. Bruce McDade, superintendent, Manassas Park City Public Schools, shared information about the students, schools, and financial circumstances in his school division.
- David Bailey, representing the Virginia Association of Career and Technical Education, spoke on *Virginia's Profile of a Graduate*.
- Laura Murphy spoke on parental notification related to the use of sexually explicit instructional materials in school divisions.
- Nellie Bradley, program manager, Greater Richmond Fit for Kids, spoke on the role of health and physical education in Virginia's Every Student Succeeds Act (ESSA) plan.
- Kandise Lucas, spoke on the relationship between the Virginia Department of Education and local school divisions as it relates to special education.
- Meg Kilgannon spoke on parental notification related to the use of sexually explicit instructional materials in school divisions.

## **CONSENT AGENDA**

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

### **A. Final Review of Proposed Revisions to the Guidelines for Policies on Concussions in Students, House Bill 954 Passed by the 2016 General Assembly.**

With the Board's approval of the consent agenda, the Board approved the proposed revisions to the *Guidelines for Policies on Concussions in Students* as required by House Bill 954 from the 2016 General Assembly. The approved revised guidelines are as follows:

#### **Virginia Board of Education Proposed Guidelines for Policies on Concussions in Students-Athletes**

##### **Introduction**

Pursuant to Senate Bill 652, (2010), ~~and~~ House Bills 410 and 1096, and Senate Bill 172 (2014), ~~and~~ House Bill 954 (2016), the *Code of Virginia* was amended to include § 22.1-271.5 and § 22.1-271.6 directing the Board of Education to develop and distribute to school divisions by July 1, 2015~~6~~, guidelines for policies dealing with concussions in students-athletes, and requiring each school division to develop policies and procedures regarding the identification and handling of suspected concussions in students-athletes. The full text of the 2010, ~~and~~ 2014, ~~and~~ 2016 legislation

is available at the end of this document.

The goals of the Student-Athlete Protection Act (SB 652, SB 172, HB 410, ~~and~~ HB 1096, and HB 953) are to ensure that students-athletes who sustain concussions are properly diagnosed, given adequate time to heal, and are comprehensively supported until they are symptom free. According to the Consensus Statement on Concussion in Sport (4<sup>th</sup> International Conference on Concussion in Sport, Zurich, November 2012), “The cornerstone of concussion management is physical and cognitive rest until symptoms resolve and then a graded program of exertion prior to medical clearance and return to play.”

The Brain Injury Association of Virginia notes that it is important for all education professionals to be aware of the issues surrounding brain injuries and how they can affect the student’s abilities in the educational setting. When a child is known or suspected to have sustained a concussion, either from a sports injury, motor-vehicle crash, fall, or other cause, the resulting impairments can be multidimensional and may include cognitive, behavioral, and/or physical deficits. Impairments can be mild or severe, temporary or prolonged. Because no two concussions are alike, it is difficult to determine the period of recovery.

Concussions are a medical and educational issue and are considered to be among the most complex injuries in medicine to assess, diagnose, and manage. The concussed brain requires mental and physical rest to recover. Developing brains are highly variable and concurrent issues may affect cognitive recovery. Every concussion is different, and each student will have unique symptoms and recovery times. Facilitating/managing a student’s recovery from a concussive injury includes awareness of current symptoms, the pre-injury status of physical and cognitive function, and the student’s sensitivity to physical and cognitive exertion.

Concussion symptoms may have a significant impact on learning and academic achievement. A concussion may interfere with a student’s ability to focus, concentrate, memorize, and process information. This cognitive impairment may cause frustration, nervousness, anxiety, and/or irritability, and further affect mood or previously existing irritability or anxiety. The “return to learn” academic concussion management plan is divided into graduated phases to promote recovery, considering all factors in this complex injury. Some students may need a short period of rest with a gradual return to school, while others will be able to continue academic work with minimal instructional support.

The “return-to-play” protocols following a concussion are also a stepwise process in which the students-athletes will progress to the next level when physical exertion does not exacerbate symptoms or cause the re-emergence of previously resolved symptoms. If any post-concussion symptoms reoccur while in the stepwise process, the student-athlete would revert back to the previous level, rest, and try to progress again after a period of rest is completed. Most students-athletes who experience a concussion can recover completely as long as they do not “return-to-learn” or “return-to-play” prematurely. *Premature return to learn/play may delay and/or impede recovery.* Return-to-play should not occur before the student-athlete has managed to return to a full day of academic activities.

The effects of repeated concussions can be cumulative, and after a concussion, there is a period in which the brain is particularly vulnerable to further injury. If a students-athletes sustains a second concussion during this period, the risk of prolonged symptoms increases significantly, and the consequences of a seemingly mild second concussion can actually be very severe and potentially catastrophic (i.e., “second impact syndrome”).

### Definitions

A *concussion* is a traumatic brain injury and is defined by the 4th International Conference on Concussion in Sports (2012) as a complex pathophysiological process affecting the brain and induced by biomechanical forces. Several common features that incorporate clinical, pathologic, and biomechanical injury constructs that may be utilized in defining the nature of a concussive head injury include the following:

- Concussion may be caused either by a direct blow to the head, face, neck, or elsewhere on the body with an "impulsive" force transmitted to the head.
- Concussion typically results in the rapid onset of short-lived impairment of neurologic function that resolves spontaneously. However, in some cases, symptoms and signs may evolve over a number of minutes, hours, or days.

- Concussion may result in neuropathological changes, but the acute clinical symptoms largely reflect a functional disturbance rather than a structural injury with no abnormality seen on standard structural neuroimaging studies.
- Concussion results in a graded set of clinical symptoms that may or may not involve loss of consciousness. Resolution of the clinical and cognitive symptoms typically follows a sequential course. It is important to note, however, that symptoms may be prolonged in some cases.

*Appropriate licensed health care provider* means a physician, physician assistant, osteopath physician, or athletic trainer licensed by the Virginia Board of Medicine; a neuropsychologist licensed by the Board of Psychology; or a nurse practitioner licensed by the Virginia State Board of Nursing.

*Cognitive rest* means limiting cognitive exertion and careful management of neurometabolic demands on the brain during recovery.

*Return-to-learn* refers to instructional modifications that support a controlled, progressive increase in cognitive activities while the student recovers from a brain injury (i.e., concussion) allowing the student to participate in classroom activities and learn without worsening symptoms and potentially delaying healing.

*Return-to-play* means participate in a nonmedically supervised practice or athletic competition.

*Non-interscholastic youth sports program* means a program organized for recreational athletic competition or recreational athletic instruction for youth.

## Virginia Board of Education Guidelines

### A. Policies and Procedures

1. Each school division shall develop policies and procedures regarding the identification and handling of suspected concussions in students-athletes. Consideration should also be given to addressing the academic needs and gradual reintroduction of cognitive demands for *all* students who have been determined to have a concussion. The Brain Injury Association of Virginia offers resources on strategies for educators to consider when working with a student with a brain injury.
2. In order to participate in any extracurricular athletic activity, each student-athlete and the student-athlete's parent or guardian shall review, on an annual basis (every 12 months), information on concussions provided by the school division. After having reviewed materials describing the short- and long-term health and academic effects of concussions, each student-athlete and the student-athlete's parent or guardian shall sign a statement acknowledging receipt, review, and understanding of such information. The local school division will determine procedures for ensuring, annually, that statements are distributed to and collected from each student-athlete and his or her parent or guardian with appropriate signatures.
3. A student-athlete suspected by the coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game shall be removed from the activity at that time. A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury shall not return to play that same day nor until (i) evaluated by an appropriate licensed health care provider as defined by the Board of Education and (ii) in receipt of written clearance to return to play from such licensed health care provider. The licensed health-care provider evaluating student-athletes suspected of having concussions or brain injuries may be a volunteer.
4. Appropriate licensed health care providers or properly trained individuals evaluating student-athletes at the time of injury will utilize a standardized concussion sideline assessment instrument. Sideline Concussion Assessment Tool (SCAT-II, SCAT III, ChildSCAT3), the Standardized Assessment of Concussion (SAC), and the Balance Error Scoring System (BESS) are examples of sideline concussion assessment tools that test cognitive function and postural stability. A list of assessment tools is located in the Resources section of these guidelines.
5. The school division's concussion policy team may include a school administrator, teacher, school counselor, school psychologist, school nurse, athletic administrator, appropriate licensed health care provider, coach, parent/guardian, and student and shall refine and review local concussion management policies on an annual basis.



Student will progress to the minimal instructional modification phase when able to tolerate full-time school attendance without exacerbation of existing symptoms or re-emergence of previously resolved symptoms.

c. School: Full-time

Phase 5: Minimal instructional modification - instructional strategies may include, but are not limited to

- built-in breaks;
- limited formative and summative testing, exclusion from standardized testing;
- reduction of extra time, assistance, *and* modification of assignments; and
- continuation of instructional modification and supports in academically challenging subjects that require cognitive overexertion and stress.

Student will progress to nonmodified school participation when able to handle sustained cognitive exertion without exacerbation of symptoms or re-emergence of previously resolved symptoms.

Phase 6: Attends all classes; maintains full academic load/homework; requires no instructional modifications.

2. Progression through the above phases shall be governed by the presence or resolution of symptoms resulting from a concussion experienced by the student including, but are not limited to
  - a. difficulty with attention, concentration, organization, long-term and short-term memory, reasoning, planning, and problem solving;
  - b. fatigue, drowsiness, difficulties handling a stimulating school environment (e.g., sensitivity to light and sound);
  - c. inappropriate or impulsive behavior during class, greater irritability, less able to cope with stress, more emotional than usual; and
  - d. physical symptoms (e.g., headache, nausea, dizziness).
3. Progression through gradually increasing cognitive demands should adhere to the following guidelines:
  - a. increase the amount of time in school;
  - b. increase the nature and amount of work, the length of time spent on the work, or the type or difficulty of work (change only one of these variables at a time);
  - c. if symptoms do not worsen, demands may continue to be gradually increased;
  - d. if symptoms do worsen, the activity should be discontinued for at least 20 minutes and the student allowed to rest
    - 1) if the symptoms are relieved with rest, the student may reattempt the activity at or below the level that produced symptoms; and
    - 2) if the symptoms are not relieved with rest, the student should discontinue the current activity for the day and reattempt when symptoms have lessened or resolved (such as the next day).
4. If symptoms persist or fail to improve over time, additional in-school support may be required with consideration for further evaluation. If the student is three to four weeks post injury without significant evidence of improvement, a 504 plan should be considered.
5. A student-~~athletes~~ shall progress to a stage where he or she no longer requires instructional modifications or other support before being cleared to return to full athletic participation (return-to-play).

The American Academy of Pediatrics (AAP) Return to Learn Following a Concussion Guidelines (October 2013), and the American Medical Society for Sports Medicine (AMSSM) Position Statement (2013), are available online to assist healthcare providers, student-~~athletes~~, their families, and school divisions, as needed.

### C. Protocol for return to play

1. No member of a school athletic team shall participate in any athletic event or practice the same day he/she is injured and:
  - a. exhibits signs, symptoms, or behaviors attributable to a concussion; or

- b. has been diagnosed with a concussion.
2. No member of a school athletic team shall return to participate in an athletic event or training on the days after he/she experiences a concussion unless all of the following conditions have been met:
  - a. the student attends all classes, maintains full academic load/homework, and requires no instructional modifications;
  - b. the student no longer exhibits signs, symptoms, or behaviors consistent with a concussion, at rest or with exertion;
  - c. the student is asymptomatic during, or following periods of supervised exercise that is gradually intensifying; and
  - d. the student receives a written medical release from an appropriate licensed health-care provider.

The Zurich Consensus Statement (November 2012) return-to-play guidelines and the American Academy of Pediatrics (AAP) Concussion Guidelines (August 2010), are available online to assist healthcare providers, student-athletes, their families, and school divisions, as needed.

#### **D. Helmet replacement and reconditioning policies and procedures**

1. Helmets must be National Operating Committee on Standards for Athletic Equipment (NOCSAE) certified by the manufacturer at the time of purchase.
2. Reconditioned helmets must be NOCSAE recertified by the reconditioner.
3. Regular training on proper helmet fitting and maintenance is recommended for coaches of all sports wearing protective headgear.

#### **E. Require training for personnel and volunteers**

1. The concussion policy management team shall ensure training is current and consistent with best practice protocols. Each school division shall develop policies and procedures to ensure school staff, coaches, athletic trainers, team physicians, and volunteers receive current training annually on:
  - a. how to recognize the signs and symptoms of a concussion;
  - b. strategies to reduce the risk of concussions;
  - c. how to seek proper medical treatment for a person suspected of having a concussion; and
  - d. when the student-athlete may safely return to the event or training.
2. School divisions shall maintain documentation of compliance with the annual training requirement.
3. Annual training on concussion management shall use a reputable program such as, but not limited to, the following:
  - a. The Centers for Disease Control's (CDC) tools for youth and high school sports coaches, parents, athletes, and health-care professionals provide important information on preventing, recognizing, and responding to a concussion, and are available at [http://www.cdc.gov/concussion/HeadsUp/online\\_training.html](http://www.cdc.gov/concussion/HeadsUp/online_training.html). These include *Heads Up to Schools: Know Your Concussion ABCs*; *Heads Up: Concussion in Youth Sports*; and *Heads Up: Concussion in High School Sports*.
  - b. The National Federation of State High School Associations' (NFHS) online coach education course – *Concussion in Sports – What You Need to Know*. This CDC-endorsed program provides a guide to understanding, recognizing and properly managing concussions in high school sports. It is available at [www.nfhslearn.com](http://www.nfhslearn.com).
  - c. The Oregon Center for Applied Science (ORCAS) ACTive® course, an online training and certification program that gives sports coaches the tools and information to protect players from sports concussions. Available at <http://activecoach.orcasinc.com/>, ACTive® is funded by the National Institutes of Health, developed by leading researchers, and validated in a clinical trial.

### **Community Involvement**

Non-interscholastic youth sports programs utilizing public school property shall establish policies and procedures regarding the identification and handling of suspected concussions in students-athletes, consistent with either the local school division's policies and procedures developed in compliance with this section, or the Board of Education's Guidelines for Policies on Concussions in Students-Athletes.

In addition, local school divisions may provide the guidelines to organizations sponsoring athletic activity for student-athletes on school property. Including the provision of the guidelines in the facility joint use agreements is

strongly encouraged. Local school divisions shall not be required to enforce compliance with such policies.

**B. Final Review of the Advisory Board on Teacher Education and Licensure’s Recommendation to Grant Approval to Add New Education (Endorsement) Programs at Shenandoah University and Washington and Lee University (Rockbridge Teacher Education Consortium)**

With the Board’s approval of the consent agenda, the Board approved the Advisory Board on Teacher Education and Licensure’s recommendation to grant approval to add new education (endorsement) programs at Shenandoah University and Washington and Lee University (Rockbridge Teacher Education Consortium) as follows:

<b>Institution</b>	<b>Endorsement Program Approved</b>	<b>Level of Program</b>
Shenandoah University	• Reading Specialist	Graduate
	• Early Childhood for Three-and-Four Year Olds (Add-on-Endorsement)	Graduate
Washington and Lee University (Rockbridge Teacher Education Consortium)	• Music Education-Vocal/Choral PreK-12	Undergraduate

**C. Final Review of the Advisory Board on Teacher Education and Licensure’s Recommendation to Amend the Licensure Regulations for School Personnel to Comply with House Bill 261 of the 2016 Virginia General Assembly (Fast Track)**

With the Board’s approval of the consent agenda, the Board approved the Advisory Board on Teacher Education and Licensure’s recommended amendments to the *Licensure Regulations for School Personnel* as follows:

**PROPOSED AMENDMENTS TO THE LICENSURE REGULATIONS FOR SCHOOL PERSONNEL TO CONFORM TO HOUSE BILL 261 OF THE 2016 GENERAL ASSEMBLY**

**8VAC20-22-90. Alternate Routes to Licensure.**

A. Career switcher alternate route to licensure for career professions. An alternate route is available to career switchers who seek teaching endorsements preK through grade 12 with the exception of special education.

1. An individual seeking a Provisional License through the career switcher program must meet the following prerequisite requirements:
  - a. An application process;
  - b. A baccalaureate degree from a regionally accredited college or university;
  - c. The completion of requirements for an endorsement in a teaching area or the equivalent through verifiable experience or academic study;
  - d. At least five years of full-time work experience or its equivalent; and
  - e. Virginia qualifying scores on the professional teacher's assessments as prescribed by the Board of Education.
  
2. The Provisional License is awarded at the end of Level I preparation. All components of the career switcher alternate route for career professions must be completed by the candidate.
  
3. The Level I requirements must be completed during the course of a single year and may be offered through a variety of delivery systems, including distance learning programs. If an employing agency recommends extending the Provisional License for a second year, the candidate will enter Level III of the program. Career switcher programs must be certified by the Virginia Department of Education.
  - a. Level I preparation. Intensive Level I preparation includes a minimum of 180 clock hours of instruction,

including field experience. This phase includes, but is not limited to, curriculum and instruction, including technology, reading, and other specific course content relating to the Standards of Learning, differentiation of instruction, classroom/behavior management, instructional design based on assessment data, and human growth and development.

b. Level II preparation during first year of employment.

(1) Candidate seeks employment in Virginia with the one-year Provisional License.

(2) Continued Level II preparation during the first year of employment with a minimum of five seminars that expand the intensive preparation requirements listed in subdivision 3 a of this subsection. The five seminars will include a minimum of 20 cumulative instructional hours. A variety of instructional delivery techniques will be utilized to implement the seminars.

(3) One year of successful, full-time teaching experience in a Virginia public or accredited nonpublic school under a one-year Provisional License. A trained mentor must be assigned to assist the candidate during the first year of employment. Responsibilities of the mentor include, but are not limited to, the following:

(a) Collaborate with the beginning teacher in the development and implementation of an individualized professional development plan;

(b) Observe, assess, coach, and provide opportunities for constructive feedback, including strategies for self-reflection;

(c) Share resources and materials;

(d) Share best instructional, assessment, and organizational practices; classroom and behavior management strategies; and techniques for promoting effective communication; and

(e) Provide general support and direction regarding school policies and procedures.

(4) Upon completion of Levels I and II of the career switcher alternate route to licensure program and submission of a recommendation from the Virginia educational employing agency, the candidate will be eligible to apply for a five-year, renewable license. Renewal requirements for the regular license will be subject to current regulations of the Board of Education.

c. Level III preparation, if required.

(1) Post preparation, if required, will be conducted by the Virginia employing educational agency to address the areas where improvement is needed as identified in the candidate's professional improvement plan; and

(2) Upon completion of Levels I, II, and III of the career switcher alternate route to licensure program and submission of a recommendation from the Virginia educational employing agency, the candidate will be eligible to receive a five-year renewable license.

4. Verification of program completion will be documented by the certified program provider and the division superintendent or designee.

5. Certified providers implementing a career switcher program may charge a fee for participation in the program.

B. An alternate route is available to individuals employed by an educational agency who seek teaching endorsements preK through grade 12. Individuals must complete the requirements for the regular, five-year license within the validity period of the provisional license.

1. An individual seeking a license through this alternate route must have met the following requirements:

a. Are entering the teaching field through the alternate route to licensure upon the recommendation of the Virginia employing educational agency;

b. Hold a baccalaureate degree from a regionally accredited college or university with the exception of individuals seeking the Technical Professional License;

c. Have met requirements for the endorsement area; and

d. Need to complete an allowable portion of professional studies and licensure requirements.

2. The professional studies requirements for the appropriate level of endorsement sought must be completed. A Virginia educational agency may submit to the Superintendent of Public Instruction for approval an alternate program to meet the professional studies requirements. The alternate program must include training (seminar, internship, coursework, etc.) in human growth and development, curriculum and instructional procedures (including technology), instructional design based on assessment data, classroom and behavior management, foundations of education and reading.

3. One year of successful, full-time teaching experience in the appropriate teaching area in a Virginia public or

accredited nonpublic school must be completed. A fully licensed experienced teacher must be available in the school building to assist the beginning teacher employed through the alternate route.

C. Alternate route in special education. The Provisional License is a three-year nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement. To be issued the Provisional License through this alternate route, an individual must:

1. Be employed by a Virginia public or nonpublic school as a special educator and have the recommendation of the employing educational agency;
2. Hold a baccalaureate degree from a regionally accredited college or university;
3. Have an assigned mentor endorsed in special education; and
4. Have a planned program of study in the assigned endorsement area, make progress toward meeting the endorsement requirements each of the three years of the license, and have completed coursework in the competencies of foundations for educating students with disabilities and an understanding and application of the legal aspects and regulatory requirements associated with identification, education, and evaluation of students with disabilities. A survey course integrating these competencies would satisfy this requirement. The Provisional License through this alternate route shall not be issued without the completion of these prerequisites.

D. Alternate programs at institutions of higher education or Virginia school divisions. Alternate programs developed by institutions of higher education (i) recognize the unique strengths of prospective teachers from nontraditional backgrounds and (ii) prepare these individuals to meet the same standards that are established for others who are granted a license through an alternate route.

E. Experiential learning. Individuals applying for an initial license through the alternate route as prescribed by the Board of Education must meet the following criteria to be eligible to request experiential learning credits in lieu of the coursework for the endorsement (teaching) content area:

1. Hold a baccalaureate degree from a regionally accredited college or university;
2. Have at least five years of documented full-time work experience that may include specialized training related to the endorsement sought; and
3. Have met the qualifying score on the content knowledge assessment prescribed by the Board of Education.

The criteria do not apply to teachers of special education and elementary education (preK-3 and preK-6).

F. Alternate route for a former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge. An alternate route is available to military veterans who have received an honorable discharge and who are seeking a Provisional (Veteran) License. Individuals must complete the requirements for the five-year license within the validity period of the Provisional (Veteran) License.

An individual seeking a Provisional License through the veteran alternate route must meet the following requirements:

- a. Are entering the teaching field through the alternate route to licensure upon the recommendation of the Virginia employing educational agency. If the veteran is not employed, a statement of the individual's eligibility for a Provisional (Veteran) License will be provided.
- b. Hold a baccalaureate degree from a regionally accredited college or university with the exception of individuals seeking the Technical Professional License; and
- c. Have met the appropriate level of experience or training required for the teaching endorsement area. The veteran may meet the endorsement requirements by passing a rigorous academic subject test prescribed by the Board of Education, if applicable. This testing option does not apply to individuals who are seeking an early/primary preK-3 or elementary education preK-6 endorsement or who are seeking a technical professional license, vocational evaluator license, pupil personnel services license, school manager license.

or division superintendent license.

d. 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.

**D. Final Review of the Advisory Board on Teacher Education and Licensure's Recommendation to Amend the Licensure Regulations for School Personnel to Comply with House Bill 279 of the 2016 Virginia General Assembly (Exempt Action)**

With the Board's approval of the consent agenda, the Board approved the Advisory Board on Teacher Education and Licensure's recommended amendments to the *Licensure Regulations for School Personnel*, as follows:

**PROPOSED AMENDMENTS TO THE LICENSURE REGULATIONS FOR SCHOOL PERSONNEL TO CONFORM TO HOUSE BILL 279 OF THE 2016 GENERAL ASSEMBLY  
(Reference: Section 22.1-299.6 of the Code of Virginia)**

**8VAC20-22-10. Definitions.**

Part I. Definitions

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

"Accredited institution" means an institution of higher education accredited by a regional accrediting agency recognized by the United States Department of Education.

"Alternate route to licensure" means a nontraditional route to licensure available to individuals who meet the criteria specified in 8VAC20-22-90.

"Approved program" means a professional education program recognized as meeting state standards for the content and operation of such programs so graduates of the program will be eligible for state licensure. The Board of Education has the authority to approve programs in Virginia.

"Cancellation" means the withdrawal of a teaching license following the voluntary return of the license by the license holder.

"Career and technical education (three-year) license means a nonrenewable license issued for a three-year validity period to 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, and who meet the specific criteria specified in 8VAC20-22-50. Individuals issued this license shall not be eligible for continuing contract status while teaching under such license. The Board shall report at least triennially to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health on the issuance of these three-year licenses..."

8VAC20-22-40. Conditions for Licensure.

A. Applicants for licensure must:

1. Be at least 18 years of age;
2. Pay the appropriate fees as determined by the Board of Education and complete the application process;

3. Have earned a baccalaureate degree (with the exception of the Technical Professional License) from a regionally accredited institution of higher education and meet requirements for the license sought. Persons seeking initial licensure who graduate from Virginia institutions of higher education shall only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such institutions have been assessed by a national accrediting agency or by a state approval process with final approval by the Board of Education; and

4. Possess good moral character (free of conditions outlined in Part VII (8VAC20-22-690 et seq.) of this chapter.

B. All candidates who hold at least a baccalaureate degree from a regionally accredited college or university and who seek an initial Virginia teaching license must obtain passing scores on professional teacher's assessments prescribed by the Board of Education. With the exception of the career switcher program that requires assessments as prerequisites, individuals must complete the professional teacher's assessments within the three-year validity of the initial provisional license. Candidates seeking a Technical Professional License, the International License, the School Manager License, or the Pupil Personnel Services License are not required to take the professional teacher's assessments. Individuals who hold a valid out-of-state license (full credential with no deficiencies) and who have completed a minimum of three years of full-time, successful teaching experience in a public or accredited nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the professional teacher's assessment requirements.

C. All individuals seeking an initial endorsement in early/primary education preK-3, elementary education preK-6, special education-general curriculum, special education-hearing disorders, special education-visual impairments and individuals seeking an endorsement as a reading specialist must obtain passing scores on a reading instructional assessment prescribed by the Board of Education.

D. Licensure by reciprocity is set forth in 8VAC20-22-100. A school leader's assessment prescribed by the Board of Education must be met for all individuals who are seeking an initial endorsement authorizing them to serve as principals and assistant principals in the public schools. Individuals seeking an initial administration and supervision endorsement who are interested in serving as central office instructional personnel are not required to take and pass the school leaders assessment prescribed by the Board of Education.

E. Individuals seeking initial licensure must demonstrate proficiency in the use of educational technology for instruction, 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, and 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.

F. Every person seeking initial licensure 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 evidenced-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 Virginia Board of Education shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training.

G. 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, as defined in 8VAC20-22-10, 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.

#### **8VAC20-22-50. Types of Licenses; Dating Licenses.**

A. The following types of licenses are available:

1. Provisional License. The Provisional License is a nonrenewable license valid for a period not to exceed three years issued to an individual who has allowable deficiencies for full licensure as set forth in these regulations. The individual must have a minimum of an undergraduate degree from a regionally accredited college or university

(with the exception of those individuals seeking the Technical Professional License). The Provisional License, with the exception of those individuals seeking licensure through a career switcher program, will be issued for three years. Individuals must complete the requirements for the regular, five-year license within the validity period of the Provisional License.

2. Collegiate Professional License. The Collegiate Professional License is a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including an earned undergraduate degree from a regionally accredited college or university and the professional teacher's assessments prescribed by the Board of Education.

3. Postgraduate Professional License. The Postgraduate Professional License is a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from a regionally accredited college or university.

4. Technical Professional License. The Technical Professional License is a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, skills in literacy and communication, technical competency, and occupational experience; and has completed nine semester hours of specialized professional studies credit from a regionally accredited college or university. The nine semester hours of professional studies coursework must include human growth and development (three semester hours), curriculum and instructional procedures (three semester hours), and applications of instructional technology or classroom and behavior management (three semester hours). The Technical Professional License is issued at the recommendation of an employing educational agency in the areas of career and technical education, educational technology, and military science. Individuals seeking military science must have the appropriate credentials issued by the United States military. In addition to demonstrating competency in the endorsement area sought, the individual must:

- a. Hold a license issued by the appropriate Virginia board for those program areas requiring a license and a minimum of two years of satisfactory experience at the journeyman level or an equivalent;
- b. Have completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade; or
- c. Have four years of work experience at the management or supervisory level or equivalent or have a combination of four years of training and work experience at the management or supervisory level or equivalent.

Individuals holding the Technical Professional License who seek the Collegiate Professional or Postgraduate Professional License must meet the professional teacher's assessments requirement.

5. School Manager License. The school manager license is a five-year, renewable license intended to provide for the differentiation of administrative responsibilities in a school setting. A school manager is licensed to administer noninstructional responsibilities in an educational setting. For example, a school manager is restricted from evaluating teachers, supervising instruction, developing and evaluating curriculum, and serving as a school's student disciplinarian. The license is available to a candidate who holds a baccalaureate degree from a regionally accredited college or university; has three years of successful managerial experience; and is recommended for the license by a Virginia school division superintendent.

6. Pupil Personnel Services License. The Pupil Personnel Services License is a five-year, renewable license available to an individual who has earned an appropriate graduate degree from a regionally accredited college or university with an endorsement for guidance counselor, school psychologist, school social worker, or vocational evaluator. This license does not require teaching experience.

7. Division Superintendent License. The Division Superintendent License is a five-year, renewable license available to an individual who has completed an earned master's degree from a regionally accredited college or university and meets the requirements specified in 8VAC20-22-600. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

8. International Educator License. The International Educator License provides a three-year cultural exchange opportunity for Virginia students and international teachers. The International Educator License is a professional,

teaching license issued for no more than three years to an exchange educator with citizenship in a nation other than the United States of America, and employed as an educator in a Virginia public or accredited nonpublic school, to teach for up to three consecutive years. This license does not require professional teacher's assessments; however, the individual will be subject to assessment requirements if the individual seeks a five-year renewable license. To be issued the International Educator License an individual must:

- a. Be employed by a Virginia public or accredited nonpublic school;
- b. Hold non-U.S. citizenship and be a nonpermanent resident;
- c. Serve as an exchange teacher for a time period not to exceed three consecutive years; and
- d. Meet the following requirements as verified by a state-approved, federally-designated Exchange Visitor Program (22 CFR Part 62):
  - (1) Be proficient in written and spoken English;
  - (2) Demonstrate competence in the appropriate academic subject area(s);
  - (3) Hold the U.S. equivalent of a baccalaureate degree or higher as determined by an approved credential agency; and
  - (4) Hold U.S. or foreign educator credentials and completed at least one year of successful teaching experience that:
    - (a) Enables the educator to fulfill a similar assignment in his home country; or
    - (b) Is comparable to those requirements for Virginia teachers.

9. Teach For America License. The Teach For America License is a two-year provisional license.

a. This provisional license is available to any participant in Teach For America, a nationwide nonprofit organization focused on closing the achievement gaps between students in high-income and low-income areas, who submits an application and meets the following requirements:

- (1) Holds, at minimum, a baccalaureate degree from a regionally accredited institution of higher education;
- (2) Has met the requirements prescribed by the Virginia Board of Education for all endorsements sought or has met the qualifying scores on the content area assessment prescribed by the board for the endorsements sought;
- (3) Possesses good moral character according to criteria developed by the Virginia Board of Education;
- (4) Has been offered and has accepted placement in Teach For America;
- (5) Has successfully completed pre-service training and is participating in the professional development requirements of Teach For America, including teaching frameworks, curricula, lesson planning, instructional delivery, classroom management, assessment and evaluation of student progress, classroom diversity, and literacy development;
- (6) Has an offer of employment from a local school board to teach in a public elementary or secondary school in the Commonwealth or a preschool program that receives state funds pursuant to subsection C of § 22.1-199.1 of the Code of Virginia; and
- (7) Receives a recommendation from the employing school division for a Teach For America License in the endorsement area in which the individual seeks to be licensed.

b. In addition to the criteria set forth in subdivision a of this subdivision 9, any individual who seeks an endorsement in early childhood, early/primary, or elementary education shall either (i) agree to complete such coursework in the teaching of reading as may be prescribed by the Virginia Board of Education pursuant to 8VAC20-22-130 during the first year of employment or (ii) achieve a passing score on a reading instructional assessment prescribed by the Virginia Board of Education.

c. Teachers issued a Teach For America provisional license shall not be eligible for continuing contract status while employed under the authority of a Teach For America license and shall be subject to the probationary terms of employment specified in § 22.1-303 of the Code of Virginia.

d. The Virginia Board of Education may extend any Teach For America License for one additional year upon request of the employing school division, provided that no Teach For America License shall exceed a total of three years in length.

e. Notwithstanding any provision of law to the contrary, upon completion of at least two year of full-time teaching experience in a public elementary or secondary school in the Commonwealth or a preschool program that receives state funds pursuant to subsection C of § 22.1-199.1 of the Code of Virginia, an individual holding a Teach For America License shall be eligible to receive a renewable license if he has (i) achieved satisfactory scores on all professional teacher assessments required by the Virginia Board of Education and (ii) received satisfactory evaluations at the conclusion of each year of employment.

f. Notwithstanding any provision of law to the contrary, the Virginia Board of Education shall issue a Teach For America License to any individual who (i) has completed two years of successful teaching in the Teach For America program in another state, (ii) is not eligible to receive a renewable license, and (iii) meets the criteria in subdivision a of this subdivision 9.

10. Career and Technical Education (Three-Year) License: The Career and Technical Education (Three-Year) License is a nonrenewable license issued for a three-year validity period.

a. The Career and Technical Education (Three-Year) License is available to individuals who have been employed 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, and who meet the following requirements:

(1) Submits an application in the form prescribed by the Board, that includes a recommendation for such a license from the local school board;

(2) Meets certain basic conditions for licensure as outlined in [8VAC20-22-40](#);

(3) Meets one of the following:

(i) holds, at a minimum, a baccalaureate degree from a regionally accredited institution of higher education and has completed coursework in the career and technical education subject area in which the individual seeks to teach; or

(ii) holds the required professional license in the specific career and technical education subject area in which the individual seeks to teach, where applicable; or

(iii) holds an industry certification credential, as that term is defined in § 22.1-298.1, in the specific career and technical education subject area in which the individual seeks to teach;

(4) Has at least four years of full-time work experience or its equivalent in the specific career and technical education subject area in which the individual seeks to teach; and

(5) Has obtained qualifying scores on the communication and literacy professional teacher's assessment prescribed by the Board.

b. The employing school board shall assign a mentor to supervise an individual issued a three-year license pursuant to this section during the first year of teaching.

c. Except as otherwise provided in subsection d, any individual issued a three-year license pursuant to this section may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board.

d. Any individual issued a three-year license pursuant to this section who completes:

(1) nine semester hours of specialized professional studies credit from a regionally accredited institution of higher education; or (2) an alternative course of professional studies proposed by the local school board and approved by the Department of Education shall be granted a three-year extension of such license by the Board and may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board. Any such specialized professional studies credit or alternative course of professional studies may be completed through distance learning programs and shall include human growth and development; curriculum, instructional, and technology procedures; and classroom and behavior management.

e. No three-year license issued by the Board pursuant to this section shall be deemed a provisional license or a renewable license, as those terms are defined in § 22.1-298.1.

f. Individuals issued a three-year license pursuant to this section shall not be eligible for continuing contract status while teaching under such license and shall be subject to the probationary terms of employment specified in § 22.1-303.

g. The provisions of §22.1-299.6 and of Board regulations governing the denial, suspension, cancellation, revocation, and reinstatement of licensure shall apply to three-year licenses issued pursuant to this section.

h. The Board shall report at least triennially to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health on the issuance of three-year licenses pursuant to this section by high school, local school division, and career and technical education subject area.

B. All licenses will be effective from July 1 in the school year in which the application is made. A Virginia employing education division or agency is required to notify employees in writing at the time of employment of the need to meet appropriate assessment requirements for licensure.

**E. Final Review of the Virginia Department of Education's Application for an Annual Waiver of the Teacher Licensure Requirements for Trade and Industrial Education Teachers to Comply with House Bill 682 of the 2016 Virginia General Assembly**

With the Board's approval of the consent agenda, the Board approved the application process and form for the annual waiver applications of licensure requirements for individuals hired to teach in a trade and industrial education program, as follows:

**PROCEDURE FOR SUBMITTING AN ANNUAL WAIVER APPLICATION OF TEACHER LICENSURE REQUIREMENTS FOR TRADE AND INDUSTRIAL EDUCATION TEACHERS**

**Background:**

The 2016 General Assembly passed House Bill 682 that amended the statute by adding the following section to the *Code of Virginia*:

***Code of Virginia, § 22.1-299.5. Waiver of teacher licensure requirements; trade and industrial education programs.***

*A. Notwithstanding any provision of law to the contrary, any division superintendent may 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.*

*B. The Department of Education shall establish a procedure for submitting, receiving, and acting upon such annual waiver applications.*

Signed on December 10, 2015, the *Every Student Succeeds Act* replaced the *No Child Left Behind Act*. This federal law requires, in part, the following:

***Every Student Succeeds Act***

**Section 1111(g)(2)(J)**

*(2) Each State plan shall contain assurances that --*

...“(J) the State educational agency will ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification;...”

**Section 1112**

e) PARENTS RIGHT-TO-KNOW.—

(1) INFORMATION FOR PARENTS.—

(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student’s classroom teachers, including at a minimum, the following:

(i) Whether the student’s teacher—

(I) has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

(II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and

(III) is teaching in the field of discipline of the certification of the teacher.

(ii) Whether the child is provided services by paraprofessionals and, if so, their qualifications....

**Submission of Request:**

A Virginia school division superintendent may apply to the Department of Education for an annual waiver of teacher licensure requirements who meets specified criteria. Submission of an application for the waiver must include the following:

- Application for a Virginia License (if the individual does not already hold a valid Virginia license);
- Documentation of the completion of (1) child abuse recognition and intervention training and (2) emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator Training;
- Verification that the school board is hiring or seeks to hire the applicant in a trade and industrial education program;
- Verification of an industry credential or evidence from the credentialing entity that the individual is working toward the industry credential; and
- Documentation of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which endorsement is sought. [Please note that individuals whose experience requires a professional license to practice must hold such active Virginia license.]

The application may request a waiver of the following licensure requirements:

- Technology Standards for Instructional Personnel;
- Human growth and development: three semester hours;
- Curriculum and instructional procedures in career and technical education: three semester hours; and
- Applications of instructional technology or classroom and behavior management: three semester hours.

The attached application must be submitted to the Division of Teacher Education and Licensure, Virginia Department of Education, P. O. Box 2120, Richmond, Virginia 23218-2120. The school division is to notify the teacher of the waiver request.

**APPLICATION FOR AN ANNUAL WAIVER OF TEACHER LICENSURE REQUIREMENTS FOR A  
TRADE AND INDUSTRIAL EDUCATION TEACHER**

**Name of School Division**  
**Name of Teacher**  
**Address**  
**City/Zip**  
**License Number, if applicable**  
**Teaching Assignment**

Please check the documents attached:

- Application for a Virginia License (if the individual does not already hold a valid Virginia license);
- Documentation of the completion of Child Abuse Recognition and Intervention Training and Emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator Training;
- Verification that the school board is hiring or seeks to hire the applicant in a trade and industrial education program;
- Verification of an industry credential or evidence from the credentialing entity that the individual is working toward the industry credential; and
- Documentation of at least two years or 4,000 clock hours of satisfactory occupational experience within the past five years in the teaching specialty for which endorsement is sought. [Please note that individuals whose experience requires a professional license to practice must hold such active Virginia license.]

**Certification:**

By my signature, I am requesting a waiver of the following licensure requirements for the \_\_\_\_\_ school year for the teacher named on this application who my local board is hiring or seeks to hire for a trade and industrial education program.

Please check the licensure requirements for which the annual waiver is requested:

- Technology Standards for Instructional Personnel;
- Human growth and development: three semester hours;
- Curriculum and instructional procedures in career and technical education: three semester hours; and
- Applications of instructional technology or classroom and behavior management: three semester hours.

Signature, Division Superintendent

Name of Division Superintendent

Date

**F. Final Review of Proposed Amendments to the Regulations Governing Nutritional Guidelines for Competitive Foods Available for Sale in the Public Schools (Final Stage)**

With the Board's approval of the consent agenda, the Board approved proposed amendments to the *Regulation Governing Nutritional Guidelines for Competitive Foods Available for Sale in the Public Schools (Final Stage)*, as follows:

CHAPTER 740  
REGULATIONS GOVERNING NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS AVAILABLE  
FOR SALE IN THE PUBLIC SCHOOLS

**8VAC20-740-10. Definitions.**

"A la carte item" means an individually priced food item served by the local school nutrition department that may or may not be part of the reimbursable meal under the federal Child Nutrition Programs.

"After school activities" means activities that occur on the school campus after the school day.

"Beverage" means a drinkable liquid.

"Calorie" means the amount of heat required to change the temperature of one gram of water from 14.5 degrees Celsius to 15.5 degrees Celsius. Calorie is used synonymously with kilocalorie as a unit of measure for energy obtained from food and beverages.

"Child Nutrition Programs" means school meal programs funded and regulated by the U.S. Department of Agriculture (USDA) and includes the National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Programs (ASP), Child and Adult Care Food Program (CACFP), Summer Food Service Program (SFSP), and Special Milk Program (SMP).

"Combination foods" means products that contain two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein, or grains.

"Competitive food" means all food available for sale to students on the school campus during the school day other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act (42 USC § 1751 et seq.) and the Child Nutrition Act of 1966 (42 USC § 1771 et seq.) .

Competitive food includes all foods available for sale to students:

1. In school cafeterias as a la carte items.
2. In vending machines located on the school campus during the school day.
3. As fundraisers held on the school campus during the school day.
4. In school snack bars on the school campus during the school day.
5. In school stores operated on the school campus during the school day by the school, a student association, or other school-sponsored organization.
6. At school activities such as special fundraisers, achievement rewards, classroom parties, school celebrations, classroom snacks, or school meetings held on the school campus during the school day.
7. In culinary education programs where food prepared as part of the educational curriculum is sold to students; however, this provision does not apply if food is sold to adults only.

This term does not apply to food a student brings from home for consumption at school or items available for sale to adults only in areas not accessible to students (e.g., teachers lounges).

"Dietary Guidelines for Americans" means guidelines jointly issued by the U.S. Department of Health and Human Services and U.S. Department of Agriculture and revised every five years and that provide authoritative advice based on current scientific evidence and medical knowledge for people two years of age and older about how good dietary habits can promote health and reduce risk for major chronic diseases.

"Entree item" means an item that is either (i) a combination food of meat or meat alternate and whole grain rich food; (ii) a combination food of vegetable or fruit and meat or meat alternate; or (iii) a meat or meat alternate alone with the exception of yogurt; low-fat or reduced fat cheese; nuts, seeds, and nut or seed butters; and meat snacks (e.g., dried beef jerky).

["Fundraiser" means a school-sponsored activity where food or non-food items are sold on the school campus during regular school hours by the school-sponsored organization to raise money for a school-related program or activity. One fundraiser is defined as one or more fundraising activities by one or more school-sponsored organizations that last one school day.

"Fundraising Exemption" means an exception that allows the sale of food or beverages by a school-sponsored organization on the school campus during regular school hours, that do not meet the nutrition standards established in this regulation and items that do not meet the United States Department of Agriculture's Smart Snacks in Schools regulation. Fundraisers that sell non-food items, or that sell foods or beverages that meet the nutrition standards, are not subject to these regulations.]

"Obesity" means obesity in children and adolescents referring to the age-specific and sex-specific body mass index (BMI) that is equal to or greater than the 95th percentile of the BMI charts of the Centers for Disease Control and Prevention (CDC).

["Regular school hours" means the standard school day, as defined in 8VAC20-131-5, except for the purpose of fundraiser exemptions, breaks for meals and recess are included in the regular school hours.]

"School campus" means, for the purpose of competitive food standards implementation, all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

"School day" means, for the purpose of competitive food standards implementation, the period from the midnight before to 30 minutes after the end of the official school day.

"School food authority" or "SFA" means, under the federal child nutrition laws, the entity that is legally responsible for the operations and administration of the local school nutrition programs (i.e., school division).

"Trans fat" means food items containing vegetable shortening, margarine, or any partially hydrogenated vegetable oil unless the label required on the food, pursuant to applicable federal and state law, lists the trans fat content as zero grams per serving.

"Wellness policy" means a policy required for public schools participating in a nutrition program authorized by the Richard B. Russell National School Lunch Act (42 USC § 1751 et seq.) or the Child Nutrition Act of 1966 (42 USC § 1771 et seq.) that meets minimum standards designed to support school environments that promote student wellness.

"Whole grains" means grains that are made with enriched and whole grain meal or flour in accordance with the most recent grains guidance from the U.S. Department of Agriculture Food and Nutrition Service.

"Whole-grain rich" means products that contain at least 50% whole grains and the remaining grains in the product must be enriched.

#### **8VAC20-740-20. Applicability.**

A. This chapter shall apply to all public school divisions, public schools, and public school food authorities (SFAs) in the Commonwealth of Virginia.

B. This chapter shall not apply to beverages.

C. This chapter shall apply to the nutritional content of food items available for sale to students on the school campus of any public school and other public SFAs such as residential childcare institutions, during the school day. It shall apply to:

1. Foods available for sale to students in vending machines.
2. Foods available for sale to students as a la carte items in the school cafeteria.
3. Foods available for sale to students at snack bars and stores operated by the school, a student association, or other school-sponsored organization.
4. Foods available for sale to students at school activities such as fundraisers.
5. Foods available for sale to students by culinary or other educational programs.

D. This chapter shall not apply to the nutritional content of foods:

1. Provided as meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act (42 USC § 1751 et seq.) and the Child Nutrition Act of 1966 (42 USC § 1771 et seq.).
2. Available for sale at snack bars, concession stands, or athletic events after the school day.
3. Available for sale either during intermission or immediately before or after athletics events scheduled after the school day.

4. Available for sale for school-related fundraising activities that take place off the school campus or [for exempt fundraisers as outlined in section 8VAC20-740-40 of this regulation.]
5. Available for sale during activities that take place after the school day, such as clubs, yearbook, band and choir practice, student government, drama, sports practices, interscholastic sporting events, school plays, and band concerts.
6. Available for sale to adults only in areas not accessible to students.

E. The requirements of this chapter supplement 8VAC20-290 and 8VAC20-580, which remain in effect.

**8VAC20-740-30. Nutrition standards.**

A. The nutrition standards apply to all foods available for sale to students (i) outside the school meal programs; (ii) on the school campus; and (iii) at any time during the school day. The nutrition standards shall be consistent with the most recent Dietary Guidelines for Americans.

B. To be allowable, a competitive food must (i) meet all of the competitive food nutrient standards and (ii) must either:

1. Be a grain product that contains 50% or more whole grains by weight or have as the first ingredient a whole grain (i.e., whole-grain rich);
2. Have as the first ingredient one of the nongrain major food groups: fruits, vegetables, dairy, or protein foods (e.g., meat, beans, poultry, seafood, eggs, nuts, seeds, etc.);
3. Be a combination food that contains 1/4 cup of fruit or vegetable; or
4. ~~Contain 10% of the Daily Value of a nutrient of public health concern based on the most recent Dietary Guidelines for Americans (i.e., calcium, potassium, vitamin D, or dietary fiber) for the period through June 30, 2016. Effective July 1, 2016, this criterion is obsolete and may not be used to qualify as a competitive food.~~

If water is the first ingredient, the second ingredient must be one of the food items listed in this subsection.

C. General exemptions:

1. Fresh, canned, and frozen fruits or vegetables with no added ingredients except water or, in the case of fruit, packed in 100% juice, extra light, or light syrup are exempt from the nutrient standards.
2. Canned vegetables that contain a small amount of sugar for processing purposes are also exempt from the nutrient standards.
3. An entree item offered as part of the national school lunch program under 7 CFR Part 210 or the school breakfast program under 7 CFR Part 220 is exempt from all competitive food standards if it is offered as a competitive food on the day of, or the school day after, it is offered in the lunch or breakfast program. Exempt entree items offered as a competitive food must be offered in the same or smaller portion sizes as in the lunch or breakfast program.

Side dishes offered as part of the lunch or breakfast program and served a la carte must meet the nutrition standards in this section.

D. The accompaniments to a competitive food item must be included in the nutrient profile as a part of the food item served in determining if an item meets the nutrition standards for competitive food. The contribution of the accompaniments may be based on the average serving size of the accompaniment used per item.

E. Nutrient standards:

1. Standard 1: Calories.

- a. Snack items and side dishes sold a la carte (i) shall be no more than 200 calories per item as served or as packaged, including the calorie content in any accompaniments, such as butter, cream cheese, and salad dressing, and (ii) must meet all other nutrient standards .
- b. Entree items sold a la carte, unless the entree item meets the exemption for NSLP/SBP entree items in subdivision C 3 of this section, shall (i) contain no more than 350 calories, including the calorie

content of any accompaniments, per item as served or as packaged, and (ii) meet all of the other nutrient standards in this section.

c. The calories contained in any accompaniments must be included in the nutrient profile as a part of the item served.

2. Standard 2: Fat.

a. Total fat. Competitive foods shall contain no more than 35% of total calories from fat per item as packaged or served. Exemptions to the total fat standard are granted for:

(1) Reduced fat cheese and part-skim mozzarella cheese. This exemption does not apply to combination foods.

(2) Nuts, seeds, and nut or seed butters. This exemption does not apply to combination foods that contain nuts, seeds, or nut or seed butters, such as peanut butter and crackers and trail mix.

(3) Products consisting of only dried fruit with nuts or seeds with no added nutritive sweeteners or fat.

(4) Seafood with no added fat.

b. Saturated fat. Competitive foods shall have less than 10% of total calories from saturated fat per item as packaged or served. Exemptions to the saturated fat standard are granted for:

(1) Reduced fat cheese and part-skim mozzarella cheese. This exemption does not apply to combination foods.

(2) Nuts, seeds, and nut or seed butters. This exemption does not apply to combination foods that contain nuts, seeds, or nut or seed butters, such as peanut butter and crackers and trail mix.

(3) Products consisting of only dried fruit with nuts or seeds with no added nutritive sweeteners or fat.

c. Trans fat. Competitive foods must have zero grams of Trans fat per item as packaged or served.

3. Standard 3: Sugar. Total sugar shall be no more than 35% of weight per item as packaged or served. Exemptions to the sugar standard are provided for:

a. Dried whole fruits or vegetables.

b. Dried whole fruit or vegetable pieces.

c. Dehydrated fruits or vegetables with no added nutritive sweeteners.

d. Dried fruits with nutritive sweeteners that are required for processing or palatability purposes.

4. Standard 4: Sodium.

a. Sodium content in snacks (i) shall be no more than ~~[230 200]~~ mg per item as packaged or served, including the sodium content in any accompaniments, such as butter, cream cheese, and salad dressing; and (ii) must meet all other nutrient standards. ~~[Effective July 1, 2016, the sodium standard shall be no more than 200 mg per item as packaged or served, including the sodium content in any accompaniments]~~

b. Entree items sold a la carte, unless the entree item meets the exemption for NSLP/SBP entree items in subdivision C 3 of this section (i) shall have no more than 480 mg of sodium per item as packaged or served, including the sodium content in any accompaniments, such as butter, cream cheese, and salad dressing; and (ii) must meet all other nutrient standards in this section.

**8VAC20-740-40. Exemption to the Nutrition Standards for School-Sponsored Fundraisers**

A. Each public school shall be permitted to conduct, on the school campus during regular school hours, no more than 30 school-sponsored fundraisers per school year during which food or beverages that do not meet the nutrition guidelines in these regulations or in the USDA regulations may be sold to students. School divisions are not required to allow exemptions to these nutrition standards for school-sponsored fundraisers and may implement more restrictive guidelines as part of the local wellness policy requirements outlined in 8VAC 20-740-50 A.

B. One fundraiser is defined as one or more fundraising activities that last one school day. If multiple school-sponsored organizations conduct fundraisers on the same day, the combined activities shall be counted as one

fundraiser. If a fundraising activity lasts more than one school day, each subsequent day's activity shall be considered as one fundraiser and shall count toward the 30 exempt fundraisers total per year.

C. Any fundraiser that sells food or beverages, whether the items meet the nutrition standards or are exempt from the nutrition standards, may not be conducted during school meal service times. Pursuant to current Board of Education regulations for the School Breakfast Program (8VAC20-580-10 et seq.) and the Regulations Governing School Lunch Sale of Food Items (8VAC20-290-10), any food or beverage items cannot be sold in competition with the National School Lunch Program and School Breakfast Program from 6 a.m. until after the close of the last breakfast period and from the beginning of the first lunch period to the end of the last lunch period. Pursuant to these regulations, the income from any food or beverage sold to students during these times shall accrue to the non-profit School Nutrition Program account.

D. An exemption is not required for non-food fundraisers or for fundraisers that sell food or beverage items that meet these nutrition standards.

**8VAC20-740-[40-50]. Implementation and compliance.**

A. Each local school board shall incorporate and adopt the nutrition standards in this chapter as a compulsory component of the divisionwide local wellness policy mandated by federal regulation for all local education agencies that participate in the national school lunch program. In addition to incorporating the nutrition standards for competitive foods, the local wellness policy shall (i) establish and identify school division leadership with the authority to enforce the local wellness policy throughout the school campus; (ii) establish specific goals for nutrition promotion, nutrition education, physical activities, and other school-based activities that promote wellness; and (iii) establish policies that address marketing and advertising of only foods that meet the nutrition standards for competitive foods, serve to promote student health, prevent childhood obesity, and combat problems associated with poor nutrition and physical inactivity .

B. Local educational agencies and school food authorities must retain the records used to document compliance with this chapter; that is, the documentation used to assess the nutritional profile of the food item and determine whether a food item is an allowable competitive food (e.g., the nutrition labels, recipes, or product specifications).

1. Local educational agencies:

a. Shall be responsible for maintaining records documenting compliance with the competitive food nutrition standards for food available for sale in areas that are outside of the control of the school nutrition programs operation.

b. Shall be responsible for ensuring any organization or school activity designated as responsible for food service at the various venues in the school (other than the school nutrition programs) maintains records documenting compliance with the competitive food nutrition standards.

[c. shall be responsible for maintaining records each school year documenting the number of exempt fundraisers conducted at each school within the LEA.]

[e-d.] Shall designate an individual at the division or school level to monitor and ensure compliance with this chapter in all areas that are outside the control of the school nutrition programs operation. This designee shall not be school nutrition personnel.

2. The school food authority shall be responsible for maintaining records for foods served under the auspices of the nonprofit school nutrition programs account.

3. The Department of Education shall ensure that the local education agencies and school food authorities comply with these nutrition standards [and shall provide guidance to schools on alternative school-sponsored fundraisers that do not involve the sale of foods or beverages to students and guidance on how to determine if foods and beverages sold at school-sponsored fundraisers meet these standards]. Noncompliance determined by the local education agency, school food authority, or Department of Education shall require corrective action.

## ***ACTION/DISCUSSION ITEMS***

### ***G. Final Review of Revised Corrective Action Plan Required by the Division-Level Review for Petersburg City Public Schools***

Ms. Beverly Rabil, director, Office of School Improvement, Division of Student Assessment and School Improvement, presented this item. The 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 determines 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 or other division-level action or inaction, 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 to the Board for approval a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. If the Board determines that the proposed corrective action plan 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. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

- In April 2004, Petersburg City Public Schools and the Virginia Board of Education (VBOE) signed an initial division level Memorandum of Understanding (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 an interim superintendent who 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 and a revised corrective action plan could be developed. Upon completion of the on-site review, VDOE staff and Petersburg City Schools interim superintendent reviewed the findings from the on-site review and developed a draft revised corrective action plan that reflected 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 was developed and approved by Virginia Board of Education April 28<sup>th</sup>, 2016. The revised MOU was based on the comprehensive review conducted in December 2015 by VDOE staff and specifies responsibilities of the Petersburg City School Board, the Petersburg superintendent and the Virginia Department of Education. The General Assembly provided additional funding to support executive leadership positions. These funds may be released or withheld by the VDOE based on Petersburg City School Board's compliance with the MOU.
- The new superintendent and VDOE staff met in August 2016 to review the MOU and draft corrective action plan in order to develop a timeline for completing the final version of the corrective action plan.
- The Petersburg City School Board held a Back-to-School Community Meeting on Wednesday, September 14, 2016 at Petersburg High School. Approximately 150 members of the community attended the meeting representing parents, community members, business leaders, the faith community, higher education, teachers, school administrators and central office leaders. Details of the corrective action plan, developed collaboratively by division leadership and the Virginia Department of Education, were provided by school division staff. The participants were divided into five groups where they were asked to reflect on the goals and related essential actions outlined in the division's corrective action plan and to provide feedback. Each group reflected on one of the five goals outlined in the plan. The goals are 1) Implement Quality Instruction and Curricula Alignment; 2) Monitor Human Resource Management System and Retain, Hire, and Develop Quality Leadership Staff and Teachers; 3) Develop, Adopt, and Implement a Unified Strategic Plan/Purpose and Direction; 4) Maintain a Safe and Supportive Environment; and 5) Develop and Implement a Parental Engagement Plan. Central office leaders with responsibility for overseeing the development, implementation, and monitoring of the goals and essential actions served as facilitators. This afforded them the opportunity to hear firsthand the thoughts and ideas of the community. Central office leaders identified ways to incorporate the feedback into the work needed to address the requirements of the corrective action plan. Additionally, the feedback will be shared with the facilitators assisting with the development of the division's strategic plan. Based upon community feedback, five broad corrective action plan goals were developed.
- Essential actions in the Petersburg City Corrective Action Plan are prioritized by date within each of the goal areas. Timelines take into consideration development, implementation, and monitoring of appropriate essential actions. Legislation by the 2016 General Assembly provides the Virginia Board of Education with the authority to withhold At-Risk Add-On funds if there is evidence of lack of adequate and timely progress in implementing the corrective action plan. Ongoing communication between the Petersburg superintendent, the Petersburg division leadership team, and VDOE staff is a key factor in the collaborative work to develop, implement, and monitor the corrective action plan.

Dr. Cannaday noted that this item had been discussed at the October and November meetings of the Committee on School and Division Accountability.

Mr. Gecker made a motion to approve the revised corrective action plan required by the division-level review for Petersburg City Public Schools. The motion was seconded by Mrs. Atkinson and passed unanimously.

#### **H. Final Review of Request for Division-Level Review for Richmond City Public Schools**

Ms. Beverly Rabil, director, Office of School Improvement, Division of Student Assessment and School Improvement, presented this item. The 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 determines 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 or other division-level action or inaction, 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 to the Board for approval a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. If the Board determines that the proposed corrective action plan 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. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

- During school years 2014-2015 and 2015-2016, Richmond City division and school leaders and the Director of the Office of Improvement met quarterly to review evidence of progress in selected Richmond City schools and plan next steps. During these meetings, Richmond City staff noted the need to include some division-wide essential actions in school plans. In August 2015, the Richmond City superintendent and Virginia Department of Education staff discussed Richmond data and the benefits of a division-level review. In July 2016, the Richmond City superintendent indicated that division data indicated the need for a division-level review. On October 17, 2016, the Richmond City School Board voted to request a division-level review. With further discussion, it was agreed to proceed with plans for a Richmond City Public Schools division-level review if approved by the Virginia Board of Education. The division-level review will focus on the following five categories: Academics and Student Success, Leadership and Governance, Operations and Governance, Human Resource Leadership, and Community Relations and Communications. These categories will be the areas for developing the division-level Memorandum of Understanding and essential actions in the division-level Corrective Action Plan.
- The following chart contains an overview of school accreditation data for Richmond City Public Schools for the current school year and the previous two school years.

School Year	Number of Schools Not Fully Accredited First Year	Number of Schools Not Fully Accredited Second Year	Number of Schools Not Fully Accredited Third Year	Number of Partially Accredited: Reconstituted Schools	Number of Schools Denied Accreditation	Total Number Not Fully Accredited	Total Number of Schools	Percent Not Fully Accredited
2016-2017	5	0	3	5*	17*	30	44	68.18%
2015-2016	0	3	14	4	5	26	44	59.09%
2014-2015	6 (2 Provisional- GCI)	15	9	3	1	34	45	75.56%

\*Numbers reflect totals based upon Virginia Board of Education's final approval of Superintendent's recommendations for schools requesting *Partially Accredited: Reconstituted School* status.

Dr. Cannaday noted that this item had been discussed at the October and November meetings of the Committee on School and Division Accountability.

Mrs. Lodal made a motion to approve the request for a division-level review for Richmond City Public Schools. The motion was seconded by Dr. Baysal and passed unanimously.

**I. Final Review of the Board of Education's 2016 Annual Report on the Condition and Needs of Public Schools in Virginia**

Mrs. Melissa Luchau, director of board relations, presented this item. The presentation included the following:

- The following statutory requirements are provided for the Annual Report:

§ 22.1-18. Report on education and standards of quality for school divisions; when submitted and effective.

By December 1 of each year, the Board of Education shall submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth and shall identify any school divisions and the specific schools therein that have failed to establish and maintain schools meeting the existing prescribed standards of quality. Such standards of quality shall be subject to revision only by the General Assembly, pursuant to Article VIII, Section 2 of the Constitution of Virginia. Such report shall include:

1. A complete listing of the current standards of quality for the Commonwealth's public schools, together with a justification for each particular standard, how long each such standard has been in its current form, and whether the Board recommends any change or addition to the standards of quality;
2. Information regarding parent and student choice within each school division and any plans of such school divisions to increase school choice;
3. A complete listing of each report that local 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
4. A complete listing of each report pertaining to public education that local school divisions are required to submit to the federal government, including name and frequency.

§ 22.1-212.15. Report of public charter schools.

The Board shall report the number of public charter schools established in the Commonwealth, as well as the number of charters denied, in its annual report to the Governor and the General Assembly pursuant to § 22.1-18.

§ 22.1-212.25. Information regarding online courses and virtual programs; report.

... C. Beginning November 1, 2011, and annually thereafter, the Board of Education shall include in its annual report to the Governor and the General Assembly information regarding multidivision online learning during the previous school year. The information shall include but not be limited to student demographics, course enrollment data, parental satisfaction, aggregated student course completion and passing rates, and activities and outcomes of course and provider approval reviews. The November 1, 2011, report shall be an interim progress report and include information on the criteria and processes adopted by the Board and outcomes of provider applications...

- Based on feedback from the Board of Education at its meeting July 28, 2016, the report identifies four key priorities:
  - The public school experience must be redesigned to better prepare students for life after high school by ensuring that all students, during their K-12 experience, achieve and apply appropriate academic

- knowledge, demonstrate productive workplace skills, exhibit responsible and responsive citizenship, and align knowledge, skills, and interests with career opportunities.
- Teachers and school leaders must be better supported to effectively deliver and serve all Virginia K-12 students.
  - Virginia’s accountability system must provide tiered interventions aligned to need, encourage continuous improvement for all schools, and measure and report multiple indicators of school quality.
  - Greater attention and support must be provided to school communities with high poverty where achievement and opportunity gaps persist.
- Since the Board’s first review September 22, 2016, the following changes have been made:
    - Language in the Executive Summary and Board Priorities section was revised to align with the Board president’s letter to the General Assembly and Governor articulating the Board’s priorities.
    - Demographic data were updated to include a ten-year lookback.
    - Accreditation status for 2016-2017 was updated as the data were not available in September.
    - Graduation and dropout data were updated as the data were not available in September.
    - Education funding as compared to other states was added.
    - Language was added to priority one (redesign of school) to emphasize that revisions will be ongoing, and are contingent on additional resources and professional development.
    - Data on the school leader pipeline were added to priority two (teacher and school leader support).
    - Language was clarified in priority two regarding professional development needed.
    - Recommended revisions to the SOQ were added after being approved by the Board in October.
    - SOQ compliance data were added as they were not available in September.
    - Information on high school innovation grants was added
    - The following appendices were added as required by the *Code*:
      - Analysis of School Division Reporting Requirements in Response to House Bills 196 and 521 (2016)
      - Status Report Regarding Multidivision Online Learning
      - Virtual Virginia Brief
      - Virginia Learning Workgroup
  - The complete report will be available on the Board of Education’s Web site at <http://www.doe.virginia.gov/boe/reports/index.shtml>.

#### Board Discussion

- Mrs. Lodal asked if Board members would receive a print copy of the report. Mrs. Luchau confirmed that they would receive a print copy.
- Dr. Cannaday thanked Mrs. Luchau for her work on the report.

Mr. Bellamy made a motion to approve the *2016 Annual Report on the Condition and Needs of Public Schools in Virginia*. The motion was seconded by Dr. Baysal and passed unanimously.

#### **J. Final Review of Progress Report on the Development of the Profile of a Virginia Graduate, as Required by SB 336 and HB 895 (2016)**

Dr. Cynthia Cave, assistant superintendent, Division of Policy and Communications, presented this item. The presentation included the following:

- Section [22.1-253.13:1.A](#) of the *Code of Virginia (Code)* provides, in part:

“The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential.”

- Section [22.1-253.13:3.A](#) of the *Code* provides, in part:

“The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ [2.2-4000](#) et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.”

- Effective July 1, 2016, § [22.1-253.13:4.D](#) of the *Code* will provide, in part:

D. “In establishing graduation requirements, the Board [of Education] shall:

1. 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.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing...

That the graduation requirements established by the Board of Education... shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021.”

- In 2014, the Board committed to conducting a comprehensive review and revision of the [Regulations Establishing the Standards for Accrediting Public Schools in Virginia](#) (Standards of Accreditation or SOA), including student achievement and graduation requirements. Through the work of its Committee on School and Division Accountability, throughout 2015 and 2016 the Board has discussed and considered information from multiple sources to shape and expand student achievement expectations for graduation and success in multiple areas of life. The Board’s objective is to ensure a quality K-12 educational experience that enables all students to be prepared for success in college and/or the workplace, competitive for the jobs of today’s and tomorrow’s global economy, and contributing citizens.
- The Standards of Learning (SOL) Innovation Committee, the Governor, and the General Assembly have provided support for the development of the Profile. In its November 2015 report, the SOL Innovations Committee included a recommendation that:

The BOE, in collaboration with stakeholders representing K-12 education, institutions of higher education, business and industry, policymakers and community leaders should develop a Profile of a Virginia Graduate. In the development of such a Profile, the BOE should consider the “5 Cs” – critical thinking, creative thinking, collaboration, communication, and citizenship – needed for success in the Virginia economy.
- During the 2016 Session, the Governor and the General Assembly supported the development of a *Profile of a Virginia Graduate* through the introduction and adoption of legislation. [SB 336](#) and [HB](#)

[895](#) (2016) direct the Board to redefine the expectations of high school graduates in the Commonwealth. These bills amend § [22.1-253.13:4.D](#) of the *Code* to require the Board to:

1. 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.
  2. Emphasize the Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.
- The redefined high school graduation expectations are to be in place for the freshman class of 2018-2019.
  - In addition, the 2016 legislation directed the Board of Education to submit a report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2016 on the status of the implementation of the legislation. The report provides a history of the Board's work, presents the *Profile of a Virginia Graduate* Framework, and describes areas of consensus reached by the Board with recommendations for implementation to be made by proposed revisions to the Standards of Accreditation.
  - The *Profile of a Virginia Graduate* is being developed to describe the knowledge, skills, competencies, and experiences students should attain during their K-12 education to make them "life-ready." The "Profile" is comprised of four domains: academic and technical knowledge and their application; attainment and demonstration of productive workplace skills, qualities, and behaviors; community engagement, understanding of civic responsibility and governmental structure and building connections with diverse communities; and alignment of career exploration and opportunities with personal skills, knowledge, and interests. The domains are inter-connected areas, and integrated across them are the key skills of 21st century education: critical thinking, creative thinking, collaboration, communication, and citizenship. The Profile is the framework and basis for the Board's revision of graduation requirements that will go into effect for freshmen entering high schools in the fall of the 2018-2019 school year, or the graduating class of 2022.
  - Through organization and attendance at roundtables and from planned presentations at committee and Board meetings, the Board has reached out to elicit information and recommendations from students, teachers, parents, counselors, superintendents, principals, coordinators for English Language Learners, school boards, businesses, the military, higher education deans, faculty, and admission directors, career and technical (CTE) centers, education content specialists, the department's advisory CTE council, Science, Technology, Engineering and Mathematics (STEM) Academies, and recipients of high school innovation grants. As a result, the Profile continues to be refined, and approaches to implementation discussed.
  - At a spring 2016 full day work session, the Board reviewed, amended, and confirmed a draft *Profile of a Virginia Graduate*. Board members emphasized the need to express the Profile in straightforward and easy-to-understand language and provided suggestions for further clarity and revisions. Board members also reviewed and discussed proposals for requirements and credits that would be necessary for graduation as part of the Profile. Areas of consensus were:
    1. Increase Career Exposure, Exploration, and Planning. The Board supported expanding opportunities for career exposure, exploration, and planning for all students.
    2. Increase Internships and Work-Based Learning Experiences for All Students. The Board supported the use of internships and other work-based learning opportunities as a viable means to meet graduation requirements and to earn standard credits.
    3. Expand the Use of Locally-Developed Performance Assessments and Reduce the Number of Verified Credits. The Board supported expanding the use of locally-developed performance

- assessments for demonstration of content mastery in history and social science, and reducing the number of verified credits needed for both the Advanced Studies and Standard Diplomas to four.
4. Emphasize the “5 Cs.” The Board supported integrating the key skills of 21st century education – critical thinking, creative thinking, collaboration, communication, and citizenship.
- During the work session, the Board also reviewed and discussed several other proposals, including merging the Advanced Studies and Standard Diploma into a single Virginia Diploma; requiring a capstone project or student participation in experiential learning for graduation; increasing the expectations in mathematics for all students; alternative approaches to science coursework design; and career specific courses/competencies for delivery within traditional core content areas for standard credits. There was no consensus on the implementation of these proposals, and the Board has iterated that these proposals, as well as others, may be considered throughout their process of operationalizing the Profile.
  - At its September 2016 meeting, the Board considered amendments to the Standards of Accreditation that will be necessary in order to implement the Profile. The Profile and subsequent changes in the regulations for requirements for graduation will become driving factors in further reforms to the state’s assessment and accountability systems.
  - At its October 27<sup>th</sup> meeting, the Board reviewed the progress report, which provides a summary of its work to develop the Profile and a current status for the Profile’s implementation, as required by SB 336 and HB 895 (2016). The report was accepted for first review, with recommendations for additional language. The Board requested clarification of the results of proposal reviews during the May 25, 2016 work session. Moreover, the Board directed that the progress report convey the Board’s intent that implementation of the *Profile of a Virginia Graduate* be achieved on a continuum basis, to allow for: (1) flexibility; (2) professional development and technical support for school personnel, such as that supporting instruction and student evaluation aligned to local performance assessments; (3) opportunities for further consideration of areas of interest and concern; and (4) allocation of resources.
  - As required by [SB 336](#) and [HB 895](#) (2016), the Board of Education must submit a report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2016, on the status of the implementation of the *Profile of a Virginia Graduate* and the redesign of high school. Once submitted, the final version of the report will be available on Virginia’s Legislative Information System at <http://leg2.state.va.us/dls/h&sdocs.nsf/Published%20by%20Year>.

#### Board Discussion

- Mr. Bellamy asked about the areas of the report that noted the Board was still working on various aspects of the *Profile*. Dr. Cannaday explained that the report is a progress report describing work to date, not a final report.
- Mrs. Atkinson recommended that the cover of the report note that the report was from the Board of Education rather than the Office of Policy and Communications at the Department of Education since the statute required the Board (rather than the Department) to report to the General Assembly. Dr. Cave noted that this change would be made.

Dr. Baysal made a motion to approve the *Progress Report on the Development of the Profile of a Virginia Graduate*. The motion was seconded by Mrs. Wodiska and passed unanimously.

**K. Second Review of Proposed Amendments to the Regulations Establishing Standards for Accrediting Public Schools in Virginia, Parts I-VII (8VAC 20-131) (Proposed Stage)**

Dr. Cynthia Cave, assistant superintendent, Division of Policy and Communications, presented this item. The presentation included the following:

- Section 22.1-253.13:3 of the *Code of Virginia* provides, in part:

The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements, and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia....

- The Board of Education’s vision is to create a quality statewide system of public education that prepares all students for success in the twenty-first century workplace, for realization of personal goals, and for responsible contributions to the quality of civic life in our state, nation, and the world. The Board is committed to advancing its vision and examining the conditions and needs of public education, presenting them annually through a report to the General Assembly and the public. Through its adopted policies, the Board conveys high standards for student learning and achievement in preparation for graduation and life beyond high school. The Board’s ongoing work is the further development and refinement of a system of accountability to define school quality and to support schools and school divisions by promoting continuous improvement, providing assistance, and acknowledging progress. The system of accountability is reflected in the Standards of Learning, the School Quality Profile, and *The Regulations Establishing the Standards for Accrediting Public Schools in Virginia*, or more commonly referred to as the Standards of Accreditation (SOA).
- The SOA is comprised of sections, or parts, which specify requirements for students’ educational preparation and for school quality. Part I provides definitions of terms used in the regulations and statements of purpose for public education in Virginia and for the Standards of Accreditation. Part II provides the Board’s philosophy, goals, and objectives, with the requirement that schools also have written goals and objectives. Part III presents student achievement expectations for graduation, including credits and requirements, and Part IV addresses instructional programs in elementary, middle, and high schools. Part V defines roles and expectations for principals and professional teaching staff aligned to Virginia standards and also staffing requirements for administrative and support staff, as well as teaching loads. Part VI provides criteria for school facilities and addresses school safety. Part VII provides requirements for school communications with parents and the community, and specifies requirements for the School Quality Profile. Part VIII provides the bases for school accreditation, school corrective actions, and school support.
- In October, 2014, the Board held a work session to focus on an in-depth comprehensive examination of the SOA in its entirety. The following month, the Board withdrew pending amendments to the SOA, approved in 2013 and proceeding through the regulatory process, in favor of conducting a more extensive review and consideration of revisions. From that time, the Board has conducted a section-by-section evaluation of the regulations, including extensive public outreach and participation through public comment, roundtables, and public hearings. Discussions of issues and proposals have taken place, including the topics of the School Performance Report Card (renamed the School Quality Profile), graduation requirements and the expected knowledge, skills, and competencies of a Virginia graduate, assessments, and accreditation. These proposed revisions to Parts I through VII are based on decisions the Board has made throughout the comprehensive review. Proposed revisions to Part VIII are anticipated to be brought before the Board for Final Review in January.
- Formal actions the Board has taken to amend the SOA prior to this proposal include the following: (1)

Notice of Intended Regulatory Action (NOIRA) on June 27, 2013; (2) amendments to the regulations (Proposed Stage) addressing legislation from the 2012 and 2013 General Assembly on October 24, 2013; and (3) amendments to the regulations to comport with legislation passed by the General Assembly under the Fast Track provisions of the Administrative Process Act. The separate fast track regulatory action was taken for the sole purpose of addressing legislation that was approved by the General Assembly during the 1999, 2012, 2013, 2014 and 2015 sessions on July 23, 2015.

- During the 2016 legislative session, the Governor and the General Assembly supported the development of a *Profile of a Virginia Graduate* through the introduction and adoption of legislation which directed the Board to redefine the expectations of high school graduates in the Commonwealth. HB 895 (Greason) amended § 22.1-253.13:4.D of the *Code* to require the Board to 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 (known as the 5 Cs).
- The *Profile* has been developed by the Board of Education to describe the knowledge, skills, competencies, and experiences students should attain during their K-12 education to make them “life-ready.” The *Profile* presents and describes four overlapping areas for student learning and achievement considered essential to success beyond high school. These are knowledge of subject areas based on statewide standards and their application (content knowledge); demonstration of personal skills and behaviors required for productivity, effective relationships, and problem-solving within one’s workplace (workplace skills); understanding of the opportunities within civic organizations for service and decision-making and responsibility for respectful interaction with others (community engagement and civic responsibility); and individual participation in career exploration, planning, and preparation, based on understanding of personal interests, skills, and abilities and the needs of the economy (career exploration). Foundational skills for students to acquire and use in each of these areas are critical thinking, creative thinking, collaboration, communication, and citizenship.
- The proposed amendments to the SOA provide for implementation of the *Profile*, as well as further policy changes identified by the Board as part of its comprehensive review. Proposed changes identified by the Board include the following:
  1. Expand the use of performance assessments and reduce the number of credits verified by Standards of Learning tests
  2. Increase internships and work-based learning experiences
  3. Increase career exposure, exploration, and planning
  4. Emphasize the 5Cs (critical thinking, creative thinking, collaboration, communication, and citizenship)
  5. Instructional Leadership
  6. School Quality Profile and school communication regarding course content
- The Board of Education accepted the proposed changes to regulations for first review at the September 22, 2016 meeting.
- Sections in Parts I-VII of the SOA are proposed to be amended as described in the chart below, with changes proposed since September 2016 underlined:

Part	Section	Proposed Changes
<b>Part I: Definitions and Purpose</b>	8VAC20-131-5 Definitions pages 1-4	<u>Definition of the term <i>Board of Education</i> or <i>board</i> added, as prescribed in the <i>Constitution of Virginia</i> and the <i>Code of Virginia</i>, and the term <i>board</i> replaced Board of Education, as appropriate, throughout the document</u>
		Definition of “class period” revised for clarity

Part	Section	Proposed Changes
		<p><u>Definition of the term <i>English Learner</i> has been added and the term <i>English Language Learner</i> has been replaced throughout the document with the term <i>English Learner</i> as now referenced in the Elementary and Secondary Education Act</u></p> <p><u>Reference to “limited English proficient” replaced with “English Learner” in definition of “eligible students” (and replaced throughout document)</u></p> <p>Definition of “instructional day” added</p> <p>Definition of “instructional hours” added</p> <p>Definition of “locally developed authentic performance assessment” added</p> <p><u>Definition of “planning period” revised for clarity and consistency</u></p> <p><u>Definition of the term <i>planning period</i> has been revised to require at least 540 minutes every two weeks in increments of not less than 45 minutes in middle and secondary schools</u></p> <p><u>Definition of the term <i>planning time</i> for elementary teachers has been added in accordance with <i>Code</i></u></p> <p>Definition of “standard school year” revised to replace “teaching” hours with “instructional”</p> <p>Definition of “standard unit of credit” revised to reflect flexibility in Board of Education guidelines for local school board alternatives to 140 clock hour requirement</p> <p>“Limited English Proficiency” replaced with “for whom English is a second language” in definition of “student”</p> <p>Definition of “student periods” deleted</p> <p>Definition of “verified units of credit” revised to include locally awarded verified credits awarded according to Board of Education guidelines</p> <p>Definition of “Virginia assessment program” edited to replace “Standards of Learning” with “SOL” (and replaced throughout document)</p>
	<p>8VAC20-131-10 Purpose pages 4-5</p>	<p><u>Language added which shows that in addition to educating students so that they attain essential knowledge and skills related to citizenship, the mission of the public education system is to educate students so that they will be equipped for an informed and successful private life</u></p> <p><u>Language struck which referenced an excellent public education and a high quality education added</u></p>

Part	Section	Proposed Changes
		<p>Expanded to add objectives of continual improvement within accountability system; promotion and recognition of school quality and achievement in multiple areas; mastery of learning by graduating students in multiple areas to include academics, workplace skills, career planning, and civic and community responsibility; inclusion of multiple areas affecting the determination of effectiveness of schools</p> <p><u>Reference added regarding citation in the Standards of Quality (Standard 3)</u></p>
<p><b>Part II: Philosophy, Goals, and Objectives</b></p>	<p>8VAC20-131-20 pages 6-7</p>	<p>Language added regarding factors affecting school quality and continual improvement. Language added addressing overall goals and objectives for student learning, achievement, and preparation</p> <p><u>Reference to <i>personnel</i> development replaced with professional staff development</u></p> <p><u>Language added regarding preparation of graduates who have explored and understand what opportunities exist for them after high school and who have the knowledge and abilities necessary for the next phase of their lives as adults</u></p> <p><u>Language added to clarify the Board’s objective in promulgating these revised regulations: to provide an education foundation that ensures students are ready to be successful in a global economy, which includes a changing and growing technology and social transformation. Language added to show that the Board is redesigning the public school experience so that students will be adequately prepared for future challenges</u></p> <p><u>Language added which clarifies that the college-and career-ready student will be expected to achieve and apply appropriate academic and technical knowledge; attain and demonstrate age-appropriate productive workplace skills, qualities, and behavior; align knowledge, skills, and personal interests with career opportunities; and build connections for interactions with diverse communities</u></p>
<p><b>Part III: Student Achievement</b></p>	<p>8VAC20-131-30 Student achievement expectations</p> <p>B. page 8</p>	<p>Edits provided to replace “Board of Education” with “board,” “Standards of Learning” with “SOL,” and “Reading” with “reading”</p> <p>Revision made to clarify that students who are accelerated shall only take the test aligned with the highest grade level, following instruction on the content</p> <p>Language added that expedited retakes of tests are an exemption to the prohibition of students taking more than one test in any content area in each year</p> <p>Language referencing “with such funds as may be appropriated by the General Assembly” deleted in referencing to criteria for</p>

Part	Section	Proposed Changes
	<p>D. page 8</p> <p>E. page 9</p> <p>H. page 9</p>	<p>eligibility for an expedited retake of any SOL test</p> <p><u>Language added to specify Standards of Quality (SOQ) requirement that any student failing all SOL assessments for grades three through eight or failing an end-of-course test require for verified credit shall be required to receive remediation</u></p> <p><u>Language added to clarify remediation requirements for students in grades three through eight to show that those students who fail to achieve a passing score on all SOL assessments for the relevant grade level in those grades will be required to attend a remediation program or to participate in another form of remediation</u></p> <p>Language added to require a division superintendent to certify that division policy prevents changes in students' course schedules to avoid end-of-course SOL assessments</p> <p>Language added to state that students shall not be required to take an end-of-course SOL tests in a subject after they have earned the number of verified credits required for that academic content area for graduation, unless the test is necessary in order for the school to meet federal accountability requirements</p> <p>Clarifying language added to assessments taken for credit by foreign exchange students</p>
	<p>8VAC20-131-50 Requirements for graduation (effective until the 2018-2019 school year) pages 10-17</p>	<p><u>Included 8VAC20-131-50 (requirements for graduation) in document for clarity, since the new requirements (8VAC20-131-51) will be effective with the ninth grade students who enter in the 2018-2019 school year</u></p>
	<p>8VAC20-131-51 Requirements for graduation (effective with the students who enter the ninth grade in the 2018-2019 school year) Pages 17-29</p> <p>A. pages 17-18</p>	<p><u>Revised language to show that this section is effective with the students who enter the ninth grade in the 2018-2019 school year</u></p> <p><u>Revised and expanded language referencing meaningful and rigorous opportunities--must be tied to instruction to achieve workplace skills through internships, externships, credentialing, and blended learning in accordance with department work-based learning guidelines</u></p> <p>Language added to specify provisions in Standard and Advanced Studies Diplomas for multiple paths toward college and career readiness; opportunities for internships, externships, and credentialing, which may be offered for high school credit</p> <p><u>Deleted the language referencing "successful contributors to the</u></p>

Part	Section	Proposed Changes
	<p>B. Standard Diploma, pages 18-23</p>	<p><u>economy of the Commonwealth” and added language “to be successful in the evolving global economy whether immediately entering the world of work or pursuing a post-secondary education”</u></p> <p>Reference made to ninth grade class of 2018-2019 for requirements for Standard Diploma</p> <p><u>Under “requirements for a standard diploma,” added in information about the <i>standard unit of credit</i> and the <i>verified unit of credit</i></u></p> <p><u>Under “requirements for a standard diploma,” added in language regarding local board option to develop alternatives to the requirement for 140 clock hours of instruction as provided in 8VAC20-131-110 and in accordance with Board guidelines</u></p> <p>Verified credits required for Standard Diploma reduced from 6 to 4, with elimination of the Student Selected test, and reduction of verified credits in English from 2 to 1</p> <p>Edit to replace “Foreign” with “World” in reference to language</p> <p>Formatting changes made to delete footnotes and replace them with a chart</p> <p>Deleted repetitive language under Discipline Area/Specifications and summarized in one paragraph</p> <p><u>Under specifications for discipline areas for the revised specifications for laboratory science to include interdisciplinary courses which incorporate SOL content from multiple academic areas</u></p> <p><u>For Standard Diploma and the Advanced Studies Diploma, added the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Students who do not pass SOL tests in English, mathematics, laboratory science, or history and social science may receive locally awarded verified credits from the local school board in accordance with criteria established in guidelines adopted by the Board</u></li> <li>• <u>Students may receive locally awarded verified credit in history and social science by demonstrating mastery of the content on locally developed authentic performance assessments. Such students shall not also be required to take the SOL tests in history and social science</u></li> </ul> <p>Language added to reference requirements for Profile of a Virginia Graduate, including the 5 Cs of creative thinking, collaboration, critical thinking, communication, and citizenship</p> <p>Course requirement changes include: Elimination of requirement for Standard diploma that selection of two difference mathematics courses must include those above level of Algebra II and replacement with mathematics courses approved by the</p>





Part	Section	Proposed Changes
English and one of the student's own choosing		
<b>Part IV: School Instructional Program</b>	<p>8VAC20-131-70 Program of instruction and learning objectives</p> <p>New section A. page 33</p> <p>New section B. pages 33-34</p> <p>D. page 34</p>	<p>Edits provided to replace “Board of Education” with “board;” “foreign” with “world” when used with language; “sciences” with “science” after “History and Social Sciences”</p> <p>New section is added to provide for the instruction and educational objectives in the Standards of Quality, Standard 1</p> <p>New section is added to provide for the instructional program and learning objectives provided through the Profile of a Virginia Graduate. <u>Added language to:</u></p> <ul style="list-style-type: none"> <li>• <u>Clarify that consistent with the Profile of a Virginia Graduate, the instructional program and learning objectives shall ensure, as age appropriate, during the kindergarten through grade 12 experience, students achieve and apply appropriate career development and technical knowledge. Amended proposal to reference global economy</u></li> <li>• <u>Clarify that students in elementary and middle school will explore personal interests, be exposed to different types of careers, and plan for career development</u></li> <li>• <u>Clarify that in the later school years students are to attain and demonstrate productive workplace skills, qualities and behaviors; align knowledge, skills, and personal interests with career opportunities; and understand and demonstrate civic responsibility and community engagement</u></li> </ul> <p>Clarifying edits made</p>
	<p>8VAC20-131-80 Instructional program in elementary schools A. page 35</p> <p>B. page 35</p> <p>C. page 35</p>	<p>Language is added to reference the requirement for elementary schools to provide instruction and information concerning career exploration according to 8 VAC20-131-140 (College and career readiness; career exposure, exploration, and planning)</p> <p>Language is added to reference the requirements in the Standards of Quality that local school boards provide for early identification of reading and mathematics problems of students and provide instructional strategies for assistance and developments of reading and mathematics skills</p> <p>Language is added to reference the requirements in the Standards of Quality that reading intervention services should be provided by school divisions to students in kindergarten through grade three who demonstrate deficiencies in reading</p>

Part	Section	Proposed Changes
	<p>8VAC20-131-90 Instructional program in middle Schools A. and B. page 36</p> <p>D. page 36</p> <p>New Section F. page 36</p>	<p><u>Added language to show that each middle school shall provide instruction in career investigation for seventh grade students in accordance with 8VAC20-131-140.</u></p> <p>Reference to provision of 140 clock hours in each of the four academic disciplines is replaced with “a total of 560 instructional” hours per year in the four academic disciplines. Language regarding an alternative schedule of instruction for sixth-grade students is deleted</p> <p>Section F. is added to require each school to ensure that students who need targeted mathematics remediation and intervention receive additional instruction. <u>Added language that schools are required to provide students in grades six through eight who are at risk of failing the Algebra I end-of-course test with algebra readiness intervention services</u></p>
	<p>8VAC20-131-100 Instructional program in secondary schools A. page 37</p> <p>C. page 38</p> <p>New section E. page 38</p>	<p>Language is added to require the provision of program of instruction which encompasses the requirements of the Profile of Virginia Graduate, including student knowledge, skills, and competencies; the acquisition and demonstration of the 5Cs; and the offering of opportunities for internships, externships, and work-based experiences, and credentialing</p> <p><u>Added language as follows: “The secondary school shall provide each student a program of instruction in the four core academic areas of English, mathematics, science, and history and social science that identify the knowledge and skills that students should attain, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship....”</u></p> <p>Clarifying language is added to define class period in equivalent minutes</p> <p><u>Language is added to align with the requirement in the Standards of Quality that each school shall ensure targeted mathematics remediation and intervention for those students who demonstrate deficiencies. Added language to require that students in grade nine who are at-risk of failing the Algebra I end-of-course test (based on any diagnostic test approved by the department) shall be provided algebra readiness intervention services in accordance with the Standards of Quality</u></p>
	<p>8VAC20-131-110 Standard and verified units of credit A. page 39</p> <p>B. page 40</p>	<p><u>Revised language regarding the 140-clock-hour requirement to show more flexibility</u></p> <p><u>- Revised language to provide that a school division may waive the 140-clock-hour requirement for instruction to earn a standard credit as prescribed in the Code of Virginia and Board guidelines, effective with students enrolled in the 2015-2016 school year</u></p> <p>Language is added that students who do not pass SOL tests in</p>

Part	Section	Proposed Changes
		English and mathematics and who meet Board criteria may receive locally awarded verified credits according to Board guidelines. Language is added to specify that students may receive locally awarded verified credit in history and social science by demonstrating mastery of content on locally developed authentic performance assessments
	8VAC20-131-120 Summer School page 41	“B” is deleted, and the remainder of the section re-ordered
	8VAC20-131-140 College and career readiness; career exposure, exploration, and planning; and opportunities for postsecondary credit pages 41-44	<p>Language has been added to specify the requirements for implementation of career exposure, exploration, and planning in elementary, middle, and high school as framed in the Profile of a Virginia Graduate. This includes identification by all students of personal interests and abilities to support planning for postsecondary opportunities and career preparation; provision of information about career cluster areas in elementary grades; course information and planning for college preparation programs in middle grades; and opportunities for internships and work-based learning. Provisions for the Academic and Career Plan have been expanded and rewritten</p> <p>Addition of requirement for elementary school career exploration, beginning with the Academic and Career Plan Portfolio; middle school development of the Academic and Career Plan through completion of a career investigation course, including workplace readiness skills; expansion of monitoring and use of Academic and Career Plan in high school</p> <p>International Baccalaureate or Cambridge courses have been added to opportunities for middle school students to begin postsecondary education</p> <p><u>Included current language effective for Academic and Career Plan (ACP) until 2018-2019</u></p> <p><u>Added language which clarified that, beginning in the 2018-2019 academic year, support to students shall include provision of information concerning exploration of career cluster areas in elementary schools, and course information and planning for college preparation programs, opportunities for educational and academic experiences in and outside the classroom, including internships and work-based learning, and the multiple pathways to college and career readiness in middle and high school</u></p> <p><u>Added language to describe values such as dependability and responsibility with reference to information to be included in the elementary student’s Academic and Career Plan Portfolio</u></p>
	8VAC20-131-150 Standard school year and school day A. page 45	Language has been added to include 990 instructional hours in the standard school year and to specify that the standard school day includes passing time for class changes

Part	Section	Proposed Changes
	8VAC20-131-180 Off-site instruction New section A. page 46  B. pages 46-47	<p><u>Since September draft, language regarding homebound instruction re-ordered– now remains Section A</u></p> <p><u>Language regarding alternative means of instruction and language regarding virtual courses combined into one section. Clarifying language regarding standard and verified credits also added. Language regarding correspondence courses deleted and replaced with virtual courses.</u></p> <p>Clarifying language has been added to this section on homebound instruction to specify a Virginia “teaching” license is to be held by the supervising teacher and that verified units of credit may be earned when the student passes the SOL test associated with the completed course</p>
	8VAC20-131-90 Library media, materials and equipment B. page 48	<p>The word “resources” has been added to the list of supports for the instructional program</p>
<b>Part V: School and Instructional Leadership</b>	8VAC20-131-200 Extracurricular and other school activities, recess page 48-49	<p><u>Language added regarding legislative requirements for current physical fitness program which shall be available to all students with a goal of at least 150 minutes per week on average during the regular school year. A program of physical activity is required, effective with the 2018-2019 school year. At that time local school boards must provide a program of physical activity for all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through twelve with a goal of at least 150 minutes per week on average during the regular school year</u></p>
	8VAC20-131-210 Role of the principal, pages 49-52	<p>Revision of and expansion of section to reflect and align with standards provided in Board’s <i>Advancing Virginia’s Leadership Agenda</i> guidance document</p> <p><u>Repetitive introductory paragraph deleted</u></p>
	8VAC20-131-220 Role of professional teaching staff page 53	<p>Language added to replace the words “language and spelling” with “the use of Standard English”</p> <p>Closure of the achievement gap among groups of students added as area of aspiration and strengthening of student skills</p>
	8VAC20-131-240 Administrative and support staff; staffing	<p>Language added to replace “guidance” with “school” in reference to counseling. Language added to require staffing of school counselors as prescribed in the Standards of Quality</p>

Part	Section	Proposed Changes
	requirements C. page 54  E. and F. page 54  G. pages 54- 55  H. I. J. page 55	<p>Sections revised to redefine a middle school classroom teacher’s standard load and a secondary classroom teacher’s standard load, including no more than the instructional day minus one planning period per day or the equivalent; to delete references to student periods; and to require appropriate contractual arrangements and compensation for more than 150 students or 25 class periods per week</p> <p>Revised to eliminate references to student periods and specify that middle or secondary school teachers shall teach no more than 150 students per week, with physical education and music teachers able to teach 200 students per week without additional contractual arrangements and compensation</p> <p>Revised to clarify and reference definition of planning period and update terminology. Language added to specify that each elementary classroom teacher shall be provided at least an average of 30 minutes per day during the students' school week as planning time</p>
<b>Part VI: School Facilities and Safety</b>	8VAC20-131-260 School facilities and safety B. page 56	Language revised to require a fire drill at least twice during the first 20 school days and two additional fire drills during the remainder of the school term. Language removed to require two simulated lock down drills and crisis emergency evacuation activities each school year in September and January and replaced with requirement to conduct a lock-down drill at least twice during the first 20 school days of school and at least two additional lock-down drills during the remainder of the school term
<b>Part VII: School and Community Communications</b>	8VAC20-131-270 School and community communications page 58  page 59	<p>Revisions made to reference the School Quality Profile and delete School “Performance Report Card”</p> <p>Language added to specify categories of indicators and information required by the board to be included in the School Quality Profile</p> <p><u>Change made from the September draft to delete language regarding notification to parents about sexually explicit instructional materials and parental options. This language has been moved to the <i>Regulations Governing Local School Boards and School Divisions</i></u></p>

### Board Discussion

- Mrs. Atkinson summarized the discussion from the previous day's meeting of the Committee on School and Division Accountability. She noted substantive discussion on some provisions including:
  - The Board clarified that the intent of the career investigative course in middle school is to inform career plans and that it should be offered anytime in middle school.
  - The Board noted the need to look at the effective date regarding authentic performance assessments to allow for varying levels of capacity to implement.
  - A concern was raised related to locally-awarded verified credits that a student could graduate without ever passing an SOL test.
  - The Board noted that the transfer provisions for students in the 11<sup>th</sup> or 12<sup>th</sup> grade need to be examined so as not to run counter to ESSA testing requirements.
  - The Board expressed concern regarding the use of the adjective used to modify quality education.
  - The Board noted that they want to have future discussions around additional pathways for students (career and technical education, coding, fine arts), and the number of diplomas.
- Mrs. Wodiska asked if clarifying language had been added in the science section to conform to changes that would allow computer science classes to count as mathematics and science classes. Dr. Cave confirmed that such language would be added.
- Mrs. Lodal expressed concern about changed language regarding teacher preparation time. Dr. Staples explained that the intent of language change was to meet the nuances of various school schedules and to define time in a way to ensure that teachers receive planning time. Dr. Cave clarified that the *Code* states that teachers must have a minimum of the equivalent of one instructional period per day of planning time, but there is no specification of a minimum number of minutes. Mrs. Lodal asked if 55 minutes of planning time was ever codified. Dr. Staples confirmed that the codified language was one-sixth of the instructional day, not 55 minutes. Mrs. Lodal stated that she did not support cutting back on teacher planning time and asked where the notion of 55 minutes had come from. Dr. Cave clarified that 55 minutes was part of an earlier recommendation, but the *Code* does not specify a number of minutes. After receiving comments from the field about the various schedules used in schools, staff recommended the change to 45 minutes in the current draft. Mr. Dillard felt it was positive to move to a definite number of minutes. However, he felt that 45 minutes for planning, which would be a cut-back for some school divisions, was not acceptable, given the amount of instructional planning and parental contact required of teachers. He recommended that staff reach out to schools for more feedback on planning time. Mrs. Atkinson clarified that the current regulations created a problem because of various school schedules. She was under the impression that staff had reached out to various professional organizations in developing the proposed language. She noted that the regulations under consideration are in the proposed stage and would still go through public comment.
- Mrs. Wodiska raised an issue about school facilities and safety, noting that in conforming to new requirements from the General Assembly, schools must conduct

eight lock-down drills, four in the first 20 days of school. She noted that mandating more drills does not guarantee safety; rather the focus should be on conducting the drills in an effective manner.

- Mr. Bellamy thanked Mrs. Atkinson for her summary of the previous day's discussion and recommended that further consideration be given to revisiting the topic of verified credits, especially based on comments made during the public comment period.
- Mr. Dillard noted a statement of concern from the Virginia Education Association (VEA) about the number of minutes provided for teacher planning. He suggested that the Board keep the language proposing 55 minutes for planning. Dr. Cannaday asked that VDOE staff follow up with the VEA before the January meeting. Dr. Staples noted that VDOE staff had been trying to negotiate between sets of competing interests, working with all professional organizations to develop the proposed language. He explained that setting a 55-minute planning period may not work for all schools. The intent is to create a minimum standard definition that ensures that teachers have unencumbered contiguous planning time. He confirmed that the VDOE will engage the VEA again. Mrs. Lodal asked if having a range of 45 to 55 minutes might solve the problem. Dr. Cannaday acknowledged the importance of balancing the right regulatory language with the diverse schedules that are in place in Virginia's schools. He noted the opportunity for further public comment. Mrs. Wodiska noted that teachers need time not only for planning but to foster a home-school connection. She asked about changing the language from "not less than 45 minutes" to "one class period or not less than XX minutes" in order to provide contiguous planning time to provide the flexibility needed for school schedules, noting that the total planning time required was provided in earlier language in the section. Dr. Staples thanked Mrs. Wodiska, noting that he had also been working on some alternative language similar to "not less than 45 minutes or the equivalent of a full class period, whichever is greater." He reminded Board members that the language being discussed is specific to secondary teachers and that elementary school teachers do not receive the same guarantee. Dr. Cave clarified that the *Code* requires elementary teachers to have at least an average of 30 minutes of planning time per day. Mrs. Wodiska shared her experiences as an art volunteer in her children's school as an example of the need to protect teacher planning time. Dr. Cannaday acknowledged the value of planning time for teachers.

The Board of Education received for second review the proposed revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia, Parts I-VII* (Proposed Stage).

**L. First Review of Proposed Concepts for Amendments to the Regulations Establishing Standards for Accrediting Public Schools in Virginia, Part VIII (Proposed Stage)**

Dr. Cynthia Cave, assistant superintendent, Division of Policy and Communications, presented this item. The presentation included the following:

- The following is a summary of the statutory authority for various provisions in Part VIII of the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia*:
- The *Code of Virginia* requires the Board to prescribe standards for the accreditation of public

elementary, middle and high schools. Section 22.1-19 of the *Code* provides, in part:

The Board shall provide for the accreditation of public elementary, middle, and high schools in accordance with standards prescribed by it...

- The *Code* also requires the Board to establish regulations establishing standards for accreditation, to include certain elements. It also specifies the frequency for the review of the accreditation status of schools, certain actions that are to be taken for schools that do not achieve full accreditation status, or are accredited with warning, and establishes the Superintendent of Public Instruction's role in providing assistance to schools that do not meet the standards of accreditation. Section 22.1-253.13:3 of the *Code* provides, in part:

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements, and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia...

- The Board of Education's vision is to create a quality statewide system of public education that prepares all students for success in the twenty-first century workplace, for realization of personal goals, and for responsible contributions to the quality of civic life in our state, nation, and the world. The Board is committed to advancing its vision and examining the conditions and needs of public education, presenting them annually through a report to the General Assembly and the public. Through its adopted policies, the board conveys high standards for student learning and achievement in preparation for graduation and life beyond high school. The Board's ongoing work is the further development and refinement of a system of accountability to define school quality and to support schools and school divisions by promoting continuous improvement, providing assistance, and acknowledging progress. The system of accountability is reflected in the Standards of Learning, the School Quality Profile, and the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia*, or more commonly referred to as the Standards of Accreditation (SOA).
- The SOA is comprised of sections, or parts, which specify requirements for students' educational preparation and for school quality. Part I provides definitions of terms used in the regulations and statements of purpose for public education in Virginia and for the Standards of Accreditation. Part II provides the board's philosophy, goals, and objectives, with the requirement that schools also have written goals and objectives. Part III presents student achievement expectations for graduation, including credits and requirements, and Part IV addresses instructional programs in elementary, middle, and high schools. Part V defines roles and expectations for principals and professional teaching staff aligned to Virginia standards and also staffing requirements for administrative and support staff, as well as teaching loads. Part VI provides criteria for school facilities and addresses school safety. Part VII provides requirements for school communications with parents and the community, and specifies requirements for the School Quality Profile. Part VIII provides the bases for school accreditation, school corrective actions, and school support.
- In October 2014, the Board held a work session to focus on an in-depth comprehensive examination of the SOA in its entirety. The following month, the Board withdrew pending amendments to the SOA, approved in 2013 and proceeding through the regulatory process, in favor of conducting a more extensive review and consideration of revisions. The first components of the comprehensive review, the revisions to Part I through Part VII of the SOA, were received by the Board for first review on September 22, 2016 and will be presented for second review at the November 2016 Board meeting.
- The revisions to Part VIII are being presented separately, to allow additional time for the Board to

consider approaches to measuring school quality, including alignment with new requirements for state accountability systems established by the new federal *Every Student Succeeds Act (ESSA)*, the reauthorization of the *Elementary and Secondary Education Act of 1965*. Through discussion at the Committee on School and Division Accountability, the Board has identified goals for Virginia's accountability system, which include:

- providing a comprehensive picture of school quality;
  - driving continuous improvement for all school schools;
  - building on school strengths and addressing weaknesses;
  - informing areas of technical assistance and use of school improvement resources; and
  - informing stakeholders.
- A matrix-based system has been presented to the Committee that would emphasize outcomes and learning opportunities through multiple school quality measures, or indicators. Examples include: pass rates on state assessments, dropout rates, and rates of chronic absenteeism. Technical assistance and school improvement resources would be targeted based on performance in each indicator. Each school would be held accountable for each measure based on one of four performance levels for each applicable measure, from Level 1 for the highest performing schools, to Level 4 for the schools most in need of improvement. These multiple performance levels would encourage continuous improvement in schools as they strive to achieve the next-highest performance level. Displaying accountability information in this manner would also provide a more comprehensive picture of school quality than academic outcome measures alone.
  - A concept paper, which describes the matrix-based system, and incorporates questions for the Board to consider through its decision-making process, has been developed. Concepts for consideration and associated questions are listed below:

**Concept 1: Defining School Quality.** This concept compares the current accreditation system based on endpoints with a matrix system based on multiple measures and levels of performance.

Should the overall purpose and approach to measuring school quality be centered around a summative accreditation rating that is based on one outcome, or should school quality be measured through a process which is based on multiple measures and drives continuous improvement?

**Concept 2: School Quality Measures.** This concept discusses several potential measures to be used in the matrix, as well as the criteria that should be used by the Board when selecting school quality measures.

Is the proposed criteria adequate to determine whether an indicator provides an accurate picture of school quality?

**Concept 3: Performance Levels.** This concept illustrates how schools would be grouped into four performance levels indicating their performance for each school quality measure from demonstrating best practice to needing state intervention.

Are the four levels described adequate and appropriate?

**Concept 4: Benchmarks.** This concept would establish benchmarks used to group schools into each of the four performance levels. A procedure for selecting appropriate benchmarks is discussed.

Are the steps listed for determination of benchmarks adequate?

Should the Board anticipate regular re-benchmarking over time?

**Concept 5: Actions.** This concept describes the types of actions a school would be required to take based on the school's performance level for a given school quality measure.

Are the actions suggested appropriate for each level?

**Concept 6: System Transition.** This concept proposes providing time and a transitional period to shift from the existing accreditation system to a matrix-based system.

How should the transition to the new system occur?

Is a three-year transition period appropriate?

- Based upon the Board's consensus on each concept, staff will draft revisions to Part VIII of the SOA, which will be presented for final review at the Board's January 2017 meeting.

Board discussion:

- Mrs. Atkinson summarized the discussion from the previous day's meeting of the Committee on School and Division Accountability and described the six concepts noted above.
  - Concept 1 - the Board agreed that school quality should be measured through a process based on multiple measures to drive continuous improvement.
  - Concept 2 - the Board agreed on the criteria that should be examined to determine the measures. The Board discussed possible measures including highly effective teachers, and measures that impact a student's ability to learn (parental engagement, hunger, access to counseling services, and building leadership). Some measures may be looked at for the School Quality Profile.
  - Concept 3 - the Board agreed to four levels, but would like to see language to reflect strengths and areas for growth.
  - Concept 4 - the Board agreed to look at benchmarks regularly.
  - Concept 5 - the Board noted they want to look at rewards beyond recognition for levels 1 and 2.
  - Concept 6 - the Board agreed to a transition process. The Board would like public comment on the transition process.
- Dr. Cannaday noted that the Board was only in a first conversation on these concepts.
- Mrs. Lodal thanked Mrs. Atkinson and the VDOE staff for their work and deep thinking on the options for accreditation as a process for growth. She thanked the division superintendents who spoke to the Board as advocates for their communities in support of accreditation based on growth.

The Board of Education received for first review the proposed concepts to be incorporated into the *Regulations Establishing Standards for Accrediting Public Schools in Virginia, Part VIII (Proposed Stage)*.

**M. First Review of Memoranda of Understanding as Required of Schools in Accreditation Denied Status for Fourteen School Divisions**

Ms. Beverly Rabil, director, Office of School Improvement, Division of Student Assessment and School Improvement, presented this item. The presentation included the following:

- Section 8 VAC 20-131-315 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) requires certain actions for schools that are denied accreditation:

- |   |
|---|
| <ul style="list-style-type: none"><li>A. Any school rated <i>Accreditation Denied</i> in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and shall provide parents of enrolled students and other interested parties with the following:<ul style="list-style-type: none"><li>1. Written notice of the school's accreditation rating within 30 calendar days of the notification of the rating from the Department of Education;</li><li>2. A copy of the school division's proposed corrective action plan, including a timeline for implementation, to improve the school's accreditation rating; and</li><li>3. An opportunity to comment on the division's proposed corrective action plan. Such public comment shall be received and considered by the school division prior to finalizing the school's corrective action plan and a Board of Education memorandum of understanding with the local school board.</li></ul></li></ul> |
|---|

B. 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 school board shall submit a corrective action plan to the Board of Education for its consideration in prescribing actions in the memorandum of understanding within 45 days of the notification of the rating. The memorandum of understanding shall be entered into no later than November 1 of the academic year in which the rating is awarded.

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.

- The following schools are in *Accreditation Denied* status for the first time in 2016-2017 and are subject to actions prescribed by the Virginia Board of Education (VBOE) and affirmed through Memoranda of Understanding between the VBOE and the local school boards. Memoranda of Understanding are differentiated for each school based on content areas not meeting the accreditation benchmarks and require each school's Corrective Action Plan to be differentiated based on essential actions resulting from the academic review. The data points required by the Memoranda of Understanding may be adjusted according to school needs. Technical assistance required by the Memoranda of Understanding is differentiated based on the needs of the school and the capacity of the Office of School Improvement.

<b>Name of Division</b>	<b>Name of Schools in <i>Accreditation Denied</i> Status</b>
Bedford County Public Schools	Moneta Elementary School (Gr.PK-5)
Chesapeake City Public Schools	Camelot Elementary School (Gr.PK-5)
Danville City Public Schools	G. L. H. Johnson Elementary School (Gr.PK-5)
Danville City Public Schools	Schoolfield Elementary School (Gr.PK-5)
Greensville County Public Schools	Greensville Elementary School (Gr.PK-5)
Greensville County Public Schools	Edward W. Wyatt Middle School (Gr.5-8)
Henrico County Public Schools	Harold Macon Ratcliffe Elementary School (Gr.PK-5)
Hopewell City Public Schools	Patrick Copeland Elementary School (Gr.PK-5)
Lancaster County Public Schools	Lancaster Middle School (Gr.4-8)
Madison County Public Schools	Madison Primary School (Paired School with Waverly Yowell Gr.PK-2)
Madison County Public Schools	Waverly Yowell Elementary School (Paired School with Madison Gr.3-5)
Norfolk City Public Schools	Norview Elementary School (Gr.PK-5)
Norfolk City Public Schools	St. Helena Elementary School (Gr.PK-5)
Norfolk City Public Schools	Tanners Creek Elementary School (Gr.PK-5)

<b>Name of Division</b>	<b>Name of Schools in <i>Accreditation Denied</i> Status</b>
Norfolk City Public Schools	James Blair Middle School (Gr.6-8)
Norfolk City Public Schools	Lake Taylor High School (Gr.9-12)
Portsmouth City Public Schools	Brighton Elementary School (Gr.PK-6)
Portsmouth City Public Schools	Douglas Park Elementary School (Gr.PK-6)
Portsmouth City Public Schools	Parkview Elementary School (Gr.PK-6)
Portsmouth City Public Schools	Westhaven Elementary School (Gr.PK-6)
Portsmouth City Public Schools	William E. Waters Middle School (Gr.7-8)
Richmond City Public Schools	Blackwell Elementary School (Gr.PK-5)
Richmond City Public Schools	Chimborazo Elementary School (Gr.PK-5)
Richmond City Public Schools	George Mason Elementary School (Gr.PK-5)
Richmond City Public Schools	Overby-Sheppard Elementary School (Gr.PK-5)
Richmond City Public Schools	Westover Hills Elementary School (Gr.PK-5)
Richmond City Public Schools	Woodville Elementary School (Gr.PK-5)
Richmond City Public Schools	Thomas Jefferson High School (Gr.9-12)
Suffolk City Public Schools	Booker T. Washington Elementary School (Gr.PK-5)
Suffolk City Public Schools	Elephants Fork Elementary School (Gr.PK-5)
Suffolk City Public Schools	Mack Benn Jr. Elementary School (Gr.PK-5)
Waynesboro City Public Schools	Wenonah Elementary School (Gr.PK-5)
Waynesboro City Public Schools	Kate Collins Middle School (Gr.6-8)
Westmoreland County Public Schools	Cople Elementary School (Gr.PK-5)

- Corrective Action Plans for each of these schools must be developed by March 3, 2017. Listed below is a general description of technical assistance to be included in the Corrective Action Plan.

#### Technical Assistance

- All schools rated *Accreditation Denied* will participate in technical assistance sessions provided by the Office of School Improvement (OSI). OSI technical assistance sessions for the 2016-2017 school year will focus on the comprehensive needs assessment component of continuous school improvement planning. Additionally schools rated *Accreditation Denied* will have triannual meetings with OSI, the support of an OSI contractor, and the opportunity to select from the newly developed OSI/VDOE Technical Assistance Menu.
- Asset mapping and selected essential actions resulting from academic reviews will be a part of each school's Corrective Action Plan. OSI staff will assist in reviewing essential actions to determine those needed in the Corrective Action Plan. OSI staff will provide technical assistance in using the asset mapping tool and in determining next steps.
- As noted in the individual memoranda of understanding, additional specific technical assistance will be provided by Virginia Department of Education staff to each school rated *Accreditation Denied*.
- Using research-based indicators that lead to increased student achievement is imperative for school improvement. Schools rated *Accreditation Denied* will provide quarterly data reports to the Office of School Improvement (OSI) on mutually determined school-level data points. Divisions will meet triannually with the Office of School Improvement to review quarterly report data and collaboratively determine next steps.

Board discussion:

- Dr. Cannaday explained that the action taken in this item comports with the regulatory provisions currently in place and is not reflective of the Board's discussions as it moves forward with revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

Mrs. Atkinson made a motion to waive first review and approve the Memoranda of Understanding with the 14 school divisions listed below. The motion was seconded by Mrs. Wodiska and passed unanimously.

1. Bedford County School Board for Moneta Elementary School
2. Chesapeake City School Board for Camelot Elementary School
3. Danville City School Board for G. L. H. Johnson Elementary School and Schoolfield Elementary School
4. Greensville County School Board for Greensville Elementary School and Edward W. Wyatt Middle School
5. Henrico County School Board for Harold Macon Ratcliffe Elementary School
6. Hopewell City School Board for Patrick Copeland Elementary School
7. Lancaster County School Board for Lancaster Middle School
8. Madison County School Board for Madison Primary School and Waverly Yowell Elementary School
9. Norfolk City School Board for Norview Elementary School, St. Helena Elementary School, Tanners Creek Elementary School, James Blair Middle School, and Lake Taylor High School
10. Portsmouth City School Board for Brighton Elementary School, Douglas Park Elementary School, Park View Elementary School, Westhaven Elementary School, and William E. Waters Middle School
11. Richmond City School Board for Blackwell Elementary School, Chimborazo Elementary School, George Mason Elementary School, Overby-Sheppard Elementary School, Westover Elementary School, Woodville Elementary School, and Thomas Jefferson High School
12. Suffolk City School Board for Booker T. Washington Elementary School, Elephants Fork Elementary School, and Mack Benn Jr. Elementary School
13. Waynesboro City School Board for Wenonah Elementary School and Kate Collins Middle School
14. Westmoreland County School Board for Cople Elementary School

**N. First Review of Proposed Amendments to the Regulations Governing Local School Boards and School Divisions (8VAC 20-720) Regarding Use of Sexually Explicit Instructional Materials (Proposed Stage)**

Dr. Cynthia Cave, assistant superintendent for policy and communications, presented this item. The presentation included the following:

- The overall regulatory authority for the Board of Education (Board) may be found in § [22.1-16](#) of the *Code of Virginia*:

§ [22.1-16](#) of 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.

- In February 2013, the Board amended the *Regulations Governing Local School Boards and School Divisions* to address local school divisions' approval of textbooks not included in the Board's list of approved textbooks. During and following this action, the Board received public comments expressing concern about content and language used in some instructional materials. The Board then discussed whether or not the section of the same regulations that address local school board selection and approval of instructional materials should be amended to require parental notification, alternative materials, and/or opt-out provisions for certain materials. The following language included in the regulation (8VAC20-720-160) at that time (and currently included in the regulation) did not explicitly address such options as available to parents or legal guardians.

[8VAC20-720-160](#). Instructional Materials.

A. Local school boards shall be responsible for the selection and utilization of instructional materials.

B. Local school boards shall adopt policies and criteria for the selection of instructional materials that shall include, at a minimum:

1. The rights of parents to inspect, upon request, any instructional materials used as part of the educational curriculum for students, and the procedure for granting a request by a parent for such access, in accordance with the Protection of Pupil Rights Amendment, 20 USC § 1232H, and its implementing regulation, 34 CFR Part 9;
2. The basis upon which a person may seek reconsideration of the local school board's selection of instructional materials, including but not limited to materials that might be considered sensitive or controversial, and the procedures for doing so; and
3. Pursuant to § [22.1-253.13:7](#) of the *Code of Virginia*, clear procedures for handling challenged controversial materials.

- In 2013, as parents began to raise concerns about parental notification of and approval of sexually explicit materials found in textbooks used in some Virginia classrooms, the Board and department staff began to review this issue. The Board was asked to clarify current language to ensure that parents would be provided advance notification of sensitive materials, alternative selections, and opt-out options. Board members requested information about parental notification at the February 2013 Board meeting. A [Report on Surveys Regarding Parental Notification Related to Controversial or Sensitive Materials](#) was presented to the Board on June 27, 2013. Information was received from the Virginia School Boards Association, the Virginia Education Association, the Virginia Parent-Teacher Association, the Virginia Association for Elementary School Principals, and the Virginia Association for Secondary School Principals. In addition, email requests were sent to school division superintendents. One hundred eight school divisions and all five professional organizations responded to the survey. The Board accepted that report and asked the Superintendent of Public Instruction to provide a report on options regarding parental notification related to controversial or sensitive materials for the Board's consideration at the July 2013 Board meeting. As reported at the July 2013 meeting:
  - Ninety-eight percent of the school divisions responding to the survey reported that they had policies related to the selection and utilization of instructional materials.
  - The definition of *sensitive or controversial materials* varied among school divisions.

- Seventy-four percent of the school divisions responding to the survey reported they had policies that allowed students to be excused from all or part of instruction related to sensitive or controversial materials.
- Forty-eight percent of the school divisions responding to the survey reported that their instructional materials policy required that parents receive advance notice prior to the use of potentially sensitive or controversial materials in the classroom.
- At its July 2013 meeting, a [Report on Options Regarding Parental Notification Related to Controversial or Sensitive Materials](#) was presented to the Board. The report included the following options:
  - Amend the language in the [Regulations Establishing Standards for Accrediting Public Schools in Virginia \(SOA\)](#) to require school divisions to provide to parents at the beginning of the school year a notice about any sensitive or explicit materials that may be included in the course, textbook, or any supplemental instructional materials ([8VAC20-131-270](#))
  - Amend the language in the [Regulations Governing Local School Boards and School Divisions](#) to require reasonable advance notice of the intended use of controversial materials ([8VAC20-720-160.B](#))
- The Board requested that a Notice of Intended Regulatory Action (NOIRA) be issued to add language to the *Regulations Governing Local School Boards and School Divisions* regarding procedures school divisions must have in place to address the use of sensitive or controversial instructional materials in the classroom.
- The agenda item, [First Review of Notice of Intended Regulatory Action \(NOIRA\) for Amendments to the Regulations Governing Local School Boards and School Divisions \(8 VAC 20-720\) Regarding Use of Controversial or Sensitive Instructional Materials](#), was presented at the September 2013 Board meeting. The Board approved for first review the NOIRA for these regulations.\_
- The [Final Review of Notice of Intended Regulatory Action \(NOIRA\) for Amendments to the Regulations Governing Local School Boards and School Divisions \(8 VAC 20-720\) Regarding Use of Controversial or Sensitive Instructional Materials](#) was discussed at the October 2013 Board meeting. The Board requested that a NOIRA be issued to add language to these regulations regarding procedures school divisions must have in place to address the use of sensitive or controversial instructional materials in the classroom. This agenda item was included on the consent agenda and approved by the Board unanimously. The NOIRA was submitted, and public comment received. The Board received 1,241 public comments, including the 1,209 public comments received through the Virginia Regulatory Town Hall (Town Hall). Of the 1,209 Town Hall comments received, 586 (46 percent) were generally supportive of amendments to the regulations. Of the 1,209 Town Hall comments received, 598, or a little more than 49 percent were generally opposed to the amendments. Of the 32 emails/letters received, 25 (78 percent) were generally supportive of amendments to the regulations. Of the 32 emails/letters received, 6 or a little more than 18 percent were generally opposed to the amendments to the regulations. Of all the comments received, 611 (about 49 percent) were generally supportive. However, no further action was taken pending consideration of a more comprehensive review in 2014.
- The [Final Review of Amendments to the Regulations Establishing Standards for Accrediting Public Schools in Virginia \(8 VAC 20-131\) \(Standards of Accreditation - Proposed Stage\)](#) was also discussed at the October 2013 Board meeting. During Board discussion, proposed language was added which would require notification of parents about sensitive or sexually explicit materials, and this language was approved unanimously by the Board. However, this promulgation process was delayed after the Board decided to conduct a comprehensive review of those regulations.
- During the 2016 General Assembly Session, [HB 516](#) was proposed to amend the *Code of Virginia* by adding a section numbered 22.1-16.6, relating to the Board policy on sexually explicit instructional material. This bill passed the House and the Senate and would have required the Board to establish a policy to require each public elementary or secondary school to:

- Notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, as defined by the Board
  - Permit the parent of any student to review instructional material that includes sexually explicit content upon request
  - Provide non-explicit instructional material and related academic activities to any student whose parent so requests, as an alternative to instructional material and related academic activities that include sexually explicit content
- The Governor vetoed this bill because he determined that the Board had been examining this issue and had engaged in lengthy and substantive conversations with school boards, teachers, parents, and students about existing local policies and potential state policies to address these concerns. He indicated in his veto statement that he believed that school boards are best positioned to ensure that students are exposed to those appropriate literary and artistic works that will expand students' horizons and enrich their learning experiences.
  - After discussions at its October 26, 2016, Committee on School and Division Accountability, the Board decided to include language referencing parental options regarding sexually explicit materials in the *Regulations Governing Local School Boards and School Divisions*, rather than in the Standards of Accreditation. The following language is proposed for consideration:

8VAC20-720-160. Instructional Materials.

A. Local school boards shall be responsible for the selection and utilization of instructional materials.

B. Local school boards shall adopt policies and criteria for the selection of instructional materials that shall include, at a minimum:

1. The rights of parents or legal guardians to ~~inspect~~ review, upon request, any instructional materials used as part of the educational curriculum for students, and the procedure for granting a request by a parent or legal guardian for such access, in accordance with the Protection of Pupil Rights Amendment, 20 USC § 1232H, and its implementing regulation, 34 CFR Part 9;
2. The basis upon which a person may seek reconsideration of the local school board's selection of instructional materials, including but not limited to materials that might be considered sensitive, or controversial, or sexually explicit, and the procedures for doing so; ~~and~~
3. Pursuant to § 22.1-253.13:7 of the Code of Virginia, clear procedures for handling challenged controversial materials, including procedures that would provide non-explicit instructional material and related academic activities to any student whose parent or legal guardian so requests, as an alternative to instructional material and related academic activities that include sexually explicit content; and-
4. A requirement that each school shall provide an annual notice to the parent or legal guardian at the beginning of the school year, identifying any sexually explicit materials that may be included in any course, inclusive of the textbook, or in any supplemental materials.

Mrs. Atkinson noted that Mrs. Murphy, who spoke during public comment, provided proposed clarifying amendments to 8VAC20-720-160 B.3, as noted below in italics and with double underlining and strike-through:

3. Pursuant to § 22.1-253.13:7 of the Code of Virginia, clear procedures for handling challenged controversial materials, including procedures that would provide *to any student whose parent or legal guardian requests alternatives to instructional materials and related academic activities, to have as a replacement, non-explicit instructional material and non-explicit* related academic activities ~~to any student whose parent or legal guardian~~

~~so requests, as an alternative to instructional material and related academic activities that include sexually explicit content; and~~

The Board of Education received for first review the proposed amendments to the *Regulations Governing Local School Boards and School Divisions* (8VAC 20-720) (Proposed Stage) regarding notice and options for parents regarding sexually explicit instructional materials.

## **REPORTS**

### **O. Annual Report from the Virginia Council for Private Education**

Mr. Damian Kavanagh, president of the board, Virginia Council for Private Education; and Ms. Josie Webster, executive director, Virginia Council for Private Education, presented this item. The presentation included the following:

- The Virginia Council for Private Education (VCPE) facilitates a statewide framework for communication and cooperation among private schools, their public school counterparts, state and local governments, and other agencies and organizations.
- VCPE oversees accreditation of nonpublic preschool, elementary and secondary schools in the Commonwealth as authorized by the Virginia Board of Education in §22.1-19 of the *Code of Virginia*. State recognized accreditation comes through accreditation granted by any VCPE approved accrediting organization.
- All approved accrediting organizations must meet the VCPE core set of standards. The VCPE peer review process and an annual reporting requirement have been developed to monitor the standards. Each association has standards that meet and exceed those that are monitored by VCPE and must be considered individually by an interested school.
- In 2016, there are 15 VCPE-approved accrediting associations. Of Virginia's 587 private schools, 440 are VCPE-accredited, with an additional 26 candidate schools, representing 100,132 students.

#### Board discussion:

- Mrs. Wodiska thanked Mrs. Webster for her report. She suggested that the Board review whether additional flexibility for credit transfer from private to public schools might need to be added to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. Mrs. Webster agreed that some creative approaches for private school students to earn verified credits would be beneficial.

The Board of Education received the annual report from the Virginia Council for Private Education.

## **DISCUSSION OF CURRENT ISSUES**

### **Update on Virginia's School Quality Profiles**

Mr. Charles Pyle, director of communications, showed features of the new School Quality Profiles using an online demonstration. Improvements are being made based on feedback provided by users. Mr. Dillard asked if information on local financial effort had been included. Mr. Pyle indicated that they are working on it along with other topics.

Dr. Staples acknowledged the work done by Mr. Pyle to ensure the on-time launch of the School Quality Profiles. Mr. Pyle shared the credit with Mrs. Bethann Canada, director of information management and Mrs. Susan Williams, data manager, and their teams.

### ***DINNER MEETING***

The Board met for a public dinner on Wednesday, November 16, 2016, at 6:00 p.m., at the Berkley Hotel with the following members present: Mrs. Atkinson, Dr. Baysal, 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 7:15 p.m.

### ***EXECUTIVE SESSION***

Mrs. Wodiska made a motion to go into executive session under *Virginia Code* §2.2-3711(A)(41), for the purpose of discussion and consideration of records relating to denial, suspension, or revocation of teacher licenses, and that Susan Williams and Mona Siddiqui, legal counsel to the Virginia Board of Education; as well as staff members Dr. Steven Staples, Patty Pitts, Nancy Walsh, and John Brooks, whose presence will aid in this matter, participate in the closed meeting. The motion was seconded by Dr. Baysal and carried unanimously. The Board went into Executive Session at 12:10 p.m.

Mr. Bellamy and Mr. Dillard were not present for the remainder of the meeting.

Mrs. Lodal made a motion that the Board reconvene in open session. The motion was seconded by Dr. Baysal and carried unanimously. The Board reconvened at 1:25 p.m.

Mrs. Wodiska made a motion that the Board certify by roll-call vote that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements of the Freedom of Information Act were discussed and (2) only matters identified in the motion to have the closed session were discussed. The motion was seconded by Mr. Gecker and carried unanimously.

Board Roll call:

Mrs. Lodal – Yes  
Mrs. Wodiska – Yes  
Dr. Cannaday – Yes  
Mrs. Atkinson – Yes  
Dr. Baysal – Yes  
Mr. Romero – Yes  
Mr. Gecker – Yes

The Board made the following motions:

- Mrs. Wodiska made a motion to issue a license in Case #1. The motion was seconded by Mrs. Atkinson and carried unanimously.

- Mrs. Lodal made a motion to issue a one-year license in Case #3 and require the completion of a three-semester-hour course in Classroom and Behavior Management prior to the issuance of a five-year, renewable license. The motion was seconded by Mrs. Atkinson and carried with 6 “yes” votes. Mrs. Wodiska voted “no.”
- Mrs. Atkinson made a motion to revoke the license of Holly Michelle McAllister. The motion was seconded by Mrs. Wodiska and carried unanimously.
- Mrs. Atkinson made a motion to issue a license in Case #5. The motion was seconded by Mrs. Wodiska and carried unanimously.

***ADJOURNMENT OF THE BUSINESS SESSION***

There being no further business of the Board of Education, Dr. Cannaday adjourned the meeting at 1:30 p.m.



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President