# Superintendent’s Memo #105-20


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: April 24, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Briefing from General Assembly Reconvened Session

On April 22, 2020, the General Assembly reconvened to consider and vote on Governor Northam’s recommended amendments to pending enrolled bills including HB29, the Caboose Bill, and HB30, the 2020-2022 biennium budget. The Governor’s proposed amendments responded, in part, to the wide scale impact of COVID-19 on state revenue as well as concerns of compliance with certain statutory requirements and deadlines. Among the amendments were several items that provided much needed flexibility to and support for state and local educational agencies.

The General Assembly voted to pass the key educational/child care provisions enumerated below:

* The Superintendent of Public Instruction may grant temporary flexibility or waivers for certain deadlines and requirements as provided in the [Title 22.1](https://law.lis.virginia.gov/vacode/title22.1/) of the *Code of Virginia* and Appropriation Act that cannot be met for fiscal year 2020 (school year 2019-2020) or fiscal year 2021 (school year 2020-2021) due to the state of emergency and school closures resulting from the COVID-19 pandemic. Prior to granting any flexibility or waivers, the Superintendent of Public Instruction must report to the Secretary of Education and substantiate how the state of emergency or school closures resulting from COVID-19 impacted each deadline or requirement, the proposed alternative, and the affected fiscal and school years;
* Any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § [54.1-2345](https://law.lis.virginia.gov/vacode/title54.1/chapter23.3/section54.1-2345/) of the *Code of Virginia* may meet virtually during the declared state of emergency if the nature of the declared emergency makes it impractical or unsafe to assemble and the purpose of the meeting is to discuss or transact statutory business. Such meetings must still adhere to certain recording and availability requirements;
* Any public or accredited private school may operate emergency child care for preschool or school aged children of essential personnel during a declared state or local emergency due to COVID-19. Such programs shall be exempt from licensure, as provided in § [63.2-1715](https://law.lis.virginia.gov/vacode/title63.2/chapter17/section63.2-1715/), and shall be subject to safety and supervisory standards, including background checks, established by the local school division or accredited private school offering the program. All emergency child care programs shall follow Centers for Disease Control and Prevention and Virginia Department of Health guidance on safety measures to prevent the spread of COVID-19.

Because each of the above provisions appear in both the Caboose bill and the 2020-2022 biennium budget, this language will go into effect immediately upon the Governor’s signature and will remain in place through July 1, 2022 assuming no further amendments. As VDOE awaits the Governor’s final signature on these bills, the Superintendent of Public Instruction has already begun preparing flexibility and waiver proposals to be vetted and approved by the Secretary of Education. The Superintendent of Public Instruction’s intends to include the following in his initial proposal:

*Students Graduating with the 2019-2020 Cohort and Who Were Enrolled in Virginia Public Schools during Spring 2020*

* Students graduating with the 2019-2020 cohort, including terms in spring and summer 2020, shall be relieved of the requirement to complete training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation (§ [22.1-253.13:4.D.7](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13%3A4/));
* Students graduating with the 2019-2020 cohort, including terms in spring and summer 2020, shall be relieved of the requirement to complete a virtual course (§ [22.1-253.13:4.D.9](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13%3A4/)).

Please note that these waivers are in addition to several flexibility measures already provided by VDOE and the Board of Education regarding [graduation requirements, awarding of credits, standard and verified, and continuity of learning](http://www.doe.virginia.gov/support/health_medical/office/covid-19-grad-credits.shtml).

*Teacher Licensure and Renewal*

* Any individual seeking an initial license or renewal of licensure and who has completed all other components of training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillator shall be relieved of the requirement to have hands-on practice of the skills necessary to perform cardiopulmonary resuscitation for the purpose of their licensure application until January 1, 2021 (§ [22.1-298.1.D](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/));
* Upon request, the Board of Education shall issue a One-Year License, effective July 1, 2020 to June 30, 2021, to individuals who have deficiencies for full licensure, including licensure assessments, but have not completed such licensure requirements due to the COVID-19 pandemic. VDOE will follow up in subsequent communication on the process for obtaining such a license and with details about allowable deficiencies. This license is intended to be nonrenewable and shall not be extended unless the declared state of emergency due to COVID-19 continues well into 2021. An application fee shall not be required for the One-Year License; however, the individual must pay applicable fees for any subsequent license.

Please note that if license holders are unable to meet renewal requirements by June 30 because of COVID-19, the Superintendent of Public Instruction will make modifications to the licensure regulations to grant a one-year extension of the license (July 1, 2020 to June 30, 2021) to allow license holders to complete all renewal requirements.

*Accreditation and Assessments*

* The Superintendent of Public Instruction will identify a new label for accreditation (“accreditation waived”) and thus waive accreditation for each public school for the 2020-2021 school year based on data from 2019-2020;
* Local school boards shall be relieved of the requirements to administer Standards of Learning end-of-course and end-of-grade assessments and the alternative assessments for students with significant cognitive disabilities for the 2019-2020 school year. No local school board shall be required to certify it has administered an alternative assessment in 2019-2020 (§ [22.1-253.13:3.C](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13%3A3/));
* Divisions shall be relieved from the Virginia Kindergarten Readiness Program spring testing requirements for the 2019-2020 school year ([Item 128.H.a-d](https://budget.lis.virginia.gov/item/2019/1/HB1700/Chapter/1/128/) of the 2019 Appropriation Act);
* Divisions participating in Phonological Awareness Literacy Screening assessments, as well as divisions with waivers, shall be relieved from the spring assessment requirement for the 2019-2020 school year ([Item 128.C.14](https://budget.lis.virginia.gov/item/2019/1/HB1700/Chapter/1/128/) of the 2019 Appropriation Act);

*School Terms and Calendars*

* For the 2020-2021 school year only, good cause waivers, pursuant to § [22.1-79.1](https://law.lis.virginia.gov/vacode/title22.1/chapter7/section22.1-79.1/), shall include any division seeking additional instructional days prior to the allowable school start date for students for lost teaching time in the 2019-2020 school year due to extended closures required by COVID-19;

*Deadlines*

* Parents electing to provide home instruction during the 2019-2020 school year shall be relieved of the requirement to provide evidence of student progress to the local school division superintendent ([§ 22.1-254.1](https://law.lis.virginia.gov/vacode/title22.1/chapter7/section22.1-254.1/));
* The deadline for submitting Virginia Preschool Initiative applications is still May 15, but those divisions in need of flexibility can email earlychildhood@doe.virginia.gov ([Item 145.14.a-b](https://budget.lis.virginia.gov/item/2020/1/HB30/Enrolled/1/145/) of the 2020 Appropriation Act).

Local school divisions may begin making the appropriate administrative adjustments based on the above flexibility and waiver proposals. However, divisions should not finalize any action, including the issuance of diplomas, until VDOE has provided official notification that these waivers and flexibility provisions are formally in place.

The Superintendent of Public Instruction will continue to consider additional flexibility and waiver provisions as needed. The list of measures provided above should not be considered exhaustive or complete.

If you have any additional questions, please do not hesitate to contact the Office of Policy, at policy@doe.virginia.gov or (804)225-2092.

JFL/lms