**BOARD OF EDUCATION COVID-19 BRIEFING**

For the latest information from the Virginia Department of Education (VDOE), please visit our homepage at [www.doe.virginia.gov](http://www.doe.virginia.gov). To assist local school divisions, VDOE has developed a [Frequently Asked Questions webpage](http://www.doe.virginia.gov/support/health_medical/office/covid-19-faq-031720.shtml) that is regularly updated. You can also access Superintendent’s Memos on the [Governor’s Order to Close Schools](http://www.doe.virginia.gov/administrators/superintendents_memos/2020/071-20.docx) and [COVID-19 School Nutrition Program and Meal Options](http://www.doe.virginia.gov/administrators/superintendents_memos/2020/070-20.docx).

There are four areas that may require Board discussion, guidance or action: (1) graduation requirements, 140-clock-hour requirements and waivers; (2) length of school term waivers; (3) SOL assessment requirements; and (4) teacher licensure and student teaching requirements.

**Graduation Requirements/140 Clock Hour Requirement Waivers**

* [Section 22.1-253.13:4](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13%3A4/) of the *Code of Virginia* (Standard 4 of the *Standards of Quality*) mandate that the Board establish requirements for graduation. Additionally, this section of the Code outlines certain graduation requirements including completing a fine arts or CTE course, a course in United States and Virginia history and completing a virtual course, among other requirements.
* The Board does not have authority to waive graduation requirements that are required by statute. In limited circumstances, the Board may waive the graduation requirements it has promulgated in regulations.[Section 22.1-253.13:4(13)](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13%3A4/) provides that the Board may waive certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.
* Historically, case-by-case basis has been exercised by individual circumstance with good cause.
* In [guidance](https://townhall.virginia.gov/L/GetFile.cfm?File=C:%5CTownHall%5Cdocroot%5CGuidanceDocs%5C201%5CGDoc_DOE_4865_v3.pdf), the Board has delegated authority to the Superintendent of Public Instruction to approve such waivers on behalf of the Board. However, the Board can only delegate its authority, and, in this situation, it is the authority to approve waivers to regulatory graduation requirements on a case-by-case basis.
* The Board’s *Regulations for Establishing Standards for Accrediting Public Schools in Virginia* require students to earn a specified number of standard and verified credits based on the diploma, standard or advanced, that they are seeking. Standard 4 of the *Standards of Quality* require the Board, in establishing graduation requirements to provide for waiver of the 140 clock hour requirements under certain circumstances.
* There is statutory authority for the Board to waive the 140 clock hour requirement associated with standard and verified credits and the Board has set forth those specific requirements in regulation and guidance. In order to earn a standard unit of credit without receiving 140 clock hours of instruction, the local school division must certify that the instruction provided was comparable to 140 hours and the student achieved the aims/objectives of the course.  Overall, the availability of a waiver from the 140 clock hour requirement does not help address the need for waivers from other graduation requirements.

**Length of School Term Waivers (180 days/990 hours)**

* [Section § 22.1-98](https://law.lis.virginia.gov/vacode/title22.1/chapter8/section22.1-98/) of the *Code of Virginia* requires that state aid be reduced if the length of the school term falls below 180 days or 990 hours, subject to certain exceptions.  The Board of Education may waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from a declared state of emergency, severe weather and other emergency situations. If the local school board desires a waiver, it shall submit a request to the Board of Education. The request shall include evidence of efforts that have been made by the school division to reschedule as many days as possible and certification by the division superintendent and chairman of the local school board that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver of this requirement. If the waiver is denied, the school division shall make up the missed instructional time in accordance with this section.
* If the Board grants such a waiver, there shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. Further, the local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by any local governing body due to any reduction in the length of the term of any school or the schools in a school division permitted by such waiver.
* The Board of Education shall waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from an evacuation directed and compelled by the Governor pursuant to § [44-146.17](https://law.lis.virginia.gov/vacode/44-146.17/) for up to five teaching days. If the local school board desires such a waiver, it shall notify the Board of Education and provide evidence of efforts that have been made by the school division to reschedule as many days as possible and certification by the division superintendent and chairman of the local school board that every reasonable effort for making up lost teaching days or teaching hours was exhausted. After receiving such notification, the Board shall grant the waiver and there shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. Further, the local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by any local governing body due to any reduction in the length of the term of any school or the schools in a school division permitted by such waiver.
* In the *Regulations Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Teaching Hours* ([8VAC20-521-40](https://law.lis.virginia.gov/admincode/title8/agency20/chapter521/section40/)), the Board has authorized the Superintendent of Public Instruction to approve reductions in the school term for a school or the schools in a school division.
* VDOE staff is in the process of developing a standard application to streamline the anticipated waiver submission process.

**SOL Assessment Requirements**

* The requirements for SOL assessments are found in statute, budget language and in Board regulation. Additionally, there are assessment requirements outlined in the *Every Student Succeeds Act* (ESSA).
* [Section 22.1-253.13:3](https://law.lis.virginia.gov/vacode/title22.1/chapter13.2/section22.1-253.13%3A3/) of the *Code of Virginia*, provides that the Board require assessments to determine the level of achievement of SOL objectives for all students. Additionally, this section provides a list of SOL assessments that the Board is not permitted to exceed and requirements of certain end-of-course/end-of-grade tests for English, mathematics, science, and history and social science in the student outcome measures that are outlined in the *Standards of Accreditation*.
* At this time, there are no provisions related to the Board’s authority to waive SOL assessment requirements contained in statute or budget language. Legislative or budgetary options would be needed to allow for flexibility in waiving SOL assessments.
* Current guidance from USED has stated that individual school waivers may be obtained for ESSA testing requirements but a state waiver process is not available at this time.

**Teacher Licensure and Student Teaching Requirements**

Student Teaching Requirements

* Candidates currently enrolled in student teaching may not be able to complete the Board of Education 10-week student teaching requirement if schools are closed due to the Coronavirus.  The practicum/internships for other endorsements, such as administration and supervision and reading specialist, also may be impacted.
* The Board’s *Regulations Governing the Review and Approval of Education Programs in Virginia* ([8VAC20-543-50](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section50/)) require that candidates receive quality clinically-based structured and integrated field experiences that are “continuous and systematic” and require a minimum of 10 weeks of successful full-time student teaching that includes at least 150 clock hours spent in direct teaching at the level of endorsement.
* [Section 8VAC20-543-20(P)](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section20/) states that “modifications may be made by the Superintendent of Public Instruction in the administration of this chapter. Proposed modifications shall be made in writing to the Superintendent of Public Instruction.” Any modification request from deans or directors of educator preparation programs will be reviewed on a case-by-case basis.
* The Department of Education has communicated with deans and directors of educator preparation programs to address concerns that candidates currently enrolled in student teaching may not be able to complete the following Board of Education 10-week student teaching requirement due to school closings.

Assessment Requirements for Instructional Personnel

* Instructional personnel and individuals seeking licenses, including candidates who will graduate in the spring and summer, are required to meet testing requirements prescribed by the [Section 22.1-298.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/) of the *Code of Virginia* and the Board’s [*Licensure Regulations for School Personnel* (8VAC20-23)](https://law.lis.virginia.gov/admincode/title8/agency20/chapter23/). Both the Educational Testing Services’ Prometric Testing Centers and the Evaluation Group of Pearson’s Testing Centers are closed effective March 18, 2020.
* Individuals holding provisional licenses may need to complete assessments for a renewable license. Under state law, the Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license. Not all provisional license holders meet the requirements for the extension.
* VDOE staff are exploring options to provide flexibility to individuals with a Provisional License who aren’t able to take and pass assessments due to COVID-19.

Teacher Licensure & Hands-On CPR Training Requirements

* Currently, individuals are required to complete specific statutory requirements for initial licensure and license renewal. [Section 22.1-298.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/) requires hands-on cardiopulmonary resuscitation training.  Trainings have been cancelled due to the COVID-19 pandemic, and school divisions that offer the training have cancelled CPR trainings.
* In addition to the concern regarding meeting the statutory hands-on CPR training requirement, licensees (both employed and unemployed) are concerned about completing renewal requirements.  Many professional development activities in which licensees have been enrolled or are scheduled prior to June 30 have been cancelled.
* Approximately 20,000 licenses are renewed each year. Should temporary modifications be made to licensure requirements? Should an extension of one-year be given to complete licensure requirements?