| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
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# Agenda Item: F

## Date: April 25, 2019

### Title: First Review of Request for Approval of an Innovative Program Opening Prior to Labor Day (Year-Round Schools) for Chesterfield County Public Schools’ Falling Creek Elementary School

#### Presenter: Mr. Zachary Robbins, Director of Policy

**Dr. Mervin B. Daugherty, Superintendent, Chesterfield County Public Schools**

#### Email: [Zachary.Robbins@doe.virginia.gov](mailto:Zachary.Robbins@doe.virginia.gov) Phone: (804) 225-2092

## Purpose of Presentation:

Action required by state or federal law or regulation.

## Executive Summary:

Chesterfield County Public Schools (CCPS) requests a waiver to permit Falling Creek Elementary School to open before Labor Day to allow an innovative program to be implemented, specifically, a year-round school.

Currently, Section 22.1-79.1 of the *Code of Virginia* requires local school divisions to set their calendars so that the first day of school each year is no earlier than the day after Labor Day. In 2019, the General Assembly amended this statute to permit school divisions to set their calendars so that the first day of each school year is no earlier than 14 days before Labor Day, beginning with the 2019-2020 school year. The statute permits school divisions to apply for waivers to these calendar restrictions for instructional programs offered on a year-round basis, and such waivers are applicable only to the individual school where such program is implemented.

CCPS received a $50,000 grant from VDOE to assist with planning and consideration of transitioning schools with high percentages of economically disadvantaged students to a year-round schedule. On April 26, 2018, the Board granted approval to permit CCPS to implement its pilot year-round school program at Bellwood Elementary School beginning with the 2018-2019 school year, and an additional $260,000 has been awarded by VDOE to implement that program.

CCPS’s proposal is intended to reduce “summer learning loss,” which research shows is more acute among economically disadvantaged students. The division proposes four instructional quarters of about 45 days with breaks of about fifteen days each. These breaks also would provide opportunities for students to participate in programs of remediation, enrichment, and other activities. CCPS has developed measurable objectives to evaluate the success of the year-round program based on student progress in reading assessments for grades two through five.

This request is consistent with relevant state law, and Board of Education-approved guidelines related to the approval of innovative programs.

This request aligns with several of the goals identified in the Board of Education’s *Comprehensive Plan* that are intended to promote high-quality, effective learning environments for all students, and to foster continuous improvement in schools to benefit all students. Specifically, the *Plan* guides the Board to “[a]dvance policies that expand equitable learning opportunities with access to a variety of learning platforms, courses and programs…” and to “[r]eview and identify best practices, and promising approaches that would benefit local school divisions.”

## Action Requested:

Action will be requested at a future meeting. Specify anticipated date below:

June 20, 2019

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends the Board of Education receive this request for first review.

## Previous Review or Action:

No previous review or action.

Background Information and Statutory Authority:

Chesterfield County Public Schools (CCPS) requests a waiver to permit Falling Creek Elementary School to open before Labor Day. CCPS plans to implement an innovative program at this school, specifically, a year-round school.

As it is currently effective, § 22.1-79.1 of the *Code of Virginia* prohibits local school boards from adopting school calendars that require schools to open prior to Labor Day unless a waiver is granted by the Board for “good cause.” The conditions under which the Board may grant such waivers include the implementation of innovative programs, including year-round schools, and are outlined in the *Code,* which states, in part:

§ 22.1-79.1 Opening of the school year; approvals for certain alternative schedules.

A. Each local school board shall set the school calendar so that the first day students are required to attend school shall be after Labor Day. The Board of Education may waive this requirement based on a school board certifying that it meets one of the good cause requirements of subsection B.

B. For purposes of this section, "good cause" means:

1. A school division has been closed an average of eight days per year during any five of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations;

2. A school division is providing, in the school year for which the waiver is sought, an instructional program or programs in one or more of its elementary or middle or high schools, excluding Virtual Virginia, which are dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for such waiver. However, any waiver granted by the Board of Education pursuant to this subdivision shall only apply to the opening date for those schools where such dependent programs are provided;

3. A school division is providing its students, in the school year for which the waiver is sought, with an experimental or innovative program which requires an earlier opening date than that established in subsection A of this section and which has been approved by the Department of Education pursuant to the regulations of the Board of Education establishing standards for accrediting public schools. However, any waiver or extension of the school year granted by the Board of Education pursuant to this subdivision or its standards for accrediting public schools for such an experimental or innovative program shall only apply to the opening date for those schools where such experimental or innovative programs are offered generally to the student body of the school. For the purposes of this subdivision, experimental or innovative programs shall include instructional programs that are offered on a year-round basis by the school division in one or more of its elementary or middle or high schools; or

4. A school division is entirely surrounded by a school division that has an opening date prior to Labor Day in the school year for which the waiver is sought. Such school division may open schools on the same opening date as the surrounding school division…

The 2019 General Assembly approved HB 1652 (Robinson) and SB 1005 (Chase), to permit all school divisions to open earlier than Labor Day, subject to certain conditions. This legislation will become effective July 1, 2019, and amend the above statute as it applies to the 2019-2020 school year and beyond. The revised statute provides, in part:

§ 22.1-79.1. Opening of the school year; approvals for certain alternative schedules.

A. Each local school board shall set the school calendar so that the first day students are required to attend school shall be no earlier than 14 days before Labor Day. In each school division in which the school board sets the school calendar so that the first day students are required to attend school is before Labor Day, such school board shall close each school in the school division from the Friday immediately preceding Labor Day through Labor Day. The Board of Education may waive this requirement based on a school board certifying that it meets the good cause requirements of subsection B.

B. For purposes of this section, "good cause" means a school division is providing its students, in the school year for which the waiver is sought, with instructional programs that are offered on a year-round basis by the school division in one or more of its elementary or middle or high schools. Any waiver provided pursuant to this subsection shall only apply to the opening date for those schools where such year-round instructional programs are offered…

In addition, HB 1652 and SB 1005 included an enactment clause to address school calendars for school divisions that had been previously granted a waiver:

2. That any school board of a school division that was granted a waiver for the 2018-2019 school year under one of the good cause requirements then in effect pursuant to § 22.1-79.1 of the Code of Virginia or pursuant to Chapter 3 of the Acts of Assembly of 2012, Special Session I, may continue to set the school calendar so that the first day students are required to attend is earlier than 14 days before Labor Day. Additionally, any school board of a school division that was granted a waiver pursuant to Chapter 3 of the Acts of Assembly of 2012, Special Session I, shall not be required to close the Friday immediately preceding Labor Day.

Because CCPS did not have a “good cause” waiver, other than the 2018 waiver granted for Bellwood Elementary School, CCPS schools will be required to open no earlier than 14 days prior to Labor Day for the 2019-2020 school year, and close the Friday before Labor Day through Labor Day. CCPS indicates that the program at Falling Creek Elementary School will begin on July 22, 2019, necessitating the need for this waiver request.

In 2013, the Board approved guidelines for consideration of Pre-Labor Day opening requests, including the approval of innovative programs. Those guidelines are attached.

For the 2018-2019 school year, five school divisions (four percent) had one or more schools open prior to Labor Day pursuant to a waiver for innovative or experimental programs, and 83 school divisions (63 percent) opened prior to Labor Day for one of the other reasons permitted by law. In the same year, 44 school divisions (33 percent) did not open prior to Labor Day.

*Background.* Chesterfield County Public Schools (CCPS) requests a waiver to permit Falling Creek Elementary School to open before Labor Day to allow an innovative program to be implemented, specifically, a year-round school.

Since 2013, the *Appropriation Act* has included funds for planning grants of up to $50,000 per school division to assist with preparations for new year-round school programs, in support of findings from the 2012 Joint Legislative Audit and Review Commission (JLARC) report, [Review of Year Round Schools.](http://jlarc.virginia.gov/pdfs/reports/Rpt430.pdf) The *Appropriation Act* also provides additional funds to assist with start-up costs of these programs. The 2012 JLARC report found that the implementation of year-round schools does not necessarily improve test scores for all students; however, certain student groups, including black, Hispanic, English learners, and economically disadvantaged student test scores are more likely to improve. The report suggests that school divisions may want to consider implementation of year-round calendars to improve student performance where high percentages of these students are concentrated.

CCPS received a $50,000 grant from VDOE to assist with planning and consideration of transitioning some of its schools with high percentages of economically disadvantaged students to a year-round schedule. On April 26, 2018, the Board granted approval to permit CCPS to implement its pilot year-round school program at Bellwood Elementary School beginning with the 2018-2019 school year, and an additional $260,000 has been awarded by VDOE to implement that program.

VDOE’s fall 2018 enrollment data indicate that Falling Creek Elementary has 826 students in grades PK through 5, and has a concentration of student groups that the 2012 JLARC study suggests would benefit from year-round school programs. Of the school’s students, 47 percent are Hispanic, 41.2 percent are black, 35.3 percent are English learners, and 55.4 percent are economically disadvantaged.

The proposal for Falling Creek’s year-round program would begin instruction on July 22, 2018. Four instructional quarters of about 45 days are proposed with breaks of about fifteen days each. These breaks also would provide opportunities for students to participate in programs of remediation, enrichment, and other activities.

CCPS has indicated community support for this proposal through parent and student surveys. The division also has developed a waiver process to allow students to enroll at an out-of-zone school should their parents not wish to participate in the year-round program on a space-available basis.

The division also has developed measurable objectives to evaluate the success of the year-round program based on student progress in reading assessments in grades two through five.

Falling Creek Elementary is accredited for the 2018-2019 school year. All of the school quality indicators for Falling Creek are at Level One, except for Achievement Gaps in English and mathematics, which are both at Level Two, due to Level Three performance in the students with disabilities subgroup.

Timetable for Further Review/Action:  
This item will be presented to the Board of Education for final review on June 20, 2019.

## Impact on Fiscal and Human Resources:

The administrative impact for this request is expected to be minimal.

COMMONWEALTH OF VIRGINIA

BOARD OF EDUCATION

P.O. Box 2120

RICHMOND, VIRGINIA 23218-2120

**REQUEST FOR WAIVER OF CERTAIN ACCREDITING STANDARDS**

**AND/OR APPROVAL**

**OF AN INNOVATIVE OR EXPERIMENTAL PROGRAM**

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, ([8 VAC 20-131-10 et seq.](http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+8VAC20-131)) set the minimum standards public schools must meet to be accredited by the Board of Education. Accreditation of public schools is required by the Standards of Quality (§§ [22.1-253.13:1 et seq.](http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+22.1-253.13C1)). The annual accrediting cycle for public schools is July 1 through June 30.

This cover sheet, with the supporting documentation, must be submitted to the Department of Education for review and recommendation to the Board at least 90 days prior to the beginning of an accrediting cycle or the proposed implementation of the program or activity that precipitates the request for the waiver. The types of waivers available and the corresponding section of the standards are indicated below. Please attach additional sheets or information deemed appropriate. (The Board will consider this request in its monthly meeting and school divisions **are required** to appear before the Board **in person or electronically** to explain a waiver request.)

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| --- | --- | --- |
| SCHOOL DIVISION | Chesterfield County Public Schools | |
| TITLE OF PROGRAM/ACTIVITY | | Year Round School at Falling Creek Elementary School |

TYPE OF APPROVAL REQUESTED:

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| --- | --- | --- |
|  |  | Approval of an Alternative to the Standard School Year and School Day ([8 VAC 20-131-150](http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+8VAC20-131-150) ) |
|  |  | Approval of an Alternative Accreditation Plan ([8 VAC 20-131-280.D](http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+8VAC20-131-280) ) |
|  |  | Approval of an Experimental Program (§ [22.1-79.1](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-79.1) of the *Code of Virginia* and [8 VAC 20-131-290.D](http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+8VAC20-131-290) ) |
|  |  | Approval of an Innovative Program (§ [22.1-79.1](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-79.1) of the *Code of Virginia* and [8 VAC 20-131-290.D](http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+8VAC20-131-290)) |
|  |  | Approval of a Waiver of Other Provision(s) of the Standards ([8 VAC 20-131-350](http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+8VAC20-131-350) )  (Complete Pages 1 and 3 of the application only.) |

|  |  |
| --- | --- |
| SCHOOL OR SCHOOLS INVOLVED IN THE PROPOSED PROGRAM/ACTIVITY | Falling Creek Elementary School |

|  |  |  |
| --- | --- | --- |
|  |  | /S/ |
| Date Approved |  | Signature |
| by the Local School Board |  | Chairman of the School Board |
|  |  |  |
|  |  | /S/ |
| Submission Date |  | Signature  Division Superintendent |

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| --- | --- | --- |
| SCHOOL DIVISION | Chesterfield County Public Schools | |
| TITLE OF PROGRAM/ACTIVITY | | Year Round School for Falling Creek Elementary School |
|  | | |

IF THE PROPOSED PROGRAM IS EXPERIMENTAL OR INNOVATIVE, FOR EACH SCHOOL EXPLAIN HOW THIS IS SO AND PROVIDE A PROGRAM DESCRIPTION, INCLUDING THE TYPE OF PROGRAM, ITS PURPOSE, THE GRADES SERVED, DEMOGRAPHIC INFORMATION DESCRIBING THE STUDENTS WHO WILL BE ATTENDING, THE RATIONALE FOR THE PROGRAM, THE PROGRAM’S GOALS, EVALUATION PROCEDURES, AND OTHER RELEVANT INFORMATION.

**Type of Program**

Chesterfield County Public Schools (CCPS) is submitting a Year Round Schools Labor Day waiver applicant on behalf of Falling Creek Elementary School. Year round schools are generally defined as schools that are in session through the summer months, as well as during the traditional academic year, with students attending the same total number of days as the traditional school calendar. The difference is that rather than one long summer break, year round schools have shorter breaks that are scheduled throughout the year (National Association of Year Round Education, 2015). The shorter “intersessions” may then be used as opportunities for acceleration, remediation, and/or enrichment beyond the traditional 180 instructional days. Falling Creek Elementary School is planning a year round school calendar with four intersessions of approximately three weeks in length, depending upon the traditional school breaks such as winter break, spring break, and the end of the school year. The first portion of each intersession will consist of course acceleration or remediation, combined with enrichment activities to provide variety of stimulation for participating students. During the remaining weeks of intersession, a proposed partnership with the YMCA will provide programing, to include transporting the participating students from school to the YMCA in the morning and back to the school in the evening.

**The Purpose**

The purpose of establishing a year-round school at Falling Creek ES is to prevent the loss of academic progress often observed following a traditional eleven week summer vacation. “Traditional program students lose about two months of grade level equivalency in math over the summer. This loss is particularly severe for low-income children” (French, 2013, pg 29). Studies indicate that each summer, low-income students may lose two to three months of reading skills and approximately two months of math skills. As a result, teachers spend the first month of school reviewing information presented the previous year.

There are many benefits to providing a year round school program. One benefit is that non-English speaking students have an opportunity to continue practicing their English skills. English skills often suffer a loss during the summer as students speak their native language in the home and community environment, rather than English. Students who receive reduced price or free meals do not have access to healthy meals during the extended summer break. With a shorter interval between school sessions, they will maintain their health more easily. Having schools open and active during the summer provides a safe place for students to go 5 days a week. Teacher stress and burnout is lessened by more frequent breaks (Cengage, 2011). Teachers also prefer how extended breaks in the year-round calendar fall at the end of an academic period (Gerard, 2007), as this creates a natural cycle for the grading period. Intersession options provide an effective approach to remediation versus traditional summer school. Traditional summer school often occurs too late for students to catch up, and generally lacks sufficient focus to be of much assistance (Ballinger, 1995). And, a strong, positive correlation is found between teacher perceptions of year-round calendars and improved student achievement (Huffman, 2013).

One additional benefit, specific to Virginia, is that research shows that “black, Hispanic, limited-English proficient and economically disadvantaged students at year round schools improved at a faster rate than their peers at traditional calendar schools. For instance, black students at 74 percent of the year round schools studied improved their English test scores faster than the average a traditional schools, and 65 percent improved their math test scores faster than the traditional school average” (Hanover Research, 2015).

**Grades Served**

Pre-kindergarten through fifth grade

**Demographic Information**

Falling Creek Elementary School has a moderately diverse student population as represented in the following table. These statistics have been provided by VDOE School Quality Profile reports.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Student Categories | 2016-2017 | 2017-2018 | 2018-2019 | Percentage 2018-2019 |
| Female | 366 | 380 | 386 | 46.73 |
| Male | 414 | 410 | 440 | 53.27 |
| Asian | 34 | 29 | 23 | 2.78 |
| Black | 314 | 313 | 340 | 41.16 |
| Hispanic | 329 | 353 | 388 | 46.97 |
| Native Hawaiian | 2 | 4 | 1 | 0.12 |
| White | 82 | 70 | 60 | 7.26 |
| Two or more races | 19 | 21 | 13 | 1.57 |
| Students with Disabilities | 82 | 86 | 100 | 12.11 |
| Students without Disabilities | 698 | 704 | 726 | 87.89 |
| Economically Disadvantaged | 608 | 581 | 457 | 55.33 |
| Not Economically Disadvantaged | 172 | 209 | 369 | 44.67 |
| English Learners | 275 | 281 | 291 | 35.23 |
| Not English Learners | 505 | 509 | 535 | 64.77 |
| Homeless | 4 | 1 | 5 | 0.61 |
| Total Students Per Year | 780 | 790 | 826 |  |

**Rationale for the Program**

At the beginning of the 2016-2017 school year, former CCPS Superintendent Dr. James Lane issued a call for internal “innovation proposals” in which principals could request support for innovative approaches to instruction. The Principal of Bellwood ES began working with her faculty and staff to develop a new instructional model that incorporated a year round calendar. Previous feedback from parents and longstanding knowledge of the community had made the school staff aware of the hardships suffered by families over the long summer months, ranging from academic impact of summer slide to lack of adequate nutrition and safe spaces for play.

Chesterfield County Public Schools received a Year Round School Planning Grant from VDOE to explore the possibility of transitioning up to three schools to a year round calendar. The planning committee conducted background research and made site visits to North Carolina and Northern Virginia as a means of determining the viability of the year round school calendar for CCPS. Ultimately, Bellwood ES, which has been an innovative model school in the past, demonstrated a major support from the staff (100% said yes, students (80.6% said yes), and the community (88.7% said yes) for the switch to a year round calendar. The year round calendar was implemented with classes beginning in July of 2018.

*Successes at Bellwood*

Bellwood ES is the first school in the Chesterfield County Public School Division to adopt a year round school calendar. Bellwood ES’s 2018-2019 school year began in July of 2018, with few issues. Due to a rezoning issue, several students did not attend the first several weeks, but once parents were updated as to their appropriate home school, there were no more issues with the adopted schedule. All operations, including facilities, transportation, food and nutrition services, and support services, worked effectively to ensure everything ran smoothly. With the model in place, the expectation for Falling Creek ES is an effective and efficient replication of the Bellwood ES process.

The other successful component of the Bellwood ES year round school calendar has been the intersessions. The intersessions offer a combination of remediation/front-load studies and enrichment. Academic support was offered to all students in both reading and math. Lesson planners designed detailed curriculum centered around upcoming content in science and social studies so that students were front-loaded with content vocabulary and concepts. This approach was highly engaging for students and resulted in benefits to student performance, as reported anecdotally from classroom teachers at the beginning of the second quarter of instruction.

*Continuing the YRS program at Falling Creek ES*

Falling Creek ES has experienced many of the same issues seen at Bellwood ES attributed to summer learning loss. Many presentations have been made to the Falling Creek ES teachers and community concerning the shift to a year round school. In January of 2019, parents’ survey results demonstrated an 81% approval rate for the implementation of YRS at Falling Creek.ES, and a 60% approval rate from students in second through fourth grades.

When presented with the possibility of a year round school calendar during preliminary discussions with staff during the 2017-2018 school year, staff members who did not wish to be a part of such a program were allowed to transfer to another school. All new staff members hired for the current 2018-2019 school year are highly supportive of a year round school program. Any remaining staff members who do not wish to teach in a year round school will be given one more opportunity to transfer during the spring of this school year. At the most recent Chesterfield School Board meeting, Falling Creek ES’s application for year round school received unanimous endorsement from School Board members. During this meeting, nearly the entire teaching staff from Falling Creek ES was present and highly supportive of the program.

**Program Goals:**

Research demonstrates that summer learning loss is a critical issue, especially for economically disadvantaged students. Falling Creek ES is at 80.6% poverty. The goal of the Falling Creek ES proposed Year Round School calendar will reduce summer learning loss by providing four instructional quarters of approximately 45 days, interspersed with breaks of approximately 15 days through each calendar year. This schedule will provide a more consistent schedule of instruction as well as opportunities for academic support and enrichment.

Falling Creek ES students will demonstrate improved academic performance through increased opportunity for continuous learning, supplemented by targeted remediation during regular intersession periods.

**Evaluation Procedures:**

Objective 1: Each school year, a minimum of 50% of 2nd through 5th grade students who attend Falling Creek ES for the entire academic year will maintain progress or show growth as demonstrated by their performance on beginning and end of year Developmental Reading Assessments or Measures of Academic Progress reading assessments (as applicable).

Objective 2: Each school year, a minimum of 75% of 4th and 5th grade students who have attended Falling Creek ES for the current and previous academic years will pass or increase their previous year’s Reading Standards of Learning score.

DOES THE PROGRAM REQUIRE THE SCHOOL OR SCHOOLS REFERENCED IN THIS APPLICATION TOOPEN PRIOR TO LABOR DAY?

YES  NO.

IF YES, EXPLAIN WHY.

Based on a year round school calendar of nine weeks of instruction followed by three weeks of intersession Falling Creek ES in Chesterfield County will need to begin in July in order to follow the traditional calendar in maintaining the standard of 180 days of student instruction.

IF THE PROGRAM IS EXPERIMENTAL, FOR THE SCHOOL OR SCHOOLS REFERENCED IN THIS APPLICATIONINCLUDE INFORMATION THAT EXPLAINS WHY THERE IS REASON TO EXPECT THAT THE PROGRAM WILL BE SUCCESSFUL.

Not applicable

DESCRIBE THE ANTICIPATED OUTCOMES OF THE PROGRAM FOR EACH SCHOOL.

Not applicable

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| --- | --- | --- |
| SCHOOL DIVISION | Chesterfield County Public Schools | |
| TITLE OF PROGRAM/ACTIVITY | | Year Round School |

IF YOU ARE SEEKING A WAIVER OF A PROVISION OR PROVISIONS OF THE ACCREDITING STANDARDS, STATE THE PROVISION AND THE RATIONALE FOR SEEKING A WAIVER FOR EACH.

Not applicable

DESCRIBE THE PROCEDURES THAT WILL BE USED TO EVALUATE THE EFFECTIVENESS OF THE WAIVER/PROGRAM/ACTIVITY. (Include information that includes measurable goals, objectives, and student academic achievement that will be expected as a result of the implementation of the program/activity.)

Not applicable

|  |  |
| --- | --- |
| Number of students involved in the program | Approximately 826 |
| What is the anticipated length of the program or duration of the waiver? | July 22, 2019 – Indefinitely |

Questions should be directed to the Division of Policy and Communications at (804) 225-2092, or by e-mail to [policydata@doe.virginia.gov](mailto:policydata@doe.virginia.gov). This application and supporting documentation must be sent to:

Division of Policy and Communications

Department of Education

P. O. Box 2120

Richmond, VA 23218-2120