

**MINUTES**  
**COMMONWEALTH OF VIRGINIA**  
**BOARD OF EDUCATION**  
**RICHMOND, VIRGINIA**  
**October 19-20, 2022**

The Board of Education (Board) met in the Board Room, 22nd Floor, James Monroe Building, 101 North 14th Street, Richmond, VA 23219, with the following members present:

Mr. Dan Gecker, President  
Ms. Grace Creasey  
Dr. Alan Seibert  
Dr. Bill Hansen  
Mr. Andy Rotherham

Dr. Tammy Mann, Vice President  
Ms. Suparna Dutta  
Ms. Anne Holton  
Ms. Jillian Balow,  
Superintendent of Public Instruction

President Gecker called the meeting to order at 9:00 a.m. and welcomed Board members, staff, and visitors to the meeting. President Gecker noted that he approved Dr. Tammy Mann's participation from Alexandria, VA and Dr. Davis-Vaught's participation from Bristol, VA via electronic means due to medical reasons.

**MOMENT OF SILENCE**

President Gecker asked for a moment of silence.

**PLEDGE OF ALLEGIANCE**

The recitation of the Pledge of Allegiance followed the moment of silence.

**APPROVAL OF MINUTES**

Mr. Hansen made a motion to adopt the September 15, 2022, meeting minutes as presented. The motion was seconded by Ms. Dutta and carried unanimously. Copies of the minutes were distributed in advance of the meeting.

**PUBLIC COMMENT**

- Kandise Lucas spoke about concerns regarding special education services, and parents' rights being violated.
- Kathy Halvorsen spoke about concerns regarding special education services.

- Kathleen Pomeroy, School Board Chair, Fredericksburg, requested the Board consider a five-year rolling average of a locality's fiscal strength in determining its funding eligibility for new projects.
- Scott Brabrand, Executive Director of VASS, introduced VASS, as well as new staff, to the Board.
- Emily Mathon advocated for a culturally relevant and responsive curriculum for students.
- Susan Muskett expressed support for the *2022 Model Policies on the Privacy, Dignity, and Respect for All Students and Parents in Virginia's Public Schools* ("2022 Model Policies").
- Nicole Kent expressed concerns regarding the certification of Mark Taylor to the list of persons eligible to be division superintendent.
- Dr. Todd Gathje spoke about the importance of respecting the privacy of parents over their child's education and well-being and support of recent Department policies that properly defer to parents and protect freedom of speech.
- Greg Dowell spoke in support of accreditation for James Blair Middle School.
- Dr. Olwen Herron spoke in support of accreditation for James Blair Middle School.
- Guin Hartinger spoke in opposition to 2022 Model Policies.
- Morgan Meadows spoke in opposition to 2022 Model Policies.
- Tony Torres spoke in opposition to 2022 Model Policies.
- Carla Keyes spoke in opposition to 2022 Model Policies.
- Jennifer Evans spoke in opposition to 2022 Model Policies.
- Amy Morris spoke in opposition to 2022 Model Policies.
- Greg Anderson spoke in opposition to 2022 Model Policies.
- Kristi Black spoke in opposition to 2022 Model Policies.
- Katelyn O'Brien spoke in opposition to 2022 Model Policies.
- Patty Smith spoke in opposition to 2022 Model Policies.
- Teresa Elmore spoke in opposition to 2022 Model Policies.
- Nancy Kunkel spoke in opposition to 2022 Model Policies.
- Ashley Borders spoke in opposition to 2022 Model Policies.
- Sabrina Surgil spoke in opposition to 2022 Model Policies.
- Kristin Lennox spoke in opposition to 2022 Model Policies.
- Alan Dow spoke in opposition to 2022 Model Policies.
- Stephanie Arnold spoke in opposition to 2022 Model Policies.
- Shannon McKay spoke in opposition to 2022 Model Policies.
- Oliver Leshar spoke in opposition to 2022 Model Policies.
- Breanna Diaz spoke in opposition to 2022 Model Policies.
- Narissa Rahaman spoke in opposition to 2022 Model Policies.
- Emily Klein expressed concerns for special education services.
- Melissa Brace expressed concerns with the Spotsylvania County superintendent decision.
- Yael Levin expressed support for parental rights.

- Sheila Furey expressed concerns with mandating the COVID vaccine and teaching gender dysphoria.
- Sarah Alley expressed concerns about staffing/lack of advanced studies for elementary age students.
- Melissa Siddiqi spoke about concerns for special education services for her child.
- Zowee Aquino expressed concerns with the delay on the SOL revision timeline.
- Doris Knick expressed concerns about mandating the COVID vaccine.
- Monique O'Grady spoke in support for alternative routes to licensure.
- Anne Taydus spoke in support of the Constitution and Bill of Rights and support for parental rights.
- Julie Perry expressed support for 2022 Model Policies and for perspectives for conservative teachers.
- Tom Intorcio spoke in support of 2022 Model Policies and parental rights.
- Jason Spoon spoke in support for 2022 Model Policies and parental rights.
- Philip Hamilton expressed concerns regarding mandating COVID vaccinations.
- Becky Crowe spoke about concerns regarding special education services.
- Stephen Liu spoke in opposition to the 2022 Model Policies.
- Faith Jarvis expressed concerns regarding the certification of Mark Taylor to the list of persons eligible to be division superintendent. She provided a list of questions for the Board and SOPI.
- Donna Machen spoke about concerns in mandating the COVID vaccine.
- Joe Kunkel spoke in opposition to 2022 Model Policies and support for students who are different.
- Ken LeFevre spoke in support of 2022 Model Policies and parents' rights.
- Rich Lieberman expressed concerns regarding the certification of Mark Taylor to the list of persons eligible to be division superintendent.
- Peter Weiss spoke in opposition to the 2022 Model Policies.
- Chris Homes expressed concerns that school is not a safe space and that students trying to be themselves are persecuted.
- Scott Wassenburg expressed the need to give love to the LGBTQ community and stated that there are only two sexes.
- Andy Weisel spoke in support of the LGBTQ community.

### **CONSENT AGENDA**

#### ***A. Final Review to Certify a List of Qualified Persons for the Office of Division Superintendent of Schools***

Ms. Creasey made a motion to approve the list of qualified persons for the Office of Division Superintendent of Schools. The motion was seconded by Mr. Rotherham. This motion was carried unanimously.

***B. Final Review of Financial Report on Literary Fund and Updates to the First Priority Waiting List***

The Literary Fund provides low-interest loans for new school construction and for additions or permanent improvements to existing schools to help provide students with a safe and secure environment in which to learn. In accordance with the provisions of the *Code of Virginia*, [Chapter 10, Section 22.1-142](#), the Board is responsible for the management of the Literary Fund.

This item aligns with the Board's Priority 1: Provide high-quality, effective learning environments for all students.

Attachment A reflects the financial position of the Literary Fund as of June 30, 2022. The information presented in this statement reflects the commitments against the Literary Fund as of June 30, 2022.

There are no updates requested at this time to the First Priority Waiting List.

Ms. Creasey made a motion to approve the Financial Report on Literary Fund and Updates to the First Priority Waiting List as part of the consent agenda. The motion was seconded by Mr. Rotherham. This motion was carried unanimously.

***C. Final Review of Comprehensive Revisions to the General Procedures and Information for Licensure, and Background Checks for Child Day Programs and Family Day Systems (Proposed Stage)***

Chapter [860](#) and [861](#) of the Acts of Assembly (2020) transferred oversight of child care programs and regulations to the Virginia Board of Education (Board). Action taken by the Board on April 21, 2021 transferred all child care regulations from the Board of Social Services to the Board of Education. The Board approved the Notice of Intended Regulatory Action (NOIRA) for the *General Procedures and Information for Licensure* ("General Procedures"; [8VAC20-820](#)) regulations and *Background Checks for Child Day Programs and Family Day Systems* ("Background Checks"; [8VAC20-770](#)) regulation at the November 18, 2021, meeting as a comprehensive review of the regulations were necessary to implement the programs in accordance with the Act, and to incorporate substantive policy changes to align with the Code of Virginia and revised program policy and procedures. The NOIRA's were submitted for executive branch review, pursuant to the requirements of the Administrative Process Act. The 30-day public comment period on these regulatory actions ended on March 2, 2022.

The Virginia Department of Education (VDOE) staff began an initial review of the *General Procedures* and *Background Checks* regulations when the Board assumed the authority for these regulations in July 2021. VDOE staff created an internal workgroup to comprehensively review the regulations. The internal workgroup determined that a single regulatory chapter that contained the components of the *General Procedures*, the *Background Checks*, and the *Fee Requirements for Processing Applications* (“*Fee Requirements*”; [8VAC20-830](#)) regulations was the most prudent and efficient way to proceed. Therefore, a single replacement chapter was submitted to the Early Childhood Advisory Committee (ECAC) for their review and feedback on May 19, 2022, and June 23, 2022. At the May meeting, ECAC reviewed a draft that contained the combined *General Procedures* and *Fee Requirements*. The draft submitted to ECAC for the June meeting integrated the proposed changes to *Background Checks*. Although the full draft was submitted to ECAC at the June 23, 2022, meeting, the committee did not have a quorum present to make a formal endorsement to the Board.

The draft before the Board eliminates informational and redundant language, defers to statutory structures in order to reduce conflicts and the need to update regulatory text, and streamlines processes for administrative convenience that will ultimately benefit the public. In the process, the draft has achieved a significant reduction and improved clarity without reducing protections for either children or child care providers. Major areas of revision include the specification of qualifications of licensure, standards of conduct to reduce gaps in enforcement, and a reduction of regulations regarding enforcement proceedings.

VDOE staff has made a minor revision to the proposed 8VAC20-821-270 L in response to comments received from the Board during first review regarding who is covered by the regulation. Staff has revised the language to make clear that a licensee must notify the superintendent if “anyone required to have a background check under § 22.1-289.036 of the Code of Virginia has been convicted of a barrier crime as defined in § 19.2-392.02 of the Code of Virginia or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth.” This section was also re-lettered, as the last version had two subsection Fs.

Ms. Creasey made a motion to approve the Final Review of Comprehensive Revisions to the General Procedures and Information for Licensure, and Background Checks for Child Day Programs and Family Day Systems (Proposed Stage) as part of the consent agenda. The motion was seconded by Mr. Rotherham. This motion was carried unanimously.

#### ***D. Final Review of Proposed Addition to Board Guidance on the Applied Studies Diploma***

During the 2021 legislative session, the Virginia General Assembly passed [HB2299](#) and [SB1288](#) requiring the Virginia Board of Education (Board) to adopt guidance for the statewide requirements for earning an Applied Studies Diploma for implementation at the beginning of the 2022-2023 school year.

The Applied Studies Diploma is a state recognized diploma outlined in the *Code of Virginia* (§ [22.1-253.13:4](#)) and the Board's *Regulations Establishing Standards for Accrediting Public Schools in Virginia* ([8VAC20-131](#)). This option is available to students identified as having a disability who complete the requirements of their Individualized Education Programs (IEPs) and meet certain requirements prescribed by the Board pursuant to regulations, but do not meet the requirements for any named diploma. VDOE has developed an Applied Studies Curriculum Map based upon national research analysis and stakeholder input to meet the needs of students with disabilities more effectively and to align instruction to ensure student success over a variety of skill domains. The flexibility provided by current regulatory language is key as students eligible for this diploma often have unique and individualized needs and goals that are best captured at the individualized education program level. This guidance will ensure the structure for rigorous high quality instruction and supports while recognizing the unique needs of the student population and the ability to be responsive to changes in research based practices and development of high-quality supports.

This guidance and accompanying materials have been in use in the field, and the VDOE has supported targeted division-level pilots of the utilization of the materials across multiple school divisions during both the 2020-2021 and 2021-2022 school years. This support includes targeted technical assistance as well as professional development that will continue with the adoption of this Board guidance. The VDOE is aligning actions around the development of the Statewide Strategic Plan for Transition and ongoing studies such as the Virginia General Assembly's Commission on Youth's study on the transition process for students with disabilities. Annual data is also reviewed alongside assessment participation for students with significant cognitive disabilities to ensure alignment between early decisions regarding diploma options and corresponding instructional and assessment decisions and to inform federal program monitoring in special education.

Adoption of this guidance to support the implementation of statewide requirements for earning an Applied Studies Diploma will encourage high expectations for students with significant disabilities while ensuring maximum flexibility of IEP Teams to support students as they pursue this diploma option.

The Board's adoption of this guidance will emphasize high expectations for all students with disabilities. The Department will rely on federal guidelines, technical assistance, monitoring and utilization of the Virginia Alternate Assessment Program (VAAP) to ensure that all students with disabilities have access to high-quality instruction, materials, supports and the opportunity to pursue all diploma options available to non-disabled students.

The Department will ensure school divisions continue to prioritize the individualized assessment of student needs and monitor school division implementation of this guidance to ensure all

students with disabilities have equal access to high-quality educational opportunities. The Department will work with school divisions and partners to ensure that parents are involved, well-informed, and included in all decision-making related to diploma options for students with disabilities.

Since First Review, no changes have been made to the Applied Studies Curriculum Map and supporting materials.

Ms. Dutta inquired as to what the purpose of the applied studies diploma is since the divisions are already required to do transition planning for students with IEPs. She also questioned what school divisions would do differently if the applied studies diploma didn't exist. Dr. Samantha Hollins stated that the divisions would not do anything differently because the requirements for transition planning and secondary transition actions related to a student's IEP are required by both state and federal statutes. The applied studies diploma is a state recognized diploma which in no way usurps requirements around transition planning. The applied studies diploma adds additional supports for those students who need it. Dr. Hollins clarified several questions regarding the criteria for the applied studies diploma, the participation of the IEP teams in the decision of who can get an applied studies diploma, and the benefits of offering the applied studies diploma to students who may need additional transitional supports after high school.

Ms. Creasey made a motion to approve the Proposed Addition to Board Guidance on the Applied Studies Diploma as part of the consent agenda. The motion was seconded by Dr. Seibert. This motion was carried unanimously.

#### ***E. Final Review of Proposed Technical Revisions to the Bylaws of the Virginia Board of Education to Comply with Statutory Changes***

The *Bylaws of the Virginia Board of Education* (“Bylaws”) are the rules governing the Virginia Board of Education (Board). The *Bylaws* were first adopted by the Board in 2000 and were subsequently amended in 2001, 2004, and 2016.

VDOE staff has made proposed revisions to the *Bylaws* in two areas in order to ensure compliance with applicable state laws. The first area of revision concerns electronic participation (Article Four, Section 11). A new section of the Virginia Freedom of Information Act (“FOIA”), § [2.2-3708.3](#), went into effect on September 1, 2022. The new section alters the requirements for electronic participation in situations other than declared states of emergency, and the proposed revisions ensure compliance with FOIA.

The second area of revision concerns the directions for executive sections (Article Five). In order to hold a closed meeting, the Board must comply with the requirements of FOIA found in §§

[2.2-3711](#) and [2.2-3712](#). The suggested revisions add additional language and directions from state law in order to ensure compliance.

The suggested revisions are being presented by the Board for consideration and general discussion. VDOE staff will take note of additional changes requested by members of the Board to bring for final review in October.

According to Article Twelve of the *Bylaws*, any amendment requires a vote of at least seven members of the Board after a first and final review has been completed at two separate meetings. The Board first reviewed these revisions at its meeting on September 15, 2022. No changes have been made since first review.

Ms. Creasey made a motion to approve the Final Review of Proposed Technical Revisions to the Bylaws of the Virginia Board of Education to Comply with Statutory Changes as part of the consent agenda. The motion was seconded by Mr. Rotherham. This motion was carried unanimously.

#### ***F. Final Review of the Proposed 2023 Board of Education Meeting Dates***

This item was pulled from the consent agenda to further discuss the meeting dates and potential conflicts. The item was presented later in the meeting to discuss potential changes due to member conflicts. Mr. Rotherham and Mrs. Creasey expressed concern with the November meeting dates due to conflicts with another conference. Ms. Emily Webb, Director of Board Relations, shared that the November meeting date is difficult to move due to the Thanksgiving holiday and short turnaround time between the October and November meeting dates.

Ms. Creasey made a motion to approve the 2023 Board of Education Meeting Dates. The motion was seconded by Mr. Rotherham. This motion was carried unanimously.

### **ACTION/DISCUSSION ITEMS**

#### ***G. First Review of Guidelines for Implementing the School Construction Assistance Program in the 2022-2024 Biennium***

Kent C. Dickey, Deputy Superintendent of Budget, Finance, and Operations, presented this item for Board review. The School Construction Assistance Program was created at the 2022 Special Session I of the General Assembly through the 2022 Appropriation Act (i.e., Chapter 2, [Item 137](#), Paragraph C.43; "[Item 137](#)"). That appropriation act item provides fiscal year 2023 appropriations for the program of \$400,000,000 from the general fund and \$50,000,000 from the Literary Fund to be transferred into the School Construction Fund (Fund). The Virginia Board of Education (Board) will award grants on a competitive basis from the Fund to local school boards that demonstrate poor building conditions, commitment, and need in order for such local school

boards to be able to fund the construction, expansion, or modernization of public school buildings.

The legislative intent of this program is to provide funding for major school construction, renovation, or additions projects, giving priority to high-need school divisions and localities. The intent is for planned projects or those being planned that lack sufficient funding and that are not yet in the construction phase to receive funding.

The Board is required to develop guidelines for the administration of the program to include certain minimum requirements, which include establishing the competitive scoring criteria and their associated point values used in evaluating school division applications for funding. The competitive criteria must reflect the categories of Commitment, Need, and Poor School Building Conditions, and a minimum qualifying criteria score established for a project to qualify for funding. The guidelines propose various criteria covering these three categories and their assigned point values. A minimum of 65 criteria points on a 100 point scale is proposed in the guidelines as the minimum qualifying score for a project to qualify for a grant award.

School divisions will apply to the Virginia Department of Education (VDOE) for grant funding during a designated open application period. Awarded funding will be based on 10 to 30 percent of approved project costs, depending on the division composite index and the locality fiscal stress category. Any unobligated appropriation balance for this program on June 30, 2023, must be reappropriated for expenditure in fiscal year 2024 for the same purpose.

This item aligns with Priority 1 of the Board's *Comprehensive Plan: 2018-2023* to provide high-quality, effective learning environments for all students.

The Superintendent of Public Instruction recommends that the Board of Education receive for First Review the *Guidelines for Implementing the School Construction Assistance Program in the 2022-2024 Biennium*.

#### ***H. First Review of a Proposal to Adopt Special Provisions Regarding the Determination of the Performance Level for the Chronic Absenteeism Indicator in Accreditation Years 2023-2024 and 2024-2025***

Amy Siepka, Director of Accountability, presented this item to the Board for review. The Virginia Department of Education (VDOE) requests that the Virginia Board of Education (Board) adopt special provisions to alter temporarily the manner in which the performance level assigned to the chronic absenteeism rate for each school is determined in accountability years 2023-2024 and 2024-2025. Specifically, the VDOE is asking the Board to

- remove the 2021-2022 school year chronic absenteeism data from accreditation

calculations in accountability year 2023-2024. This will result in the removal of the cumulative three-year rate and the demonstration of adequate improvement from the determination of a school's performance level for chronic absenteeism in accountability year 2023-2024 (the 2022-2023 school year data, therefore, will be the sole determinant of the chronic absenteeism rate), and

- remove the 2021-2022 school year chronic absenteeism data from the cumulative three-year rate in accountability year 2024-2025, such that the cumulative year rate will only include data from the 2022-2023 and 2023-2024 school years.

The current performance levels are described in the current SOA ([8VAC20-131-380 F 1 h](#)):

- For Level One, the performance level is determined by using the best of the current or cumulative three year rate or, by using the current year rate if it is in the Level Two range, and the school demonstrated at least a 10% improvement in the chronic absenteeism rate from the previous year.
- For Level Two, the performance level is determined by using the best of the current or cumulative three year rate or, by using the current year rate if it is in the Level Three range, and the school demonstrated at least a 10% improvement in the chronic absenteeism rate from the previous year.
- For Level Three, the performance level is determined by using the best of the current or cumulative three year rate, or if the school has been a Level Two or Level Three through four consecutive years.

The school year 2021-2022 chronic absenteeism data was negatively impacted by several factors related to the pandemic and was not necessarily a representative indicator of the school's programs and efforts to engage students. Therefore, [the Board adopted special provisions](#) to remove it from the determination of accreditation status in 2022-2023. In doing so, the earned performance level and chronic absenteeism rate was still assigned to, and reported for schools, though it was not considered when assigning an accreditation status (*Accredited* or *Accredited with Conditions*). When the Board approved this special provision, Board members clarified that they were approving a temporary removal of the chronic absenteeism indicator from the determination of accreditation status in 2022-2023, but would later consider how the 2021-2022 school year data would be used in the determination of the performance level for chronic absenteeism in accountability year 2023-2024 and beyond.

Due to the continued impact of the pandemic on chronic absenteeism in the 2021-2022 school year, and the exclusion of this data in the determination of accreditation status in 2022-2023, the VDOE is proposing the exclusion of 2021-2022 school year data from accountability years 2023-2024 and 2024-2025.

This exclusion results in the following:

- Accountability year 2023-2024: The performance level would be based solely on 2022-2023 school year data. Since 2021-2022 data would be excluded, there would not be a previous year to gauge adequate improvement, nor would there be three consecutive years to calculate a three-year rate.
- Accountability year 2024-2025 and beyond: The current SOA regulations will be implemented. Adequate improvement will be calculated using 2022-2023 and 2023-2024 data, and the cumulative “three-year” rate would consist of data from 2022-2023 and 2023-2024 only (2021-2022 would be excluded).

This recommendation is also made with the understanding that the chronic absenteeism indicator may need to be revisited if there are changes to the accreditation system prior to accountability year 2023-2024 that would impact how chronic absenteeism performance is calculated and reported.

It is critical to reiterate the importance of proactively addressing chronic absenteeism at the school level, and to hold schools accountable for this indicator in the accreditation model. In order to support local school divisions, the Office of School Quality, in conjunction with the Department of Special Education and Student Services, began a year-long collaborative learning cohort for principals and members of their attendance team to engage in a three-part E-learning series facilitated by Attendance Works. Following the E-learning series, principals and attendance team members can participate in in-person sessions and follow-up support webinars. School leaders with level 3 and level 2 performance ratings in Chronic Absenteeism were invited to join the cohort. There was an overwhelming response and we reached capacity for the current cohort. This technical assistance activity is an example of operationalising the guidance, support and resources provided by the VDOE to promote improved policies and practices around school attendance. These initiatives seek to equip local school divisions with the guidance and interventions via training to positively impact student attendance and performance.

The Board requested an impact analysis of what happened in 2020-21 and 2021-22 in terms of the learning loss and the impact this has had on the data and also to better understand the school policies that were in place during that time. Dr. Seibert offered that it is worth looking at using the 2018-2019 data as well to see if it is a helpful indicator to consider. The Board requested that they be able to send further questions for clarifications to Ms. Siepka to further their understanding on this issue.

The Superintendent of Public Instruction recommends that the Board of Education engage in a discussion about adopting special provisions regarding the determination of performance levels for the chronic absenteeism indicator in accreditation years 2023-2024 and 2024-2025.

## ***I. First Review of James Blair Middle School Accreditation Indicator Appeal***

Amy Siepka, Director of Accountability, presented this item for Board review. The intent of this provision in the SOA is to provide potential relief to schools that have experienced a significant event impacting performance on an indicator. Such circumstances should be unusual and appeals based on this section of the SOA should be rare.

Williamsburg-James City County (WJCC) Public Schools has presented an appeal for James Blair Middle School. Their appeals form (Attachment A) indicates an appeal to the Level Three performance level given to the *students with disabilities* (SWD) group within the *Achievement Gap-Mathematics* indicator. If approved, the performance level change for the SWD group would result in the overall performance level for the *Achievement Gap-Mathematics* indicator to change from a Level Three to a Level Two. However, the change to the overall indicator would not result in a different accreditation status for the school. James Blair Middle School also has a Level Three rating in the *Achievement Gap-English* indicator and its status would remain *Accredited with Conditions*.

On September 13, 2022, an internal Virginia Department of Education (VDOE) committee met to discuss the basis for the appeal. The committee members were representatives of various VDOE offices and consisted of the Directors from the Offices of Accountability; Test Development; Research; Data Services; Student Services; School Quality; Instructional Services; and the Assistant Superintendent of Student Assessment, Accountability, and ESEA Programs. Based on their review of the information provided by the school division, the committee unanimously recommended that the Virginia Board of Education (Board) not approve the appeal.

A summary of the committee's review of the appeal is provided below.

One way to earn a Level Two performance level for the achievement indicators is to have a pass rate greater than or equal to 50% but less than or equal to 65%, and to reduce the failure rate by at least 10% from the previous year (R10). WJCC's first justification in their appeal is that James Blair Middle School should be able to use the prior year's pass rate to determine adequate improvement (R10) as indicated in [8VAC20-131-380 F 1 a](#).

**WJCC's Justification: Lack of opportunity for reduction from the previous year (spring 2021).** Spring 2022 mathematics data shows James Blair Middle School has made significant progress in the identified SWD subgroup and had a reduction of failure rate of 19.8% for SWD in mathematics from the previous year (2021). Therefore, WJCC asked for consideration with the mathematics achievement gap indicator to compare the reduction in failure rate for SWD from spring 2021 to spring 2022 ([8VAC20-131-380](#)).

**VDOE Staff Response:** In July 2021, due to the pandemic, the Board [adopted special provisions](#) to [approve the use of 2018-2019 school year data \(page D\)](#) to be the "previous year" data used in accreditation year 2022-2023 for all schools in the Commonwealth. In

addition, James Blair Middle School did not test 35% of its students with disabilities in 2020-2021 so the data used in their justification is not fully representative of their student group population. For reference, the VDOE did not calculate accreditation in 2020-2021 for any school. The data James Blair uses in its justification were calculated by division staff.

**WJCC's Justification: Lack of opportunity for the three-year average.** James Blair Middle School has only two years of scores (spring 2019 and spring 2022) and is not afforded the same opportunity to calculate a true three-year average to meet the SOA criteria ([8VAC20-131-380](#)).

**VDOE Staff Response:** The three-year rate is an *option* that can be used to meet an accreditation performance level, but nothing in the SOA indicates that there *must be* a three-year rate opportunity provided. The following factors might also be considered:

- There is no precedent for allowing this flexibility.
- There are currently four other schools in the state who are in a similar situation and will not be afforded this opportunity.
- The school's performance in the mathematics SWD group is consistent with what it was in 2018-2019 (58.62% in 2018-2019 versus 58.97% in 2022-2023). The appeals review committee felt that James Blair Middle School would benefit from the requirements outlined in [8VAC20-131-400 D](#) for schools that earned a Level Three performance level on an indicator.

There are several regulations relevant to this Board item.

- 1) A local school board may appeal a performance level designation for a state accreditation indicator, as described in the [Regulations Establishing Standards for Accrediting Public Schools in Virginia \(SOA\)](#). The specific language from the SOA is as follows:

*The board shall provide a process for a local school board to appeal the performance level designation for a specific school quality indicator for any school in the division. The board shall grant such appeals only in limited circumstances that warrant special consideration in designating performance levels. In order to appeal such designation the local school board shall submit a request to the board, signed by the chairman of the school board and the school superintendent, explaining why the school board is appealing the designation and shall include documentation supporting the request to change the performance level designation.*

The intent of this provision in the SOA is to provide potential relief to schools that have experienced a significant event impacting performance on an indicator. Such circumstances should be unusual and appeals based on this section of the SOA should be rare.

- 2) [8VAC20-131-400 C and D](#) outline the requirements for schools that earn a Level Two or Level Three performance level on one or more indicators. The link to these regulations is provided as context to how the requirements differ for schools that earn a Level Two or Level Three performance rating. It should also be noted that James Blair Middle School is preliminarily identified as a federal support school (pending USED approval of Amendment 5 of the Consolidated State Plan), so they will also be receiving support under that context as well.
- 3) WJCC's first justification in their appeal is that James Blair Middle School should be able to use the prior year's pass rate to determine adequate improvement (R10) as indicated in [8VAC20-131-380 F](#). It states, in part, "Level Two: Schools not meeting Level One performance with a current year or three-year average rate of at least 66%, or schools with a prior year rate of at least 50% that decrease the failure rate by 10% or more from the prior year." However, due to the pandemic, in July 2021, the Board [approved the use of 2018-2019 school year data](#) (page D) to be the "previous year" data used in accreditation year 2022-2023 for all schools in the Commonwealth. The Board was able to do so under the special provisions authorized in [8VAC20-131-380 F 3](#): "The board may adopt special provisions related to the measurement and use of a school quality indicator as prescribed by the board. The Board may also alter the inclusions and exclusions from the performance level calculations by providing adequate notice to local school boards."
- 4) In 2018-2019 James Blair Middle School was a new school. In September 2019, as a result of an inquiry by WJCC, [the Board was presented with and approved a request to adopt special provisions](#) which allowed "new rules" surrounding how performance levels are assigned to a new school. Since there is only one year of data on which to evaluate indicator performance levels, if the new school's achievement indicator rate is at least 50%, the indicator will be rated at a Level Two.

Dr. Olwen Herron, Superintendent of Williamsburg-James City Public Schools was in attendance and thanked the Board for considering this request.

The Superintendent of Public Instruction agrees with the recommendation of the VDOE staff committee which did not approve WJCC's appeal of the performance level for the students with disabilities group in the Achievement Gap-Mathematics indicator for James Blair Middle School.

***J. First Review of the Advisory Board on Teacher Education and Licensure's Recommendation for a Passing Score for the Praxis® Chemistry (5246) Test for the Science – Chemistry Endorsement***

Dr. [Joan Johnson](#) presented this item to the Board. Malik K. McKinley, Sr., Director of Client Relations, from ETS, was also in attendance to assist with answering questions of the Board. Items J, K and L were presented as a group to the Board.

The proposed recommendation from the Advisory Board on Teacher Education and Licensure (ABTEL) is to set a passing score for the **Praxis® Chemistry (5246) Test** for the Chemistry endorsement. The Praxis® Chemistry (5246) test will replace the Praxis® Chemistry: Content Knowledge (5245) test. This **new** assessment was designed and developed through work with practicing chemistry teachers, teacher educators, and higher education chemistry specialists to reflect the science knowledge teachers need to teach the chemistry curriculum and to reflect state and national standards, including the National Science Teacher Association Preparation Standards for chemistry. This test will be required for individuals seeking initial licensure unless exempted by holding a full, clear out-of-state license with no deficiencies and can be taken and passed to add an endorsement in Chemistry by individuals holding a valid renewable teaching license.

Educational Testing Service (ETS) provides a recommended passing score from the multistate standard-setting study to help education agencies determine an appropriate operational passing score. For the Praxis Chemistry test, the recommended passing score is 56 out of a possible 100 raw-score points. The scale score associated with a raw score of 56 is **146** on a 100–200 scale.

The current Praxis® Chemistry: Content Knowledge (5245) Test has a Board prescribed passing score of 153 on a 100-200 scale. The Praxis® Chemistry (5246) test is a **new** assessment and the previous passing score was not a consideration of ETS or ABTEL when establishing this test's passing score. Because this is a **new** assessment, ABTEL is also recommending that a data review be conducted after one year to determine if the passing score is providing for the greatest opportunity of teachers entering the profession while maintaining rigor.

On September 19, 2022 information regarding the multistate standard-setting process was presented to ABTEL members by Malik K. McKinley, Sr., Director of Client Relations, Professional Educator Programs, Office for Teacher Licensure and Certification, Student and Teacher Assessment Division, Educational Testing Service. ABTEL members reviewed the standard-setting report and recommended that the Board approve the passing score of 146 (the standard setting panel's recommendation).

Ms. Dutta questioned whether the test lengths have changed. Mr. McKinley indicated that the assessment length has not changed.

The Superintendent of Public Instruction recommends that the Board approve the recommendation of the Advisory Board on Teacher Education and Licensure to establish a passing score of 146 for the Praxis® Chemistry (5246) Test. Individuals may take either the

currently prescribed assessment for the Chemistry endorsement, Praxis® Chemistry: Content Knowledge (5245) or the new Praxis® Chemistry (5246) test through June 30, 2023. Beginning July 1, 2023, the Praxis® Chemistry: Content Knowledge (5245) test will be accepted only for those individuals who took and passed the test during the period it was prescribed by the Board of Education.

***K. First Review of the Advisory Board on Teacher Education and Licensure’s Recommendation for a Passing Score for the Praxis® Physics (5266) Test for the Science – Physics Endorsement***

The proposed recommendation from the Advisory Board on Teacher Education and Licensure (ABTEL) is to set a passing score for the **Praxis® Physics (5266) Test** for the Physics endorsement. The Praxis® Physics (5266) test will replace the Praxis® Physics: Content Knowledge (5265) test. This **new** assessment was designed and developed through work with practicing physics teachers, teacher educators, and higher education physics specialists to reflect the science knowledge teachers need to teach the physics curriculum and to reflect state and national standards, including the National Science Teaching Association Preparation Standards for physics. This test will be required for individuals seeking initial licensure unless exempted by holding a full, clear out-of-state license with no deficiencies and can be taken and passed to add an endorsement in Physics by individuals holding a valid renewable teaching license.

Educational Testing Service (ETS) provides a recommended passing score from the multistate standard-setting study to help education agencies determine an appropriate operational passing score. For the Praxis Physics test, the recommended passing score is 56 out of a possible 100 raw-score points. The scale score associated with a raw score of 56 is **145** on a 100–200 scale.

The current Praxis® Physics: Content Knowledge (5265) Test has a Board prescribed passing score of 147 on a 100-200 scale. The Praxis® Physics (5266) test is a **new** assessment and the previous passing score was not a consideration of ETS or ABTEL when establishing this test’s passing score. Because this is a **new** assessment, ABTEL is also recommending that a data review be conducted after one year to determine if the passing score is providing for the greatest opportunity of teachers entering the profession while maintaining rigor.

On September 19, 2022 information regarding the multistate standard-setting process was presented to ABTEL members by Malik K. McKinley, Sr., Director of Client Relations, Professional Educator Programs, Office for Teacher Licensure and Certification, Student and Teacher Assessment Division, Educational Testing Service. ABTEL members reviewed the standard-setting report and recommended that the Board approve the passing score of 145 (the standard setting panel’s recommendation).

Ms. Dutta questioned the reasoning of why the expectations for the passing score for physics has decreased instead of adding the standard error of measurement which would increase the passing score to 150. Dr. Johnson indicated that this question actually would apply to all three tests. Superintendent Balow clarified that a passing score on the PRAXIS assessment does not equate to teacher excellence; rather, it simply demonstrates that the applicant has the content knowledge necessary to teach in their content area at the entry-level. The applicants will still need the pedagogical knowledge, analytic data skills, classroom management knowledge, and the ability to build content knowledge from year one.

Mr. Rotherham offered that it may be helpful to take a look at the actual testing instrument in deciding to make this change. Ms. Dutta requested that she would like to see the old test vs. the new test to be able to see the change in rigor.

The Superintendent of Public Instruction recommends that the Board receive for first review the recommendation of the Advisory Board on Teacher Education and Licensure to establish a passing score of 145 for the Praxis® Physics (5266) Test.

***L. First Review of the Advisory Board on Teacher Education and Licensure’s Recommendation for a Passing Score for the Praxis® Biology (5236) Test for the Science – Biology Endorsement***

The proposed recommendation from the Advisory Board on Teacher Education and Licensure (ABTEL) is to set a passing score for the **Praxis® Biology (5236) Test** for the Biology endorsement. The Praxis® Biology (5236) test will replace the Praxis® Biology: Content Knowledge (5235) test. This **new** assessment was designed and developed through work with practicing biology teachers, teacher educators, and higher education biology specialists to reflect the science knowledge teachers need to teach the biology curriculum and to reflect state and national standards, including the National Science Teaching Association Preparation Standards for biology. This test will be required for individuals seeking initial licensure unless exempted by holding a full, clear out-of-state license with no deficiencies and can be taken and passed to add an endorsement in Biology by individuals holding a valid renewable teaching license.

Educational Testing Service (ETS) provides a recommended passing score from the multistate standard-setting study to help education agencies determine an appropriate operational passing score. For the Praxis Biology test, the recommended passing score is 75 out of a possible 120 raw-score points. The scale score associated with a raw score of 75 is **154** on a 100–200 scale.

The current Praxis® Biology: Content Knowledge (5235) Test has a Board prescribed passing score of 155 on a 100-200 scale. The Praxis® Biology (5236) test is a **new** assessment and the previous passing score was not a consideration of ETS or ABTEL when establishing this test’s passing score. Because this is a **new** assessment, ABTEL is also recommending that a data review

be conducted after one year to determine if the passing score is providing for the greatest opportunity of teachers entering the profession while maintaining rigor.

On September 19, 2022 information regarding the multistate standard-setting process was presented to ABTEL members by Malik K. McKinley, Sr., Director of Client Relations, Professional Educator Programs, Office for Teacher Licensure and Certification, Student and Teacher Assessment Division, Educational Testing Service. ABTEL members reviewed the standard-setting report and recommended that the Board approve the passing score of **154** (the standard setting panel's recommendation).

Ms. Creasey inquired as to what other states are using the new passing scores. There are twelve states that have currently adopted these new passing scores, with about thirty states currently going through the process. Ms. Dutta asked about the impetus for changing the test scores. Dr. Johnson indicated that national standards have changed, which required the exam to be updated in order to align with what is being used in public schools. The previous iteration of the test will be transitioned out of use in July 2022.

The Superintendent of Public Instruction recommends that the Board receive for first review the recommendation of the Advisory Board on Teacher Education and Licensure to establish a passing score of 154 for the Praxis® Biology (5236) Test.

***M. First Review of the Advisory Board on Teacher Education and Licensure's Recommendation to Approve New Education (Endorsement) Programs***

Dr. Joan Johnson presented this item to the Board for first review. The *Regulations Governing the Review and Approval of Education Programs in Virginia* ([8VAC20-543](#)) requires that the Virginia Board of Education (Board) approve requests from Virginia institutions of higher education to add new endorsement programs. Requests for new programs must be submitted annually by March 31.

Board regulation [8VAC20-543-30](#) requires institutions seeking education program approval to establish partnerships and collaborations based on PreK-12 school needs. All institutions of higher education provided a copy of the *Virginia Department of Education – Standards for Biennial Approval of Education Programs Accountability Measurement of Partnerships and 3 Collaborations Based on PreK-12 School Needs Education Programs* form for the requested program endorsement area.

Virginia Department of Education (VDOE) staff have verified program endorsement competencies through the review of course descriptions and syllabi to determine alignment with regulatory criteria, including supervised classroom instruction. A review of the Request for New Endorsement Program application submitted by the institution includes evidence of written

documentation of school divisions' demand data, as well as institutional and school division support for the requested programs.

On September 19, 2022, Advisory Board on Teacher Education and Licensure (ABTEL) recommended that the Board grant approval for the new endorsement programs. The following is a list of the institutions of higher education and the new endorsements requested.

<b>College/University</b>	<b>Education Endorsement Program</b>	<b>Program Level</b>
<b>Averett University</b>	Driver Education	Undergraduate
	Music: Instrumental PreK-12	Undergraduate
<b>Mary Baldwin University</b>	Special Education-General Curriculum K-12	Undergraduate
<b>Randolph Macon College</b>	Special Education-General Curriculum K-12	Undergraduate
<b>University of Lynchburg</b>	Special Education General Curriculum K-6 add on	Undergraduate
	Visual Arts PreK-12	Undergraduate
<b>University of Mary Washington</b>	Theatre Arts PreK-12	Graduate
<b>University of Virginia</b>	Special Education-General Curriculum K-6 add on	Graduate
	Special Education-General Curriculum 6-8 add on	Graduate
	Special Education-General Curriculum 6-12 add on	Graduate
<b>University of Virginia at Wise</b>	Early Childhood for 3 Year-Olds add on	Undergraduate
<b>Virginia Tech</b>	Career and technical education – family and consumer sciences	Undergraduate
	Career and technical education- technology education	Undergraduate
	Early Childhood for 3 Year-Olds add on	Undergraduate

Approving new education programs aligns with the Board's *Comprehensive Plan: 2018–2023* to advance policies that increase the number of candidates entering the teaching profession and encourage and support the recruitment, development, and retention of well-prepared and skilled teachers and school leaders.

The Superintendent of Public Instruction recommends that the Board of Education accept for first review, ABTEL's recommendation to approve New Education (Endorsement) Programs.

***N. First Review of Biennial Approval of Education Endorsement Programs as Required by the Regulations Governing the Review and Approval of Education Programs in Virginia***

Dr. Joan Johnson presented this item to the Board for first review. The 2019-2021 Biennial Report specifically addresses the progress of the institutions of higher education in achieving accountability measures 1 through 7 for the biennial reporting period of September 1, 2019, through August 31, 2021. The Virginia Department of Education (VDOE) requested that each institution complete and return the following three documents to report its progress in achieving accountability measures 1 through 7 for the current biennial reporting period:

- Certification for Standard 1– Assessment Passing Rates;
- Certification for Standards 2 through 7; and
- Affidavit for Standards 1 through 7.

Accountability Measure 1 stipulates “candidate progress and performance on prescribed licensure assessments. ... Achievement of an 80 percent biennial passing rate shall be required by July 1, 2010. Candidates completing a program shall have successfully completed all coursework, required assessments, including those prescribed by the Board of Education, and 2 supervised student teaching or internship. Candidates exiting a program shall have successfully completed all coursework, regardless of whether the individuals attempted, passed, or failed required assessments, including those prescribed by the Board of Education, and/or who may not have completed supervised student teaching or required internship.”

All programs met the 80 percent pass rate for assessments required by Accountability Measure 1 with the exception of Randolph-Macon College’s Elementary PK-6 program and Sweet Briar College’s Elementary PK-6 program.

Randolph-Macon College’s Elementary PK-6 fell below the minimum prescribed candidate passing rate of 80 percent with a pass rate of 78% percent for the Praxis Subject Assessment. Sweet Briar College’s Elementary PK-6 fell below the minimum prescribed candidate pass rate of 80 percent with a pass rate of 50% percent for the Praxis Subject Assessment and the Reading for Virginia Educators (RVE) or Virginia Reading Assessment (VRA). Not all candidates were required by the institution to take the assessment; however, candidates who took the test met the passing score. The current regulations set forth a process for institutions with education endorsement programs that fall below the 80 percent biennial requirement. Institutions shall submit to the Board of Education for approval an improvement plan to address the areas of stipulation, including measurable goals and timelines. Semi-annual reports must be submitted to the Director of Teacher Education to document the progress in addressing the goals toward elimination of the stipulation until the next biennial review period. Randolph-Macon College and Sweet Briar College submitted improvement plans, which are included in Attachment B.

For Accountability Measures 2-7, all institutions of higher education submitted a status result of MET for programs approved prior to September 1, 2019, and for which there was at least one program completer or program exiter for the current biennial reporting period. Attachment A is the *Biennial Report: 2019-2021 Approved Teacher Education Programs Compliance-Accountability Measurements 1 through 7*. The education endorsement programs in Virginia shall be approved by the Board and demonstrate achievement biennially of the accountability measures in this section. The institution of higher education must report evidence of the standards for Board's review biennially. The biennial report is for 2019-2021.

The approval of programs aligns with the Board's goal to advance policies that increase the number of candidates entering the teaching profession, encourage and support the recruitment, development, and retention of well-prepared and skilled teachers and school leaders.

The Superintendent of Public Instruction recommends that the Board of Education accept for first review ABTEL's recommendation to grant:

1. "Approved" status to all Virginia college and university education (endorsement) programs listed in the attached 2019-2021 Biennial Report with the exception of the Randolph-Macon College's Elementary PK-6 program and Sweet Briar College's Elementary PK-6 program.
2. "Approval with Stipulations" status to the Randolph-Macon College's Elementary PK-6 fell below the minimum prescribed candidate passing rate of 80 percent with a pass rate of 78% percent for the Praxis Subject Assessment; and the Sweet Briar College's Elementary PK-6 fell below the minimum prescribed candidate pass rate of 80 percent with a pass rate of 50% percent for the Praxis Subject Assessment and the Reading for Virginia Educators (RVE) or Virginia Reading Assessment (VRA).

***O. First Review of Technical Revision to the Guidelines for Alternate Routes to Licensure in Response to House Bill 2486 (2019 General Assembly)***

Jim Chapman, Regulatory and Legal Advisor, presented this item to the Board for first review. Chapter [409](#) of the 2019 Acts of the Assembly added subsection N to § [22.1-298.1](#) of the *Code of Virginia*, which requires the Virginia Board of Education (Board) to "develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval for an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement."

In November 2019, the Board approved the *Guidelines for Alternate Routes to Licensure in Response to House Bill 2486 of the 2019 Virginia General Assembly* (“*Guidelines*”) in order to fulfill the requirements of § [22.1-298.1](#) N.

In the process of reviewing applications submitted pursuant to the *Guidelines*, members of the Board and Virginia Department of Education (VDOE) staff raised questions about the process set forth in the *Guidelines*. Of specific concern was the last line of the *Guidelines*, which states that “[t]he Virginia Board of Education must approve the alternate routes to licensure program.” The statement raised concerns whether the *Guidelines* created a process whereby the approval of petitions for alternate routes to licensure had been improperly delegated to the panel convened by VDOE. Whereas § [22.1-298.1](#) N permits for a school board or organization sponsored by a school board “to petition the Board for approval,” the *Guidelines* appear to require the Board to approve the results of the panel.

After consultation with the Office of the Attorney General, VDOE staff is presenting a minor technical revision to the *Guidelines* in order to align the document with legal advice and preserve the Board’s final authority in deciding to approve alternate routes to licensure under § [22.1-298.1](#) N.

The only revisions are to Part VI regarding Program Review and Approval. Specifically, the revisions strike the problematic phrase and specify that the panel will make a recommendation regarding the proposed alternate route to the Board. The revisions also make clear that the Board will consider the recommendation at a meeting and, in accordance with the statute, may impose conditions in conjunction with its approval.

The Board has not yet approved an alternate route under § [22.1-298.1](#) N according to the *Guidelines* and it is of paramount importance that the Board preserve the authority delegated to it by the General Assembly in order to ensure that alternate routes are approved in accordance with Virginia law.

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve this item on first and final review.

Ms. Holton made a motion to approve the Technical Revision to the Guidelines for Alternate Routes to Licensure in Response to House Bill 2486 (2019 General Assembly). The motion was seconded by Mr. Hansen and carried unanimously.

***P. First Review of the Board of Education’s 2022 Annual Report on the Conditions and Needs of Public Schools in Virginia***

Ms. Emily Webb, Director of Board Relations, presented this item to the Board for first review. The *2022 Annual Report on the Condition and Needs of Public Schools in Virginia* (Annual Report) provides an overview of the needs of public education, an update on student achievement, and highlights the Board’s work over the past year. Additionally, the Annual Report outlines the condition of public education including education funding as compared to other states, student enrollment trends, staff vacancies, and graduation and dropout rates.

The Annual Report is required by Article VIII, Section 5 of the Constitution of Virginia and § [22.1-18](#) of the *Code of Virginia*.

The current draft does not include an executive summary, a completed list of Board accomplishments, and the required reports outlined in the *Code*. These items will be added for the Board’s consideration between first and final review, along with updated data points and any necessary edits based on Board discussion.

Following discussion during yesterday’s work session, Ms. Webb will be working with President Gecker to incorporate the topics and data points provided yesterday, and another draft will be provided in advance of final review in November. If the Board has additional feedback, data points, or other input, please share it with Ms. Webb via email. Additionally, once the text of the report is finalized, an executive summary will be added for Board review.

The Superintendent of Public Instruction recommends that the Board of Education approve the *2022 Annual Report on the Condition and Needs of Public Schools in Virginia* on first review.

Ms. Holton indicated that she has some changes that she would like to incorporate into the document.

### **WRITTEN REPORTS**

#### ***Q. Annual Education Preparation Program Profiles***

***This written report will include a demonstration of new datasets during the Board meeting.***

This item will be moved to the November meeting.

### ***DISCUSSION OF CURRENT ISSUES – by Board of Education Members and Superintendent of Public Instruction***

Mr. Gecker asked whether public comment could be moved to the end of the meeting due to the current volume of comments or whether the Board had any changes it would like to consider regarding the public comment period—for example, beginning the meeting earlier in order to accommodate the volume. Mr. Gecker also stated that he has had ongoing discussions with the Attorney General’s Office with regard to the Board’s role in the Office of Regulatory

Management and whether or not the Board is an executive branch agency subject to Executive Order 19. He stated that he has asked Secretary Guidera to set up a meeting between herself, Mr. Gecker, and Mr. Wheeler to resolve any issues the Board may have related to the Board's compliance. Mr. Gecker also requested that the Attorney General's office please explain the qualifications required of a superintendent, and all of the superintendent license options and clearly delineate this for the Board as this has come up as an issue frequently in public comment.

Ms. Holton is eager to have a discussion regarding the history and social science process. Superintendent Balow laid out the timeline for the Board, noting that staff has been pushing incredibly hard in undertaking the tasks they have been asked to do. Superintendent Balow stated that this needs to be a thoughtful process that we want to be thoughtful about the structural issues in the standards, including the following: placement of skills and content; chronology and the progression of the standards; the balance of inquiry vs. fact-based learning; and other factors. The current timeline is very similar to 2015 and only a few months behind. The extra time is essential to ensuring that Virginia and American history is taught correctly.

Dr. Seibert expressed concern about the continuation of pushing back the timelines, as these timelines are what have been communicated with the public over the last few months.

Ms. Dutta has provided some of her concerns in writing to the history team and expressed her concerns about the direction that this process is going and the approach. Ms. Dutta would like to review the body of research that is being used about inquiry-based learning.

Dr. Mann added that the issue is that there has been a great deal of flexibility to create space and time to be thoughtful about this process but there has not been consistency, which is undermining the integrity of the process.

Dr. Davis-Vaught questioned why the standards need to be separated from the framework. Superintendent Balow indicated that in the last few years the standards have been what the public uses to see what is being taught at each grade level. Superintendent Balow stated that current document is not in a form that is digestible to the general public. It was decided that separating the document would make it more understandable for the public.

Ms. Creasey expressed the need to view a crosswalk of the 2015 standards to the new standards to show the progression of changes in the new document.

Ms. Holton asked Ms. Christonya B. Brown, History and Social Science Coordinator, whether her office has continued to receive public comments since June. Public comment formally closed September 25th. However, her office has continued to receive public comments on the standards document to their history and social sciences mailbox. Ms. Brown offered to meet with any Board members who would like to continue discussion. There is an updated working draft with corrections to any typos or errors. Ms. Holton asked Ms. Brown how expeditiously her office could separate the two documents. Ms. Brown offered that the documents could be separated relatively quickly.

Mr. Rotherham stated that if the process is going to be delayed, then the public needs to be kept updated and needs to be able to see every change that is made. He also requested that the Board be kept up to date on communications regarding this topic and that a date be chosen for a final product to be delivered to the public.

Mr. Gecker shared his concerns that the process that is outlined will make content changes before it hits the general public, which does not allow the public to see whether the commitment not to change content material was kept. Mr. Gecker would like to see an agreement on the standards and framework product by the end of the year.

Mr. Hansen questioned whether the goal for the November meeting is to have a first review of the standards document. Superintendent Balow affirmed that the goal is to have a first review of the standards for the November meeting. Ms. Holton expressed her concern with this goal.

Ms. Creasey requested that work continue regarding separating accountability and accreditation. Ms. Creasey made a motion that Superintendent Balow, along with cooperation with the Attorney General's Office, provide a report back to the Board with the steps necessary to separate accountability from accreditation. The motion was seconded by Ms. Dutta and carried unanimously.

Ms. Dutta made a motion that the Superintendent provide a report on the discipline statistics in the Commonwealth by school and school division on the demographics of the students who have received an infraction from the local school division pertaining to the wearing of masks. The motion was seconded by Mr. Hansen and carried unanimously.

Ms. Dutta made a motion requesting that the Superintendent provide data about any VDOE policies, regulations, or laws regarding surveys administered to students, what levels of privacy or data retention controls are implemented, and if there are any requirements for parental permission for these surveys. The motion was seconded by Mr. Hansen and carried unanimously.

Mr. Rotherham requested information on how teachers are being taught science of reading and what processes are available to ensure that it is aligned with the most current evidence so that the

Board can see what additional steps need to be taken from the teacher preparation standpoint. Ms. Creasey also recommended looking at what steps are being taken in the early childhood arena.

### ***Superintendent's Update***

The written Superintendent's Update was provided to members in advance of the meeting and posted online.

### ***EXECUTIVE SESSION - October 19, 2022***

On Wednesday, October 19, 2022, Mr. Rotherham made a motion to go into executive session under § 2.2-3711(A)(40) of the *Code of Virginia* for the purpose of discussion and consideration of records relating to denial, suspension, or revocation of teacher licenses and that Ramona Taylor, legal counsel to the Virginia Board of Education, as well as staff members Jillian Balow, Joan Johnson, Adam Kane, Kim Richey, and Kevin Foster, whose presence would aid in this matter, participate in the closed meeting. The motion was seconded by Ms. Holton and carried unanimously. The Board went into executive session at 10:40 a.m. Mr. Rotherham made a motion that the Board reconvene in open session at 11:31 a.m.

President Gecker made a motion that the Board certify by roll-call vote that, to the best of each member's knowledge, (i) only public business matters lawfully exempt from open meeting requirements under Chapter 32 of Title 2.2 of the Code of Virginia and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered.

Board roll call:

- **Mr. Gecker-aye**
- **Mr. Rotherham-aye**
- **Ms. Dutta-aye**
- **Mr. Hansen-aye**
- **Mr. Seibert-aye**
- **Mrs. Creasey-aye**
- **Ms. Holton-aye**

The Board made the following motions:

Mrs. Creasey made a motion to deny a license to Neil Scott Carrington. The motion was seconded by Ms. Dutta. Mr. Gecker and Ms. Holton voted against the motion, and it carried.

### ***WORK SESSION***

The Board convened in a work session on Wednesday, October 19, 2022 following the adjournment of the executive session. The agenda and meeting materials can be found on the Board webpage at <https://doe.virginia.gov/boe/meetings/index.shtml#business>. The topics discussed include an update on the process to review and revise the History and Social Science Standards of Learning and an overview of Virginia's school accreditation model. No votes were taken.

### ***DINNER MEETING***

The Board met for a public dinner on Wednesday, October 19, 2022, 6:15 p.m. at the The Native Plate restaurant with the following members present: Mr. Gecker, Dr. Mann, Ms. Dutta, Mrs. Creasey, Mr. Hansen, Dr. Seibert, Ms. Holton, and Mr. Rotherham. The following department staff attended Mrs. Jillian Balow, Superintendent of Public Instruction, Mrs. Elizabeth Schulta, Assistant State Superintendent, Mrs. Kimberly Richey, Deputy Superintendent, and Ms. Emily Webb, Director of Board Relations. No votes were taken, and the dinner event ended at 8:40p.m.

### ***ADJOURNMENT OF THE BUSINESS SESSION***

There being no further business of the Board, President Gecker adjourned the business meeting at 5:35pm.

Mr. Dan Gecker, President