



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: L

Date: March 28, 2024

Title: First Review and Approval to Move the Regulations into the Public Comment Process

Presenter: Katie Carroll, Deputy Superintendent of Student Performance and Support

Purpose of Presentation

Action required by state or federal law or regulation (i.e., a change in law requires a change in program requirements; this is part of a regulatory action).

Executive Summary

The Board of Education ("Board") began discussing a revision to Virginia's current accreditation and accountability systems in summer 2022 following the publication of [Our Commitment to Virginians](#) and the release of the 2022 Nation's Report Card. These reports illuminated for the Board that Virginia's students are experiencing declines in both reading and mathematics performance. An accountability system, or school performance framework, is a key element in driving student outcomes because it sets performance targets and incentivizes school-level practices. By revising Virginia's school performance framework, the Board will take a necessary action to address declining student achievement. Additionally, the Board should regularly revise and update its regulations to reflect current priorities and to address the needs of all students.

As a note, the following principles have guided the school performance framework work over the past year and will continue to inform the Board as it revises the school performance framework.

1. **The North Star is high expectations for every student.** Proficiency definitions will be set by benchmarking against the demands of Virginia employers and higher education as well as against states who have the most rigorous definitions of proficiency in the nation.

2. **Transparency and access to actionable information** will be a hallmark of our approach and our new system.
3. Student academic growth and proficiency are both vital measures, but the **system must prioritize getting every student to proficiency/mastery.**
4. The purpose of accountability is **to build trust between schools, parents, and students through transparent, concrete, and easy to understand reporting.** We must provide necessary supports and work alongside schools in need of help.
5. **Stakeholder input is critical.** Teachers, parents, students, and education leaders will inform the Board’s process to build a best-in-class accreditation and accountability system.

Since the fall of 2022, the Board has held a series of work sessions where it explored Virginia’s current school performance framework and its difficulties addressing the challenges experienced by students since the pandemic. These discussions focused on bifurcating the current accreditation system and school performance framework, so that the accreditation system focused on “inputs” and the school performance framework focused on “outputs.” Additionally, during the summer of 2023, the Superintendent of Public Instruction ("Superintendent") conducted a series of meetings with stakeholder groups on revisions to the school performance framework. During those sessions, three themes surfaced: achievement/mastery; growth, and career readiness.

At a special meeting in August 2023, the Board approved a Notice of Intended Regulatory Action (“NOIRA”) to repeal 8VAC20-131 and replace with a new chapter in order to bifurcate accreditation and school performance and revise the school performance framework to increase transparency on school performance. At the September 2023 meeting, the Board voted on several key decisions for the school performance framework regarding mastery, readiness, and a summative measure. These decisions allowed the Department of Education to release the NOIRA for public comment and then engage in a series of stakeholder listening sessions across the commonwealth.

Between November and December 2023, the Superintendent and the Board conducted eight regional listening sessions, hosted by the Hunt Institute. There was a total of 375 attendees, including legislative members, parents, teachers, principals, school board members, Division Superintendents, and Division Directors of Testing. Attendees provided feedback on the mastery, growth, and readiness indicators as well as other matters related to school performance. At the January 2024 meeting, the Board received a summary of the feedback. The Board also reviewed and discussed language regarding regulatory language for weighting of indicators.

At this meeting, the Board has received a proposed draft of regulations of the Standards of Accreditation (Attachments 1 and 2) and review weighting models for the new school performance framework. The review and vote on the proposed draft regulations and the weighting models will allow the Virginia Department of Education to further develop the school performance framework under the Every Student Succeeds Act (ESSA) and model different systems results during future meetings.

The proposed draft regulations:

- Create one school performance framework aligned to federal requirements, that provides transparent school performance information through performance labels and identifies schools for support.
- Create an accreditation system that is aligned to state requirements and is focused on inputs/minimum operating requirements.
- Allow the Board to shift the school performance framework in the future by using ranges for weights and the ability to add indicators.
- Align actions for divisions and schools to take based on identification to federal requirements.

The following school performance framework weighting models will be presented to the Board:

School Level	Model 1	Model 2
Elementary	Mastery: 70% Growth: 20% Readiness: 10%	Mastery: 50% Growth: 25% Readiness: 25%
Middle	Mastery: 70% Growth: 20% Readiness: 10%	Mastery: 50% Growth: 25% Readiness: 25%
High	Mastery: 60% Graduation: 20% Readiness: 20%	Mastery: 50% Graduation: 15% Readiness: 35%

This item supports Priorities 1 (to set and help every learner meet high expectations) and 2 (to support learning loss recovery) of the Board's *Comprehensive Plan 2024–2029* by ensuring the school performance framework holds schools accountable for actual performance.

Action Requested

Final review: Action requested at this meeting.

The Board is requested to vote separately on each of the following four items:

1. Approval of the revisions to the Standards of Accreditation regulations as presented in this item for public comment at the proposed stage;
2. The Board's weighting for the elementary school performance framework;
3. The Board's weighting for the middle school performance framework; and
4. The Board's weighting for the high school performance framework.

Rationale for Action

The Board must adopt proposed regulations in order to continue moving forward the regulatory action started on August 31, 2023, when the Board approved a NOIRA. Additionally, the Department will use these regulations to begin drafting the redline for Virginia's federal Every Student Succeeds Act text to bring to the Board following the April listening sessions.

Previous Review or Action

The Board voted in August 2023 to approve a NOIRA and then voted in September 2023 on the following:

- A mastery indicator;
- Chronic absenteeism and a college, career, and civic measure for the readiness indicator; and
- A summative measure, based on multiple indicators for the school performance framework.

Background Information and Statutory Authority

Section [22.1-16](#) of *Code of Virginia* establishes the Board of Education's authority to promulgate regulations that are necessary to fulfill its powers and responsibilities generally:

The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

The Board's authority to promulgate regulations governing standards for accrediting public schools is found in § [22.1-253.13](#)(A) of the *Code of Virginia*:

The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional

programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

Stakeholder Engagement

Between June and August 2023, the Superintendent conducted stakeholder engagement meetings across Virginia, including the following:

- Eight regional superintendents' meetings in June;
- Virginia Association of Elementary School Principals (VAESP);
- Virginia Association of Secondary School Principals (VASSP) conferences; and
- Weekly superintendents meeting throughout during July and August.

Between November and December 2023, the Superintendent and the Board conducted eight regional listening sessions. There was a total of 375 attendees, including legislative members, parents, teachers, principals, school board members, Division Superintendents, and Division Directors of Testing.

Implementation and Communication

Once approved by the Board, the regulations will be posted for a 60-day public comment in accordance with the Administrative Process Act, and the Board will conduct a series of listening sessions in April 2024.

Impact on Fiscal and Human Resources

The revisions can be absorbed by the agency's existing resources at this time. If the agency is required to absorb additional responsibilities related to this activity, other services may be impacted. Additional resources are being considered to support implementation.